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TEXAS DEPARTMENT OF TRANSPORTATION
COMMISSION MEETING

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

Thursday
January 28, 2015
9:00 a.m.

COMMISSION MEMBERS:

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

STAFF:

James Bass, Executive Director
Robin Carter, Commission Chief Clerk

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P R O C E E D I N G S

CHAIRMAN LEWIS: Okay. Everyone, if you will, please take your seats.

(Attendees comply.)

CHAIRMAN LEWIS: Good morning, everyone; and thank you for being here with us. We're very honored to have all of you here. I know many of you are elected officials who have come in, and we're particularly honored to have you take away from your busy schedules to be here.

It is 9:03 a.m. I'll call to order the January 28, 2016 meeting of the Texas Transportation Commission in Austin, Texas.

I first note for the record that public notice of this meeting containing all items on the agenda was filed with the Secretary of State at 3:43 p.m. on January 20th, 2016. That is seven days prior to the meeting, and it meets the requirements of Government Code Section 551.044.

First of all, as we begin, I'd like to ask all of you to place your cell phones and other communication devices in silent mode, if you would, please. Mine is now.

Now, we have -- many of you will be addressing the Commission at one point or the other.

1 Because of flight schedules, we'll need to accommodate
2 some of the visiting dignitaries sort of out of order,
3 which we will do.

4 But for all of you who wish to address
5 the Commission, there are two types of cards. We have
6 an agenda that has each of the items on the agenda that
7 the Commission may consider as an agenda item because
8 of the requirements of the open meetings law. If you
9 wish to address the Commission on (microphone feedback
10 screech) -- hello, hello. If you wish to address the
11 Commission on an item that's an agenda item, we have a
12 yellow card. It's got a place for you to say what
13 agenda item it is that you wish to speak on, your
14 position on it, and it has your name. And if you're
15 here representing a group -- and many of you will be --
16 there's a place for your title and who you're here
17 representing. So that's that card.

18 In addition to that, individuals may make
19 statements in what we call Open Comment Period. It's
20 not an agenda item. It's just they wish -- that person
21 wishes to make a statement to the Commission about
22 almost anything other than an agenda item. If it's not
23 an agenda item, then we have a blue card for you to fill
24 out; and you may address the Commission.

25 I do want to mention this: We're not

1 being rude if the Commissioners don't ask you
2 questions -- if it's an open comment, ask you questions
3 about it or respond or start talking about that item.
4 That is not being rude. We are barred from discussing
5 it. Because we're an official body, we can only discuss
6 items that are on the agenda. So if you wish to make an
7 open comment, that's fine. We'll sit here and listen to
8 you, but we will not respond.

9 In either case, we request that the
10 comments be kept to three minutes of time. We have a
11 timer, and we'll let you know when your time has
12 expired.

13 With those preliminary remarks, I'm going
14 to turn the microphone over to our Executive Director,
15 James Bass.

16 EXEC. DIRECTOR BASS: All right. Thank
17 you, Chairman.

18 At this time I would like to ask
19 Occupational Safety Specialist Randy Clawson to come
20 forward and provide a brief safety briefing.

21 MR. CLAWSON: Thank you, Mr. Bass.
22 Commissioners.

23 Guests, I want to ask for your help on
24 just a couple of things to make sure we have a safe
25 condition this morning. If we were to have an

1 emergency, who would call 911 for us this morning?

2 (Raised hand.)

3 MR. CLAWSON: Thank you very much.

4 And once they arrive, who would escort
5 those folks to this room safely?

6 (Raised hand.)

7 MR. CLAWSON: Thank you for that.

8 Who in this room would be first-aid CPR
9 trained in case we need to have your help?

10 (Raised hands.)

11 MR. CLAWSON: Thank you. Thank you for
12 your help on that.

13 Even if you do not have a first-aid CPR,
14 I want to remind you that the AED that's located in the
15 lobby by the security booth, when you open it up and
16 push the green button, it will step you through CPR
17 details on that, even if you're not trained. We're
18 certainly glad that we have some folks that are CPR
19 certified.

20 If we were to have a fire, obviously,
21 there are pull-alarm stations on both sides of the lobby
22 that you could pull and alert people that we do have a
23 fire. And if so, we would want to orderly go out of the
24 Greer Building at the main entrance. When you come out
25 the main entrance, you'll be facing 11th Street; and we

1 would orderly move across the street to the Capitol lawn
2 area where we would gather.

3 If we need to put out a fire that's a
4 small incipient fire, maybe like in a wastebasket or
5 something like that, we could use the ABC dry chemical
6 fire extinguishers that are located here in the
7 building. If you're not used to using a fire
8 extinguisher, it's very simple. All you have to do is
9 take it off the handle, pull the pin, squeeze the
10 trigger. In a sweeping motion, you'll have to aim
11 towards the base of the fire as you stand back about 8
12 feet.

13 In case of a tornado or high winds, we'd,
14 obviously, want to move away from exterior walls and
15 windows; and what we would do is we'd move towards the
16 stairwells and basement for our primary areas. If those
17 were full and we needed some secondary shelter areas,
18 you could certainly go to interior hallways and
19 centrally-located restrooms.

20 In case of a bomb threat, each person's
21 responsible for judging the situation and their own
22 safety; and please follow the instructions that will be
23 given to you at that time over the public address system
24 by security onsite.

25 If no other questions, thank you for

1 allowing me to be with you today. I hope you have a
2 very safe and productive meeting. Good day.

3 EXEC. DIRECTOR BASS: Thank you,
4 Mr. Clawson.

5 With that briefing completed,
6 Mr. Chairman, I'll turn the meeting back over to you.

7 CHAIRMAN LEWIS: Thank you very much,
8 Director.

9 It is the custom of the Commission to
10 begin each meeting with receipt of -- ability of, I
11 should say, of each Commissioner to make whatever
12 general comments that he wishes to make as we start; and
13 I'll begin with Commissioner Bugg.

14 COMMISSIONER BUGG: Mr. Chairman, I'll
15 defer my remarks until the UTP. Thank you.

16 CHAIRMAN LEWIS: Thank you very much.
17 Commissioner Vandergriff.

18 COMMISSIONER VANDERGRIFF: Mr. Chairman,
19 I'll defer my remarks. I'm anxious to hear all the
20 distinguished guests that we've got here. I'd like to
21 get to them.

22 CHAIRMAN LEWIS: Vice Chair Moseley.

23 VICE-CHAIR MOSELEY: Thank you Chairman,
24 Members.

25 Good morning, everyone.

1 Congratulations to James Bass. This is
2 his very first official Commission meeting as our new
3 Executive Director; and, James, we're really pleased to
4 have you on board. Thank you for stepping up to serve
5 in this capacity.

6 (Applause.)

7 VICE-CHAIR MOSELEY: And, like my
8 colleagues, I will just abridge my remarks because I
9 know we have a lot of distinguished guests here to speak
10 today; but I did want to just point out: There was a
11 very fascinating meeting of Gulf Coast Strategic Highway
12 Coalition that met in Bryan. This is a new proposed
13 Interstate Highway 14 called "Ports to Forts," from
14 Fort Bliss to Fort Hood to Fort Polk.

15 And there was a dynamic group of mayors
16 and county judges and commissioners very pleased because
17 this roadway's been recognized by FAST Act. Senator
18 Cornyn and Congressman Babin were able to get
19 legislation approving feasibility in looking at this.
20 And so it was really fascinating to be with this group
21 looking at a new proposed interstate.

22 And, Chairman and Members, tomorrow, I'm
23 very pleased to announce that we will have a celebration
24 of Grand Parkway, Sections F and 1. This is a connector
25 that will go basically from 290 to I-45, so a very

1 strategic section of Grand Parkway. So we're very, very
2 pleased that we'll be with elected officeholders
3 celebrating the opening up of this section of
4 Grand Parkway.

5 Thank you, Chairman and Members.

6 CHAIRMAN LEWIS: Thank you, sir.

7 And Commissioner Austin.

8 COMMISSIONER AUSTIN: Good morning,
9 everyone. First, welcome to all the guests that are
10 here. I know we'll get to you very shortly.

11 But I also want to say thank you to many
12 of you that attended our forum this year. It was very
13 informative. It was great to see a lot of our friends,
14 partners, and just talk about some strategic issues that
15 we're all faced with as we go forward.

16 I almost feel -- I know we have a quorum
17 up here, Mr. Chairman; but I almost feel like we have a
18 quorum of the Senate here today. So I hope y'all filed
19 that.

20 (Laughter.)

21 COMMISSIONER AUSTIN: Thank y'all. It's
22 always great -- Senator Huffines, I know I kept true to
23 my word, I had your name marker up here.

24 SENATOR HUFFINES: I appreciate that,
25 Commissioner.

1 COMMISSIONER AUSTIN: So I just wanted to
2 make sure you're on the front row. Again, thank you.

3 Over the -- y'all probably saw the
4 estimates that Comptroller Glenn Hegar came out with,
5 revision for the revenues for the state; and I was
6 looking at the sales tax estimate of 4.1 billion. It
7 was revised due to oil prices. And that will have an
8 impact on the state; and if you look at our revenues
9 with Prop 1, our revenues will decline what came to
10 TxDOT last year and the year before. So we do hope over
11 the next couple of years prices will get back up, but we
12 are all planning accordingly.

13 But, also, with Prop 7 coming on, believe
14 me, in addition to the congestion relief efforts that
15 Commissioner Bugg has done, we're continuing to work on
16 plans to get ready. And for those of y'all that are
17 here, please start asking about Prop 7 projects in your
18 area. Let's start working at setting the priorities
19 because we're going to need to have these projects ready
20 to go; and with that, yesterday we had a discussion on
21 the state infrastructure bank, that if you need help
22 with right-of-way or moving utilities or things like
23 that, that's what it's set up to do. This is your bank,
24 and we want to help you to be ready so these projects
25 can move forward.

1 A couple of visits of being around the
2 state, I had the opportunity to go to the deep east
3 Texas Rural, RPO Rural planning organization meeting in
4 Lufkin. I had a great visit. And, also, I want to say
5 thank you, Quincy, for joining us. I know Senator
6 Creighton's group, Representative Faircloth in Galveston
7 County working on the High Island issue on Highway 87.
8 So thank y'all very much for your attention.

9 And I did make a comment yesterday -- I
10 had the opportunity to hear Commissioner Vandergriff
11 speak -- and I didn't fully say what it was. He started
12 off his speech that the glass is half full. Senator
13 Huffines introduced him at the Southwest Rail
14 Conference. And he's right because it's good news; it's
15 not bad news. We have a lot of projects. We have a lot
16 of tools, and we hope we can keep these things going.

17 And as we look at the Freight Mobility
18 Plan today, this is a great, great plan. A lot of
19 people have put a lot of work into it, but we need to
20 put it into reality. Having a plan is one thing, and
21 it's going to be up to all of us in this room to execute
22 on that.

23 I'm excited about today. Thank y'all for
24 being here.

25 And, Mr. Chairman.

1 CHAIRMAN LEWIS: Thank you,
2 Commissioners, for your thoughts.

3 Our first order of business is the
4 approval of the minutes from the December 3rd, 16th, and
5 17th meetings of the Texas Transportation Commission.
6 Commissioners, the draft minutes have been provided to
7 each of you.

8 Commissioner Vandergriff, do you move to
9 approve the minutes of the meetings of December 3rd,
10 16th, and 17th?

11 COMMISSIONER VANDERGRIFF: So moved,
12 Chairman.

13 CHAIRMAN LEWIS: Commissioner Bugg, do
14 you second that motion?

15 COMMISSIONER BUGG: Second.

16 CHAIRMAN LEWIS: Without discussion,
17 we'll proceed to a vote. All in favor say aye.

18 (Chorus of "Ayes.")

19 CHAIRMAN LEWIS: Any opposed, no.

20 (No response.)

21 CHAIRMAN LEWIS: The motion carries.

22 And I'll turn the microphone back over to
23 our Director, James Bass.

24 EXEC. DIRECTOR BASS: Thank you,
25 Mr. Chairman.

1 We will begin today with Agenda Item 3,
2 which is a discussion on the 2016 Unified Transportation
3 Program updates in February; and before our
4 Transportation, Planning and Programming Division
5 Director, James Koch, begins, I want to ask,
6 Commissioner Bugg: Are there any opening comments that
7 you'd like to share with us?

8 COMMISSIONER BUGG: Thank you, Mr. Bass.
9 And, yes, I do have just a few opening comments. This
10 is a great day for TxDOT, and I want to thank the many
11 visitors that we have today.

12 I noticed in this morning's edition of
13 the Austin American Statesman that Senator Kirk Watson
14 said -- he was quoted as saying, "I'm celebrating with
15 regard to Austin." And I thought: That's the perfect
16 narrative for this meeting today; and that is, I think
17 we're all celebrating the governor's new Congestion
18 Relief Initiative and what it will mean to the five
19 major metropolitan areas and the representatives that
20 are here today, the elected officials from Austin,
21 San Antonio, Fort Worth, Dallas, and Houston.

22 And these five metropolitan areas, the
23 reason why we focused on this with the governor's plan
24 is that that's where 97 percent of the most congested
25 points are. It represents -- your five cities represent

1 home to two-thirds of Texans. And when you're talking
2 about congestion relief, you've got to fish where the
3 fish are; and that's in the five metropolitan areas that
4 we're talking about today.

5 It is amazing that if you have a
6 1.3-billion-dollar initiative how many friends you make
7 around the state.

8 (Laughter.)

9 COMMISSIONER BUGG: So I'm going to tell
10 the governor about all of his new friends that came
11 today.

12 But it is TxDOT's opportunity to shine,
13 and we do have a new Executive Director in James Bass.
14 And I am very delighted, James, that you are our new
15 Executive Director; and I know you're going to lead this
16 Congestion Relief Initiative forward.

17 I also want to thank Marc Williams.

18 But I want to thank all the men and
19 women -- we have 12,000 employees of TxDOT -- and I want
20 to thank all the men and women of TxDOT that are going
21 to be dedicated to making this Congestion Relief
22 Initiative the success that it will be for all Texans.

23 But I'll just close by saying to the
24 elected officials of each of the five communities,
25 you'll remember that when I was in your community --

1 which, by the way, thank you, again, for taking the
2 time. The listening tour, I thought, was fantastic
3 because it allowed not only me to hear your thoughts;
4 but it allowed all the TxDOT staff that was traveling
5 with me.

6 But as I closed my remarks in each of
7 your five communities, you'll remember that I said, "I'm
8 just one of five Commissioners." And I'm joined by my
9 fellow Commissioners here, and I think it's important
10 for them to hear from you. So thank you for making the
11 effort to be here today.

12 And that will conclude my remarks. Thank
13 you.

14 CHAIRMAN LEWIS: Thank you very,
15 Commissioner. Thank you very, very much for all the
16 time and effort you've been putting out on this; and we
17 absolutely appreciate your efforts, very good efforts.

18 Now, Director Koch, before you make your
19 presentation, we do have a number of dignitaries here
20 today. As I mentioned, some of them have flights to
21 catch --

22 DIRECTOR KOCH: Yes, sir.

23 CHAIRMAN LEWIS: -- or other reasons that
24 they have to go now. So before your presentation --

25 DIRECTOR KOCH: Okay.

1 CHAIRMAN LEWIS: We're going to take some
2 of the comments.

3 DIRECTOR KOCH: Yes, sir.

4 CHAIRMAN LEWIS: And then we'll come back
5 to you. And then we'll have additional dignitaries'
6 comments after that as well.

7 Let me go through the -- what I have
8 here, the people I'm going to call up initially, and in
9 this order. We have the President Pro Tem of the
10 Senate, Senator Hinojosa. Chuy Hinojosa is here.
11 Senator Don Huffines; Senator Kirk Watson; County
12 Commissioner Will Conley; and Mayor Sylvester Turner,
13 mayor of Houston. I'll call those in that order.

14 And, Senator Hinojosa, may I ask you to
15 come forward? First, go to the dais; and after stating
16 your name -- we all know you -- but after stating your
17 name for the record, if you'll give us your remarks.

18 SENATOR HINOJOSA: My name is Juan
19 Hinojosa, State Senator for District 20; and I'm here to
20 offer support for Rider 11B in the appropriations.

21 But before I say anything about
22 Rider 11B, I just want to congratulate James Bass for
23 being named the new Executive Director. He testifies on
24 a regular basis before the Senate committees. So he's
25 learned how to slide, glide, and duck.

1 (Laughter.)

2 SENATOR HINOJOSA: But he does a great
3 job in testifying before our committees, and
4 congratulations on your appointment.

5 And today I just want to encourage the
6 Commission to continue moving forward and supporting
7 investment in our infrastructure along the border. Our
8 bridges are clogged up. Our trade with Mexico is over
9 \$200 billion a year. That benefits our state, our
10 economy. People from Mexico come and shop on this side
11 of the border. You can see the long lines anytime that
12 you're along the border. And they come here and spend
13 money, which increases not only our sales tax to our
14 local communities but our sales tax to the State of
15 Texas. So it's very important we continue to invest in
16 our infrastructure along the bridges.

17 And just with me, standing behind me, I
18 have a group of folks, public elected officials, who
19 will support the Commission in its efforts to continue
20 looking forward and investing infrastructure funds in
21 our international bridges.

22 I have, standing behind me, Cameron
23 County Judge Pete Sepulveda. Judge Sepulveda.

24 (Judge Sepulveda raises his hand.)

25 SENATOR HINOJOSA: I have Bobby

1 Villarreal from the Hidalgo County Judge's Office, Ramon
2 Garcia. Bobby. Where's Bobby?

3 MR. HEREFORD: He's coming up here.

4 SENATOR HINOJOSA: He's coming up here.
5 He didn't get the memo.

6 (Laughter.)

7 SENATOR HINOJOSA: We have our McAllen
8 International Bridge, Anzalduas Bridge, Supervisor Rigo
9 Villarreal.

10 (Rigo Villarreal raises his hand.)

11 SENATOR HINOJOSA: Rigo's a great
12 communicator, not only for us here on this side of the
13 border but has contacts and relationships with Mexico
14 elected officials.

15 We have our El Paso Bridge Director,
16 Mathew McElroy. Mathew.

17 (Mathew McElroy raises his hand.)

18 SENATOR HINOJOSA: We have -- from the
19 Border Trade Alliance we have Jesse Hereford. Jesse.

20 (Jesse Hereford raises his hand.)

21 MR. HEREFORD: Thank you, Senator.

22 SENATOR HINOJOSA: And we have David
23 Guerra and Gerry Scheukel from IBC Bank, who are very
24 much involved and interested in continuing our trade and
25 investments on our infrastructure, banks.

1 (One raised hand, and another gentleman
2 stands and joins the group.)

3 SENATOR HINOJOSA: And we have Ryan
4 Rapolye from the City of Del Rio.

5 (Ryan Rapolye raises his hand.)

6 SENATOR HINOJOSA: And I was leaving the
7 last for best -- the best for last, that is, my mayor
8 from the city of McAllen, Mayor Jim Darling. Jim.

9 MAYOR DARLING: Right here.

10 SENATOR HINOJOSA: Oh, here he is.

11 And, of course, McAllen is one of those
12 cities in the Valley that continues to invest large sums
13 of money to make our bridges work.

14 And with that, I just want to thank the
15 Commission for the work you're doing in continuing to
16 expand our infrastructure needs, our transportation
17 needs here in Texas, because they are key to our
18 economic growth and our future growth.

19 Thank you very much.

20 CHAIRMAN LEWIS: Thank you. Thank you
21 very much, Senator. It's an honor for us to have you
22 here and your whole delegation here.

23 SENATOR HINOJOSA: Thank you.

24 CHAIRMAN LEWIS: Appreciate it.

25 Next, we have Senator Don Huffines.

1 Senator Huffines.

2 SENATOR HUFFINES: Good morning,
3 Commissioners. It's great to see a big crowd here
4 today. Obviously, you must be giving away some money --

5 (Laughter.)

6 SENATOR HUFFINES: -- which is a good
7 thing. That's a good thing.

8 As you know, the Legislature last session
9 delivered -- last two sessions -- on our promises to get
10 you guys more money. You're going to have, going
11 forward, about \$5 billion of new money, without raising
12 taxes or increasing fees. Unfortunately, as you guys
13 know, that's about half of the money you need.

14 So I just want you to know that I am
15 committed to spreading that message because we're not
16 going to have any more toll roads, and we're not going
17 to sell any more paper. I know and I think the
18 Legislature knows you need more money, and that's going
19 to be my goal going forward.

20 I do want to thank Commissioner Bugg for
21 coming to Dallas and having your open house there about
22 the new money we're going to get on the diversion money.

23 And I certainly want to thank the
24 governor for focusing -- on his ability to focus on
25 where the money needs to be spent, which is on all the

1 major cities that have all the congestion. I mean, we
2 really, really need the help in DFW.

3 I do want to remind the Commission,
4 though, how important I-35 is. It is the spine road for
5 the state of Texas. It's the spine road, I like to
6 argue, for the United States of America. It's the only
7 interstate we've got that goes to three different
8 countries. And we need to focus on that road; and we
9 need to make sure we're planning for it for the long
10 term in the future, on I-35. But thank you for focusing
11 on spending the dollars where they're needed.

12 And I know we've got a lot of folks from
13 Dallas County. If you're from Dallas County here,
14 anybody want to stand up? I know we have Lee Kleinman
15 and Adam McGough from Dallas City Council and Judge,
16 Judge Clay Jenkins, right here. I know they'll probably
17 get a chance to say something. But Dallas needs the
18 money, and we appreciate you focusing on Dallas.

19 Thank you, guys.

20 CHAIRMAN LEWIS: Thank you very much,
21 Senator. Appreciate your being here.

22 We have Senator Kirk Watson.

23 SENATOR WATSON: Well, Mr. Chairman,
24 Members, Director Bass. Thank y'all very much for
25 giving me an opportunity to say a few words. And I want

1 to start off by saying thank you. I'm going to speak
2 primarily on the Uniform Transportation Plan and what
3 Commissioner Bugg mentioned with regard to -- and then
4 Senator Huffines pointed out -- giving away money. In
5 fact, I was very pleased that you had, at the beginning,
6 a safety discussion because there could be some heart
7 attacks out here --

8 (Laughter.)

9 SENATOR WATSON: -- coming to the
10 Commission meeting and actually seeing money being given
11 out.

12 (Laughter.)

13 SENATOR WATSON: In fact, I keep feeling
14 a flutter in my chest every time I look at you.

15 (Laughter.)

16 SENATOR WATSON: The truth of the matter
17 is that the governor's proposal and the work that this
18 Commission is doing with regard to making an
19 investment in congestion relief is essential -- and you
20 know that -- to the economic vitality of our entire
21 state. In order to be successful, there are many steps;
22 and there has to be a sustained efforts. The steps are
23 important, but the sustained effort is also necessary.

24 Just as matter of history, part of the
25 reason I'm in the newspaper today saying I'm celebrating

1 is that in 2011 the Legislature adopted Rider 42, which
2 directed \$300 million to feasibility studies,
3 preliminary engineering, right-of-way acquisition for
4 the most congested segments of roads throughout the
5 state of Texas; and that work, coming out of Rider 42,
6 laid the groundwork for much of what is happening here
7 today and the proposal that you're talking about.

8 I was really pleased -- and some of the
9 people in the room remember -- I was pleased to get to
10 chair the Central Texas Working Group to recommend how
11 our share of those funds should be allocated. And we
12 put together a larger share of those funds of what we're
13 going to look at into I-35, as Senator Huffines -- and I
14 appreciate him pointing out how important that road is
15 to our state -- because the truth of matter is, just
16 those four years ago, there was no plan for what we were
17 going to do with I-35 in one of the most congested -- we
18 go one or two; I never know which day, whether we're
19 Number 1 or Number 2 in terms of congestion -- but there
20 was no plan. And as Senator Huffines rightfully points
21 out, I-35 is key to our economic future. And it's key
22 to the quality of life for so many of my constituents.

23 We levered some additional local funds
24 and we had some additional investments in how we were
25 studying that. And the Mobility 35 Team, TxDOT's

1 Mobility 35 Team has developed a ten-year program of
2 projects to tackle I-35, and each of the projects in
3 this plan has independent utility and is going to make a
4 difference in I-35.

5 I could talk all day. I could filibuster
6 this if you wanted me to.

7 (Laughter.)

8 SENATOR WATSON: But I'm not going to.
9 What I'm going to say is thank you.

10 I'm going to say a special thank you to
11 you, Commissioner Bugg. I agree with the Chair when he
12 thanks you. The idea that you went out and listened --
13 I think the listening tour worked very well, too. You
14 got to hear directly from people. And in our case here,
15 you heard from some of our business community about what
16 they want to do with I-35.

17 I congratulate all of you on where you're
18 headed with this plan. I thank you for what you're
19 doing; and if my office or I can in any way help you as
20 you continue to move forward, just call on me. So thank
21 you very much.

22 CHAIRMAN LEWIS: Thank you very much,
23 Senator. Appreciate it.

24 We have County Commissioner Will Conley.

25 COUNTY COMMISSIONER CONLEY: Thank you,

1 Judge, Commissioners, for having us here today.

2 I'm going to echo a lot of the same
3 comments that Senator Watson has today; but, you know,
4 our infrastructure in the state of Texas, we're a victim
5 of our own success, as you very well know. It was built
6 for a different time and a different place; but because
7 of the leadership of our governor and of our
8 Legislature, we now have the ability to move forward and
9 to turn our Twentieth Century infrastructure into the
10 Twenty-First Century infrastructure needed in the state
11 of Texas for our quality of life and for our economic
12 prosperity.

13 Furthermore, our governor wisely and
14 strategically gave this Commission, and specifically
15 Commissioner Bugg, the agenda of working on congestion.
16 That was a very wise decision because, as Commissioner
17 Bugg stated earlier in his comments, that's the neck of
18 the problem right now, the bottleneck of what we're
19 dealing with all across Texas in the metropolitan areas.
20 And Central Texas is certainly no exception.

21 I want to thank Senator Watson and my
22 colleagues here locally and in the region for the work
23 that we have been doing over the past four years, as the
24 Senator addressed, preparing ourselves for this moment
25 and for that mandate that Texans have given us to move

1 forward and to improve our state and to get people
2 moving and to keep our economy strong in the state of
3 Texas.

4 This is the beginning of a great
5 relationship and our team working together here in
6 Central Texas and across our state to improve our system
7 and to make our system better for the people that we
8 represent.

9 So I really thank you for your work.
10 Commissioner Bugg, you've spent a tremendous amount of
11 time with us. This is supposed to be a part-time job,
12 although you're working full time.

13 (Laughter.)

14 COUNTY COMMISSIONER CONLEY: And I really
15 appreciate the time and the effort that you put into
16 listening about our history and the work that we have
17 done, sharing with us your comments and concerns, and
18 for us being able to develop a consensus to move forward
19 here in Central Texas.

20 So thank you all. I look forward to
21 moving forward and to a long-term relationship.

22 Judge, if you would give me 30 more
23 seconds, an issue that I think --

24 CHAIRMAN LEWIS: You have it.

25 COUNTY COMMISSIONER CONLEY: -- is

1 important, not specifically germane to this issue; but
2 as you may recall, in the county that I represent, we
3 had a natural disaster over Memorial Day. And that
4 disaster encompassed three-fourths of the precinct that
5 I represent in Hays County. Our governor was
6 immediately on the scene and insisted that all resources
7 of the state of Texas would be available for us to get
8 on our feet as soon as possible.

9 I'm happy to report, because of the work
10 of this Commission in the Austin District, the bridge
11 that you-all saw on national television that was wiped
12 out that disconnected two counties huge portion Hays
13 County to the rest of the community is ahead of schedule
14 by three months. We thought it would take a year.
15 We're going to build it in seven; and we are going to
16 have a ribbon cutting, which you all are going to be
17 invited to, the last week of February to celebrate this
18 accomplishment of governments working together, building
19 a coalition for betterment of citizens in the state of
20 Texas.

21 So I thank you for that commitment and
22 everything you've done to help our community get back on
23 its feet. So thank you, Judge.

24 CHAIRMAN LEWIS: Thank you very much,
25 Commissioner.

1 And we have a speaker, now Mayor of the
2 City of Houston, Sylvester Turner.

3 You remember Chairman Geren, I guess --
4 (Laughter.)

5 CHAIRMAN LEWIS: -- back when you were
6 just one of us.

7 (Laughter.)

8 MAYOR TURNER: Thank you Chairman Lewis,
9 and certainly to the Commissioners, and to Director
10 Bass.

11 Look, I really just came here this
12 morning to say hello to all of my good friends; and it's
13 good to be back in Austin again. I just want to take a
14 few minutes, and I've prepared a few comments.

15 And certainly, Commissioner Bugg, thank
16 you for extending the invitation to me to be in front of
17 all the Commissioners this morning.

18 We had a great initial discussion earlier
19 this week in Houston on some of TxDOT's upcoming
20 priorities, and I'm glad we can continue the dialogue
21 even this morning.

22 Before I begin, I want to take a few
23 moments to simply express my appreciation to TxDOT, who
24 is a vital partner to achieve in the City of Houston's
25 mobility goals. If I may, I would like to particularly

1 commend TxDOT's local staff in Houston, including the
2 Houston District Engineer, Quincy Allen. I'm pleased to
3 report that our staffs work very well together in a true
4 spirit of collaboration; and we look forward to the
5 continued partnership between the two agencies.

6 I'd like to offer some thoughts on how
7 Houston is looking at our mobility challenges and invite
8 you to participate with the great cities of our state,
9 like Houston, in a broader discussion on these issues.

10 If there's one message that I would like
11 to convey, it's that we're seeing clear evidence that
12 the transportation strategies that the Houston region
13 has looked at in the past are increasingly inadequate to
14 sustain regional growth. Our agencies must look beyond
15 these strategies if we are to successfully accommodate
16 the growth that Texas' major urban areas are
17 anticipating.

18 The greater Houston region is projected
19 to grow by more than 3 million people over the next 20
20 years. This is greater than the population of the
21 entire city of Chicago. Houston is now the fourth
22 largest city in the country; we soon will be the third.

23 The population in the greater Houston
24 region is approximately 6.5 million people. With the
25 population of the Houston region projected to grow by

1 nearly 50 percent in the next 20 years, congestion in
2 the region is likely and will happen. In fact, it's
3 projected by 2014 -- by 2040 the population in the
4 Houston region will be close to 10 million people.

5 The region's primary transportation
6 strategy in the past has been to add roadway capacity.
7 While the region has increasingly offered greater
8 options for multiple-occupant vehicles and other
9 transportation mode, much of the added capacity has been
10 for single-occupant vehicles as well. It's easy to
11 understand why. TxDOT has noted that 97 percent of
12 Texans currently drive a single-occupancy vehicle for
13 their daily trips. One could conclude that our agency
14 should, therefore, focus their resources to support
15 these kinds of trips.

16 However, this approach is actually
17 exacerbating our congestion problems in the Houston
18 region. We need a paradigm shift in order to achieve
19 the kind of mobility outcomes we desire.

20 Let me give you an example. The Katy
21 Freeway on Interstate 10, west of Houston, is the widest
22 freeway in the world, with up to 26 lanes, including
23 frontage road lanes. The 2008 widening had a
24 significant impact on the adjacent businesses and
25 communities. Yet, despite all these lanes, in 2015 the

1 section of this freeway near Beltway 8 was identified as
2 the eighth most congested roadway in the state. This
3 was only seven years after being reconstructed, costing
4 way more than a billion dollars.

5 This example and many others in Houston
6 and around the state have clearly demonstrated that the
7 traditional strategy of adding capacity, especially
8 single-occupant vehicle capacity on the periphery of
9 urban areas, exacerbates urban congestion problems.
10 These types of projects are not creating the kind of
11 vibrant, economically-strong cities that we desire.

12 In the Houston region we have 610. We
13 have the Beltway, and we have built the Grand Parkway.
14 People still continue to come, and congestion has not
15 been alleviated.

16 There's a better way. Here are three
17 suggestions that I would like TxDOT to consider as we
18 continue to pursue a vibrant, well-connected state:

19 First, we need a paradigm shift in how we
20 prioritize mobility projects. Instead of enhancing
21 services to the 97 percent of the trips that are made by
22 single-occupant vehicles, TxDOT should prioritize
23 projects that reduce their percentage below 97 percent.
24 TxDOT should support urban areas by prioritizing
25 projects that increase today's 3 percent of non-SOV

1 trips to 5, 10, 15 percent or beyond. Experience shows
2 that focusing on serving the 97 percent will exacerbate
3 and prolong the congestion problems that urban areas
4 experience.

5 We need greater focus on inner-city rail,
6 regional rail, high-occupancy vehicle facilities, park
7 and rides, transit centers, and even programs,
8 coordinated plans, to remove stalled vehicles on our
9 interstates and roads. As we grow and densify, these
10 modes are the future foundation of a successful urban
11 mobility system. It's all about providing
12 transportation choices, multi-modal choices.

13 Second, I believe we need to focus the
14 highway resources for our urban regions in the urban
15 core where congestion is the most severe. Urban cores
16 are the crossroads where our freeways, railways, and
17 ports, such as the Port of Houston, come together and
18 where the region's mobility systems often bear the
19 greatest stress. Spending limited resources on the
20 region's periphery, rather than the core, exacerbates
21 the city's already severe urban congestion and dilutes
22 TxDOT's ability to address the most vital challenges to
23 economic development and mobility in the urban core.

24 And let me add: Monday through Friday
25 Houston's population grows by 20 percent. 440,000

1 people more come into our city every single day, Monday
2 through Friday.

3 Third, our agencies should continue to
4 collaborate to find comprehensive solutions for the
5 traveling public. TxDOT and local partners, like the
6 City of Houston, should work together to ensure TxDOT
7 projects are coordinated with enhancements to the local
8 street system, the last mile. Highway improvements
9 impact our local thoroughfares, and that last mile must
10 have adequate capacity to receive increased volumes
11 resulting from highway improvements.

12 Cities need to be at the table throughout
13 project development to ensure highway improvements do
14 not create new congestion problems along local
15 thoroughfares with inadequate capacity.

16 TxDOT North Houston Highway Improvement
17 project on I-45, from north Houston through downtown,
18 has been a great example of meaningful collaboration.
19 We commend District Engineer Quincy Allen and his staff,
20 including Pat Henry, for their partnership for the
21 project. We ask that these kinds of collaborations
22 continue.

23 Lastly, mobility is very important to
24 Houston's success; and it's important to me. That's why
25 I supported Proposition 1, Proposition 7, and worked to

1 end the divergence in the last Legislative session.
2 That's why I've asked the directors of both the Public
3 Works and Engineering and Planning and Development
4 Departments as well as the city's top traffic engineer
5 to join me here today. These Departments provide the
6 city's leadership on improving mobility in our city, and
7 they are available to you and your staff to continue to
8 further this dialogue.

9 Transportation is critically important,
10 and we desperately need it. And I'm prepared as the
11 mayor of the City of Houston to play an integral part in
12 not only making the request but working hard to make
13 sure that TxDOT has the dollars it needs to fund the
14 critical projects in question.

15 But for me, in the city of Houston, being
16 the fourth largest, soon to be the third, if we don't
17 tackle congestion outside of the City of Houston as well
18 as the inside, then we are choking our city, ultimately
19 our state; and we are not advancing Texas economy.

20 I look forward to working with you; and
21 \$1.3 billion will get me from Houston to Austin anytime,
22 anyplace, anywhere. Thank you so very much.

23 (Laughter.)

24 CHAIRMAN LEWIS: Thank you very much,
25 Mayor.

1 And, Commissioner Moseley, do you have a
2 question for the mayor or a comment?

3 VICE-CHAIR MOSELEY: Yes.

4 I just wanted to say: Thank you, Mayor,
5 for moving heaven and earth to be here. Twenty-nine
6 days ago you took the oath of office to become the mayor
7 of Houston.

8 And he's been in a full-blown transition.
9 And when you hear Mayor Turner talk about his commitment
10 to partnership, may I just say that on Martin Luther
11 King Day, Quincy Allen, myself, Raquel Lewis, were
12 meeting with his head of the Transportation Transition
13 Committee, Ramesh Gunda, and Co-Chair, Kendall Miller,
14 and the head of his transition, David Minceberg, in
15 about a two-and-a-half hour session. So he's putting
16 lots of action behind these words.

17 And the fact that you're here so early
18 and you have so many things to do during your transition
19 also speaks volumes, Mayor. So thank you for being here
20 today.

21 MAYOR TURNER: Thank you, sir.

22 COMMISSIONER MOSELEY: And thank you for
23 your friendship.

24 MAYOR TURNER: Thank you all for having
25 me here.

1 Commissioner Bugg, thank you so very much
2 for being there Monday.

3 Chairman Lewis, good to see you.
4 Director, thank you.

5 CHAIRMAN LEWIS: Thank you very much.

6 And to each of you that have spoken,
7 thank you for reworking your --

8 (Chief Clerk Carter repositions the
9 Chairman's microphone.)

10 CHAIRMAN LEWIS: -- travel plans --

11 Thank you (to Ms. Carter.)

12 CHAIRMAN LEWIS: -- to be here. We
13 understand that some of y'all will need to be going on
14 and thanks for giving your time and, obviously, you're
15 free to go whenever you are.

16 Those are the ones I knew had travel
17 issues and needed to proceed on.

18 Are there any of the other dignitaries
19 who we have cards for who have a travel issue? If not,
20 we'll have the presentation.

21 Chairman Geren, do you have a travel
22 problem? Then let me ask you to come forward and give
23 us the benefit of your thoughts. I thought you might
24 have a problem.

25 CHAIRMAN GEREN: Thank you, Mr. Chairman.

1 And I'd like to thank Commissioner Bugg for all the time
2 that he put in on this plan.

3 The money is not going to be given away.
4 I think it's going to be wisely invested in the
5 infrastructure of Texas. I just disagree with the
6 Senator on that and not much else, but we're not giving
7 any money away. Y'all are investing it, and thank you
8 so much for it.

9 The money that's being spent in Tarrant
10 County not only I-35 but in the Grapevine area but,
11 more importantly, in the district I represent, on
12 Highway 199, with the three bridges that are going to go
13 in, are not only going to reduce the congestion, which
14 is the governor's effort, but it's going to save lives.
15 We've had numerous young people killed at these very
16 intersections that are now going to be bridged, and
17 they're not going to have the opportunity for people to
18 die because people run the red lights. And it's very
19 important for the district, and I just want to, again,
20 thank you again for the 60-million-dollar investment in
21 District 99; and I look forward to working with you.

22 And like our good Senator Huffines, I'm
23 going to work to provide to help get y'all more money
24 than y'all are already getting because you don't have
25 enough; and we need to work on this to keep investing in

1 infrastructure so Texas can be the great state it is.

2 Thank y'all very much.

3 CHAIRMAN LEWIS: Thank you, Chairman, for
4 being here. It's an honor for us to have you here.

5 Director Koch, I think we're ready.

6 DIRECTOR KOCH: All right. Can we get
7 the presentation back up? Sorry.

8 Good morning, Mr. Chairman, Commission
9 Members, and Mr. Bass. For the record, my name is James
10 Koch; and I am the Transportation Planning and
11 Programming Division Director. I'm here today to
12 discuss Item 3, February updates to the 2016 UTP.

13 We are currently in the 30-day comment
14 period during which we provide commission briefings,
15 review and address any comments that may have been
16 received, as well as host a public hearing prior to
17 bringing the final proposed revisions before you for
18 potential adoption.

19 In this revision, changes made to
20 existing funding levels are based on increased Federal
21 funding from the FAST Act, a reduction in FY '17
22 Proposition 1 revenue estimates, and the funding of
23 statewide initiatives which will be addressed in the
24 coming slides.

25 Overall, this 2.1-billion-dollar

1 initiative addresses statewide congestion relief,
2 connectivity and safety, maintenance and energy sector
3 repairs, border infrastructure, and the statewide ports
4 program.

5 Last fall Governor Abbott challenged the
6 Commission to create an initiative to identify and
7 address the state's most congested chokepoints. In
8 response, Chair Lewis appointed Commissioner Bugg to
9 lead a new Congestion Relief Initiative.

10 As discussed during yesterday's
11 Commission Workshop, five metro areas were identified:
12 Austin, Dallas, Fort Worth, Houston, and San Antonio.
13 Commissioner Bugg and TxDOT Administration listened to
14 the needs and priorities of local stakeholders in these
15 areas; and, in response, 14 projects have been
16 identified for funding.

17 In Austin we have four projects
18 identified with a total of \$158.6 million from the
19 Congestion Initiative funding for a total project cost
20 of \$387.3 million.

21 In the Dallas area we have two projects
22 identified with \$364 million coming from the Congestion
23 Initiative funding and a total project cost \$786.5
24 million.

25 In Fort Worth we have three projects

1 identified with 163.8 million coming from Congestion
2 Initiative funding and a total project cost of \$265.3
3 million.

4 In Houston we have three projects
5 identified with Congestion Initiative funding of \$447.4
6 million and a total project cost of \$641.5 million.

7 In the San Antonio area we've identified
8 two projects with \$171.4 million of Congestion
9 Initiative funding and a total project cost of \$402.9
10 million.

11 The proposed connectivity initiative will
12 focus on key statewide connectivity projects and will
13 provide additional funding to the statewide safety
14 program. The statewide initiative for maintenance and
15 energy sector will allocate \$240 million of funds to
16 Category 1 for priority locations impacted by the energy
17 sector industry.

18 This initiative also proposes to
19 distribute \$60 million via the Federal Border
20 Infrastructure Program and Rider 11B to the three border
21 districts, Pharr, Laredo, and El Paso, during FY 2016
22 and FY 2017 for key projects within 50 miles of border
23 ports of entry. This initial allocation provides
24 \$10 million per year to each of the districts.

25 Rider 48 authorized the use of up to

1 \$20 million for the 2016/2017 biennium to provide
2 funding for the nine projects selected by the Port
3 Authority Advisory Committee in coordination with the
4 Maritime Division.

5 The following two slides address District
6 requests for project authorization revisions. As an
7 example, as discussed at yesterday's Congestion
8 Workshop, Dallas is proposing to redistribute 133
9 million of Category 12 funds from the IH-345 project to
10 IH-35 E for the Southern Gateway Project.

11 Following today's presentation, the next
12 steps for the February revision will include a public
13 hearing to be held on February 11th. We will present
14 the final document to you for final approval on
15 February 25th.

16 As a reminder, the Open Comment Period is
17 currently open and will end on February 22nd. The draft
18 exhibits and more information on how to submit comments
19 on this revision can be found by going to www.TxDOT.gov
20 and searching for TxDOT UTP.

21 At this time we'll address any questions,
22 and I know we've got further comments.

23 CHAIRMAN LEWIS: Commissioners, any
24 questions at this time for Director Koch?

25 (No response.)

1 CHAIRMAN LEWIS: Then, if not, we'll
2 proceed on to comments; and then we'll call on you
3 again.

4 DIRECTOR KOCH: Yes, sir. Thank you.

5 CHAIRMAN LEWIS: We have a number of
6 comment cards.

7 I might mention here that Congressman
8 Henry Cuellar was here briefly, from Laredo; and I
9 guess that's the 28th District and -- was here, but was
10 not able to stay. But, obviously, as has been
11 mentioned -- I guess Senator Hinojosa mentioned, for
12 instance, that, you know, that cor -- and Senator
13 Huffines and Senator Watson all mentioned it, that 35
14 Corridor goes from Laredo on up, I guess, to the
15 Canadian border. It's so important. And we appreciate
16 Congressman Cuellar having been here.

17 We do have a number of comment cards on
18 this Item Number 3; and I'll next ask, Judge Sebesta,
19 please come forward. After stating your name and who
20 you're here representing, give us the benefit of your
21 remarks, please, sir.

22 JUDGE SEBESTA: Good morning. Thank you,
23 Mr. Chairman.

24 My name is Matt Sebesta. I'm Brazoria
25 County Judge, and I'm also the newly-elected Chair of

1 the Transportation Policy Council for the Houston area.
2 Thank you very much.

3 Commissioner Bugg, I want to thank you
4 for coming into our community and discussing and talking
5 about the congestion areas. And I know you probably
6 heard in the other listening sessions there are other
7 projects out there other than just the ones that James
8 just showed up on the overhead. There are lots of
9 congestion issues throughout the state. Texas has been
10 extraordinarily successful the last few years in
11 bringing jobs and bringing people to the point that in
12 certain areas we're choking on our own success.

13 So I want to thank the governor. He was
14 actually in our community on September 23rd at our
15 annual transportation conference when he announced his
16 initiative.

17 I want to thank the Legislature and the
18 State for giving you guys the tools to go forth and do
19 what you're doing and y'all for doing the hard work with
20 the TxDOT staff to identify and work with us in our
21 communities to identify and attack these projects so we
22 can provide some congestion relief to our citizens.

23 So, again, thank you very much.

24 CHAIRMAN LEWIS: Thank you very much,
25 Judge. Appreciate it.

1 We have Mayor Betsy Price. It's an honor
2 to have Mayor Betsy Price here from Fort Worth.

3 If you would, please state your name, who
4 you're here representing; and give us the benefit of
5 your remarks.

6 MAYOR PRICE: I'm Betsy Price. I'm the
7 mayor of Fort Worth, Texas. And it's nice to be with
8 you this morning, Chairman, Commissioners. Great to see
9 you-all.

10 Mr. Bass, congratulations on your
11 appointment.

12 You know, I wanted to say hello from all
13 your friends in Fort Worth and in Tarrant County. You
14 have a lot of support up there -- we appreciate what
15 you're doing -- as well as a lot of growth.

16 And I'll try to keep my remarks short.
17 I'm going to be the first of four speakers from the
18 Fort Worth/Dallas region, and we want to thank the
19 governor for his efforts at reducing congestion,
20 mitigation.

21 As Commissioner Bugg said, 20 percent --
22 two-thirds of the population live in the five major
23 urban areas. That's a significant growth in the last
24 few years; but 95 percent of the most congested roads
25 are there, including the dreaded I-35 through both

1 Fort Worth and Dallas, that many people refer to as "35
2 Parking Lot," so.

3 (Laughter.)

4 MAYOR PRICE: But a special thanks,
5 Commissioner Bugg, for your listening tour and your
6 efforts on this. We truly appreciate what you've done
7 to help us get there.

8 And thank you, all of you, for your hard
9 work, Commissioner Vandergriff, all of you,
10 Commissioner Austin, for your work for the citizens of
11 Fort Worth and especially all the citizens of Texas.

12 You know, it's vitally important to the
13 quality of life for our residents that we continue to
14 focus on transportation.

15 Without excellence in transportation and,
16 indeed, in all types of transitions, our quality of life
17 is greatly reduced. Many people move to Texas because
18 they're coming from other states, and they think our
19 congestion is nothing. But if we're not very careful,
20 we'll be in the situation that they find themselves.

21 While each of us is going to tout the
22 wins in our city, we all are truly focused on helping
23 relieve this. Mayor Rawlings, of Dallas, and I, along
24 with the county judges work closely, along with every
25 judge and every elected official, every mayor in this

1 room, understand that if Texas is to continue that
2 growth and not have a significant regression in our
3 development, we must focus on relieving the congestion.

4 Since the 1960s our region has added more
5 than a million people every ten years; now over
6 7 million people. And, indeed, Fort Worth is now the
7 sixteenth largest city in the nation. And Dallas is the
8 ninth largest and rapidly growing, the fourth largest
9 metropolitan region, and very soon will be larger than
10 the Chicago region, the third.

11 Last year alone Fort Worth saw better
12 than \$3 billion in economic investment, welcoming
13 Galderma, NiteSite, Landtex, Smith & Nephew, and
14 especially our friends at Facebook who "liked"
15 Fort Worth this year, with better --

16 (Laughter.)

17 MAYOR PRICE: Well, they did. And it's a
18 great opportunity for young millennials, for families,
19 indeed, of every type; but for us to sustain that
20 growth, for our citizens who are already there, for our
21 companies who are new to us but especially for our
22 companies, like American Airlines, who is now expanding
23 a new 350-million-dollar headquarters in Fort Worth, for
24 them to stay and continue to do what they do, we simply
25 have to push this forward.

1 We stand ready and willing to help you
2 with any initiative that you might have. We're grateful
3 for the 1.3 billion that's going to be invested in the
4 state in the large urban areas. We're anxious to focus
5 on Prop 7 as you roll those projects out.

6 Thank you for your time, and thank you
7 especially for improving life for our citizens.

8 CHAIRMAN LEWIS: Thank you very much,
9 Mayor.

10 Remaining in Tarrant County for just a
11 moment, we have Judge Glen Whitley, County Judge of
12 Tarrant County.

13 After stating your name and who you're
14 here representing, please give us the benefit of your
15 remarks, Judge.

16 JUDGE WHITLEY: Glen Whitley,
17 representing the Tarrant County area. I'm Tarrant
18 County Commissioners Court Judge.

19 First, Mr. Chairman, thank you for
20 allowing us to come here today. I also want to thank
21 Commissioner Bugg for the listening tour.

22 But having served 20 years on a
23 Commissioners Court, what I have come to realize is that
24 we all have responsibilities, the chief one being to
25 work together as a team. And so I really want to

1 congratulate all of you for what you have done for the
2 state of Texas.

3 Director Bass, congratulations. We've
4 worked for many years together. I look forward to
5 working with you -- continuing working with you in this
6 new role.

7 And I also want to thank the Legislature
8 because you have put a lot of emphasis on transportation
9 in the last two sessions. It has made a big difference.
10 It is making a big difference. And I'm excited about
11 the fact that, you know, we're still focused on doing
12 more from that standpoint.

13 I really want to applaud the governor for
14 this initiative. In my opinion, this Commission is the
15 most critical when it comes to the economic development
16 in this state. Whenever I have an opportunity to get up
17 and talk, I try to weave in the phrase that if we want
18 people to keep moving here, we have to keep them moving
19 after they get here. And this type of initiative and
20 the extra funds that y'all have provided us in the last
21 four years is going to help toward that end into the
22 future.

23 Tarrant County has continued to enjoy
24 tremendous growth, you know, in the last ten years.
25 Even through the 2008 recession, we really kept growing

1 and kept moving forward. And we're very excited about
2 the three projects that you just heard outlined with
3 regards to Tarrant County, the first being 199, State
4 Highway 199. Representative Geren has been pushing that
5 for years and years.

6 But a lot of the growth that is going to
7 be occurring in the future in Fort Worth and in Tarrant
8 County is going to occur on the west side of 35. And
9 this State Highway 199, as it comes down from kind of
10 the northwest part of Tarrant County, will, I think,
11 help in that growth. And it will also be a little bit
12 of reliever on -- from traffic that's coming 287 into
13 35. And we've heard everybody mention what 35 means to
14 this state and what it means to the economy of this
15 state. So I think this will help not only Tarrant
16 County, but it will also help Wise and Parker counties.

17 The next two projects that you've talked
18 about in this thing are really kind of chokepoints.
19 Over the last five to ten years we've spent close to
20 \$4 billion on the connector and on what we call the
21 North Tarrant Express. The North Tarrant Express, the
22 final phase of that, is the section of 820 that you've
23 got proposed; and that really will complete the whole
24 820 Loop as far as Tarrant County is concerned and I
25 think has the potential in the future of relieving a

1 little bit of traffic off of 30 or at least gives an
2 alternative if you have a backup on 30 or if you have a
3 backup on 121. That project is very close to letting.
4 I mean, we can let that project in the summer of 2017.

5 The plans for 199 are on the shelf. We
6 can get those projects started and begin turning dirt
7 very, very quickly.

8 The last project that you have put on
9 this particular initiative is the 121/360 connection
10 right there at kind of the south side of the connector.
11 Again, this is a chokepoint; and I think we have a
12 tremendous opportunity with this project of being able
13 to get this moving in as fast a schedule as the other
14 two that I just mentioned.

15 When that project was originally awarded,
16 it was awarded to Northgate, and they did the whole
17 project. They did it within -- in fact, they did it a
18 year early and not only do it a year early; but they
19 also worked very well with the region as far as our, you
20 know, pollution, the EPA and all of the non-attainment
21 to where they had their machinery and stuff shut down if
22 it didn't move after a couple of -- after, I think,
23 about 10 minutes. They have the plans. If you award
24 that as a design build, then that allows them to be able
25 to come in and immediately get started on that project.

1 So, again, I just want to wrap up by
2 saying these projects that you've given us will allow us
3 to keep people moving after they come to our area; and I
4 want to thank you very much for your efforts in this.

5 And, again, Commissioner Bugg, thank you
6 for coming to our area.

7 CHAIRMAN LEWIS: Thank you, Judge, very
8 much.

9 Staying in the metroplex, we'll next go
10 to Judge Clay Jenkins of Dallas County. Judge, please
11 come forward, state your name and who you represent; and
12 give us the benefit of your thoughts.

13 JUDGE JENKINS: Certainly, Chairman. I'm
14 Clay Jenkins, Dallas County Judge.

15 James, I want to congratulate you on your
16 appointment, my friend. From now on, I will call you
17 "Director Bass." And you have earned it.

18 (Laughter.)

19 JUDGE JENKINS: And, Judge, I want to
20 congratulate you on your chairmanship. From now on,
21 I'll call you "Chairman."

22 I know it's not easy sometimes leading a
23 body of five energetic people who have different ideas
24 about different things. I can kind of relate to that a
25 little bit, as Chair of Commissioners Court.

1 (Laughter.)

2 JUDGE JENKINS: But this body is clicking
3 on all cylinders. I think y'all are doing a fantastic
4 job, and I know there is time in setting those agendas
5 and in doing all the things we do as Chair. Thank you
6 for that.

7 I want to save most of my thanks for
8 Commissioner Bugg. On behalf of the DFW region, I want
9 to thank you for the listening tour, first and foremost.
10 I believe that listening is leadership; and it was so
11 important what you did because allowing our members to
12 be heard, a broad swath of our members, mayors from
13 smaller counties, and county judges from smaller
14 counties, as well as our large partners, like Collin and
15 Denton County, that was so important; and I think
16 everyone felt heard. Everyone went away, and it's going
17 to be that much easier for you to get people behind this
18 great plan. That and the fact you're giving away money
19 makes it easy to get behind that great plan. And we are
20 actually seeing the congestion in the metropolitan areas
21 addressed in a great way and we appreciate it.

22 We were also very happy to hear that this
23 is not a one-and-done funding source, but this will
24 continue. And that's so important.

25 We also appreciate that the Commission

1 chose to allocate these funds out to each of the metro
2 areas, and we realize that that probably was not without
3 some controversy. But this allocation shows that this
4 Commission is ready to take on an effort in all the
5 major metropolitan areas because congestion is a problem
6 that we all share and that must be addressed. Anytime
7 the governor can do a commercial where his wheelchair is
8 beating the traffic, it shows you we've got a congestion
9 problem.

10 In our region, the RTC -- and I want to
11 give praise to my friend, Michael Morris, and his team
12 for leading on that. And our TxDOT district engineers,
13 Kelly and Brian and their teams, worked with the
14 communities to find projects that could be completed
15 quickly, that would reduce congestion, and that would
16 fit together in a system so that there would be an
17 exponential benefit to the state and to the region.

18 I want you to know I support all of these
19 projects both sides -- for that matter, in the whole
20 state; but on both sides of our COG, on the Fort Worth
21 side and on the Dallas side. These are great projects.
22 So appreciate your work and really appreciate you coming
23 to us and I know going to other places in the state and
24 taking that step.

25 By the way, I was kind of blown away. I

1 got a thank-you note from you for you coming to listen
2 to us --

3 (Laughter.)

4 JUDGE JENKINS: -- before I could even
5 get my thank-you note out to you. So thank you for your
6 leadership on this.

7 COMMISSIONER BUGG: Thank you very much.

8 CHAIRMAN LEWIS: Appreciate it very much,
9 Judge. And thank you for your leadership.

10 With the city of Dallas, we have
11 Councilman Lee Kleinman. After stating your name and
12 who you're here representing, please give us your
13 thoughts, please, sir.

14 MR. KLEINMAN: Thank you, Chairman.

15 My name is Lee Kleinman. I'm the Chair
16 of the Transportation Committee for the City of Dallas;
17 and I'm here on behalf of the mayor, Mike Rawlings, the
18 City Council, and the citizens of Dallas. I wanted to
19 thank y'all very much for hosting us here.

20 Thanks, Commissioner Bugg, very much for
21 coming to Dallas and coming to the DFW area to hear our
22 concerns and help address them.

23 I'm very excited that you will be
24 returning \$1.3 billion to the taxpayers. We love to see
25 our money spent in the area and spent in the region and

1 spent on such an important area as congestion and
2 congestion relief.

3 The funding being provided by this
4 Congestion Relief Initiative is allowing us to move a
5 couple of key regional transportation council projects
6 forward. The Number 1 priority in the eastern region in
7 the Dallas area is, of course, the southern gateway.
8 This is, indeed, Interstate 35 E south of the Horseshoe
9 Project, which is already well underway; and it goes all
10 the way down to the Highway 67 and 35 interchange and
11 then down to I-20. So this is how from the south, from
12 Austin, you come into the Dallas area; and this is a
13 major improvement for this area and for the folks that
14 live there.

15 A couple of key components to that that
16 were key, no tolls on that. So thank you very much for
17 that. Very much appreciate it. And very much
18 appreciate the work that the COG did to put together the
19 money for that project, both the local component as well
20 as the state component. So very excited about that.

21 And with the concept behind a system, and
22 we do look -- in north Texas we look at our entire
23 system, not at just individual segments. The other
24 component that's being moved forward, of course, is the
25 lower Stemmons. It's a short segment that has a lot of

1 congestion; and it's probably -- of many of these
2 projects, it's probably one of the highest returns for
3 the investment that we're going to see. Recent
4 preliminary studies have shown that during that rush
5 hour traffic would be currently moving about 15 miles an
6 hour, it will get moved to about 50 miles an hour in a
7 short segment that really frees up a lot of congestion
8 so that other connecting segments, like the Woodall
9 Rodgers, like the Southern Gateway, other things, and
10 the Dallas North Tollway will then also be relieved by
11 just fixing some weaving and some ramps and some things
12 like. So very, very excited about that.

13 In addition to us -- "us" being the
14 Regional Transportation Council -- committing 250
15 million to these two projects, we can continue to work
16 on our other projects and implement them faster; and so
17 that's significant congestion relief around the entire
18 region.

19 What is key to the selection of these
20 projects are the metrics that were used identify these
21 congested corridors with cost-effective projects that
22 can address the congestion. These corridors also have
23 economic development potential, which goes back to
24 Mayor Price's point of how important it is to keep our
25 economy growing.

1 So when we look in our region for these
2 types of projects we not only look at congestion relief,
3 we look at: What is it going to do urban areas and how
4 are we going to get more economic development from them.
5 And I think that's a key issue that TxDOT is really
6 recognizing the importance of the economic development
7 for our region and how they can contribute to that.

8 Finally, by using this funding initiative
9 to move out our top priority projects means other
10 available funding to jump start progress on our second
11 and third priorities, I-635 East and U.S. 75 in Collin
12 County.

13 So thank you very much for inviting us
14 here today, and thank you very much for listening tour.

15 I do have to thank our Senator who worked
16 so hard to make sure the funding was available.

17 And I also want to thank you very much
18 for listening to what our region wanted and how we
19 wanted to spend this money. So that bottom-up approach
20 has been, I think, very key to the success of projects.

21 CHAIRMAN LEWIS: Thank you very much,
22 Councilman Kleinman.

23 We have Alan Clark. Alan, are you ready
24 to speak? If you will, state your name and who you're
25 here representing; and then give us the benefit of your

1 thoughts.

2 MR. CLARK: Thank you very much. I'm
3 Alan Clark, the Director of Transportation and Planning
4 for the Houston/Galveston Area Council. We're the MPO
5 for the Greater Houston/Galveston region. You've
6 already heard from the mayor of the City of Houston and
7 the Chair of our Policy Council, Judge Matt Sebesta.
8 I'll add very few remarks to their comments except a
9 must-say thank you to you.

10 A congratulations to James.

11 Again, thank you, Commissioner Bugg, for
12 joining us for the listening session.

13 It has been a tremendous achievement the
14 past several years with our governor and our State
15 Legislature really being united in improving mobility
16 across our state.

17 The three projects that are going to be
18 potentially receiving additional funding from the
19 Commission are critical projects in our region. I want
20 to say, again, that these projects will not only be
21 instrumental in helping us relieve congestion,
22 especially the U.S. 59, Interstate 69, 610 project ties
23 together two or three of the major, most congested
24 segments in the state; but these projects meet every
25 important priority that we have identified, whether it's

1 replacing some of the state's oldest infrastructure on
2 the Gulf Freeway -- and, by the way, Galveston County
3 and the areas affected by Hurricane Ike have recovered
4 in a very vibrant way. Hopefully you've visited those
5 areas, and you know that we're seeing record levels of
6 activity and economic growth and traffic in those areas.

7 As I said, the safety improvements that
8 will occur as a result of the interchange improvements
9 at 59 and 69, we have some of our most serious and most
10 impactful crashes in that location, which the TxDOT
11 District has worked very hard to address.

12 And then on Interstate 10, one of our key
13 freight corridors in our region and in our state, I
14 cannot say enough about the way in which the Houston
15 District has cooperated with us, worked with us.

16 We're glad to be a funding partner with
17 you on several of these projects. They were already
18 reviewed by our Policy Council, endorsed. It's just
19 that we could not advance them at the rate the
20 additional funding will allow us to. So thank you very
21 much, again, for your contribution.

22 If I can answer any questions, pleased to
23 do so.

24 CHAIRMAN LEWIS: Thank you very much,
25 Mr. Clark.

1 MR. CLARK: Thank you.

2 CHAIRMAN LEWIS: Appreciate you coming
3 forward.

4 We have Judge Nelson Wolff with us. It's
5 an honor to have you here, Judge. And after stating
6 your name and who you're here representing, please, give
7 us the benefit of your remarks.

8 JUDGE WOLFF: Well, thank you,
9 Chairman Lewis.

10 Nelson Wolff, County Judge, Bexar County.

11 And, again, Mr. Bass, thank you for your
12 work for many years at TxDOT; and we're very pleased
13 that you've now become the Executive Director of TxDOT.

14 Let me thank my good friend, Bruce Bugg.
15 Now, I don't want you guys to overwork
16 him.

17 (Laughter.)

18 JUDGE WOLFF: We are partners back home
19 in the Tobin Center. The County put in a hundred
20 million and he raised 52 million and he built it. And
21 he's done a wonderful job; and it's a great, great
22 attribute for our community.

23 But we're so glad that you're doing this,
24 Bruce. And thank you for the great work you're doing.

25 We want you to know we've been a good

1 partner with you. We've put our money where our mouth
2 is. We've funded something like \$178 million in
3 projects that we've worked for you on the passthrough
4 financing. We've put a 179 million-dollar RMA plan
5 which is in place, which four of those projects will be
6 joint projects with y'all. And we put \$192 million into
7 advanced transportation district plan, and we do a
8 number of county roads in addition.

9 But what that's been able to do for us in
10 this great partnership with you is to take 1604 from
11 IH-10 East all the way over to Highway 90 and make it
12 four lanes all the way, no tolls. It's been able to get
13 us money to go on 281 out to Stone Oak Parkway. And now
14 you're going to add another 90-some-odd million to get
15 us right-of-way all the way to the county line.

16 You're going to be looking at a project
17 on IH-10, which we hope that you will do -- it would be
18 a different funding mechanism -- that will add some
19 additional lanes there. And we've taken some of these
20 major arteries that spin off of that, whether it's
21 Kleberg or Blanco or Potranco, and have been able to
22 widen them. So we've brought to the table about
23 \$549 million through various county-oriented funds.

24 And I want to thank very much Mario
25 Jorge, who's done a great job for us in San Antonio; and

1 he partners with Renee Green, who's our District
2 Engineer and head of Public Works. They work together
3 very well to leverage funds and try to do the best that
4 we can.

5 I might just mention, I listened very
6 carefully to the mayor of Houston. I know, Jeff, you've
7 heard a lot of those issues over in Houston, and we all
8 have some similar ones. We'll grow about a million
9 people in the next 20 years or so, 15 to 20 years, in
10 the San Antonio area. We're about 1.8 million now just
11 within the county. So we know that's going to grow.

12 And I was talking just a few minutes
13 before the meeting to Chairman Lewis. And I said, "A
14 lot of what you guys have to deal with is decisions that
15 we make at the local level; and if we're not making good
16 decisions, then it makes a greater burden to the Texas
17 Department of Transportation."

18 And I think that maybe some collaboration
19 as we go through, looking at, what are you doing in your
20 city to make it a better place to live, to make it where
21 maybe you have people living a little closer together.

22 We are now partnering with the City of
23 San Antonio and encouraging some inner city development,
24 which takes away stress from the highways; and we're
25 having a great deal of success on that. That last mile

1 that the mayor of Houston was talking about is very
2 important, and that's our responsibility to make sure
3 that those tie in properly to whatever improvements
4 you're making.

5 The whole change in transportation is not
6 just about buses anymore. It's about Uber and Lyft.
7 It's about a number of other different issues, from bike
8 rentals to Zipcars to rail and now to automatic-driven
9 cars. I still haven't quite figured out how that's
10 going to work.

11 (Laughter.)

12 But we know that's coming in some form or
13 fashion to us.

14 So I think TxDOT probably -- you know,
15 putting some responsibility on us, "What are you guys
16 doing?" Not necessarily just to put more money into the
17 highway, but "What are you doing to make your urban area
18 a more transportation efficient place?" And there a
19 number of issues that deal with that.

20 And so you stroked some thoughts; and
21 like I say, we just briefly talked about them. But
22 that's something you may want to think about as you go
23 along, in putting greater responsibility on us and how
24 we grow our communities and how we work and play and how
25 we get back and forth to different places.

1 So, again, thank you very much for what
2 you're doing. We've been so appreciative of the
3 partnership with the Texas Department of Transportation,
4 and just can't say enough good words about what you guys
5 are doing.

6 Thank you.

7 CHAIRMAN LEWIS: Thank you very much,
8 Judge.

9 Let's see. Next, we have -- I believe,
10 Commissioner Austin and our staff worked very closely
11 with Landon Hairgrove on issues involving transportation
12 on the federal level; and I'd like to ask Landon to
13 please come forward.

14 After stating your name and who you're
15 here representing, give us the benefit of your thoughts.

16 MR. HAIRGROVE: Thank you, Mr. Chairman.

17 My name is Landon Hairgrove. I'm with
18 U.S. Senator John Cornyn. The Senator has asked me to
19 provide a couple of remarks today if you will permit me
20 to share them with you.

21 Thank you, Chairman Lewis, Director Bass,
22 and distinguished Members of the Texas Transportation
23 Commission for inviting me to offer a statement in
24 support of today's announcement. I understand this
25 commitment follows concerted efforts of Governor Abbott,

1 Commissioner Bugg, and other Texas transportation
2 leaders to identify and dedicate new resources towards
3 congestion mitigation and relief in many of our state's
4 most populated and growing regions. I'm glad to see
5 this Congestion Initiative paired with critical
6 statewide transportation investments focused on safety,
7 connectivity, and strengthening roadway conditions in
8 our energy sector and border communities.

9 I understand today's announcement is made
10 possible in part by passage of the Fixing America's
11 Surface Transportation Act, otherwise known as the FAST
12 Act, a multi-year federal highway and transportation
13 bill signed into law last December that I supported. As
14 a member of the House and Senate Conference Committee
15 that negotiated this historic transportation agreement
16 which provides for the longest reauthorization of
17 federal aid highway programs and policies in over a
18 decade, I'm proud to see the Commission working to
19 translate congressional action into real investments
20 that will help our state.

21 Throughout the debate in Congress last
22 year I worked with other members of the Texas delegation
23 to develop a final bill that reflects our state's
24 priorities, including support for much-needed upgrades
25 to freight corridors in our interstate system that moves

1 goods through Texas to global markets every day,
2 emphasizing greater connectivity for major corridors
3 that link Texas metropolitan areas and align current and
4 proposed interstate and trunk systems with hurricane and
5 disaster evacuation routes, ensuring additional
6 sustained resources for innovative partnerships and
7 border infrastructure, charting the course for continued
8 development of future corridors, like Interstate 69 or
9 newly-designated Interstate 14 Texas, which will enhance
10 east-west connectivity, among many of our state's
11 military and strategic assets, and delivering overall
12 investment certainty so that we can plan for and deliver
13 the high-quality infrastructure Texans deserve.

14 I'm glad to see some of the benefits of
15 the FAST Act realized by the Commission's actions today;
16 and I'm grateful for the input provided me by the
17 members of this panel as well as TxDOT leadership and
18 dedicated staff, both in DC and Texas, with whom we
19 worked closely throughout the Legislative process to
20 secure better transportation results for all Texans.

21 It's particularly appropriate that the
22 Commission's action advance transportation improvements
23 made possible by outcomes at both the state and Federal
24 level, and I'd like to briefly recognize steps the Texas
25 voters and Legislators have taken in recent years to map

1 out this course for greater transportation success:

2 In November 2014 80 percent of Texans
3 approved a ballot issue that provided 1.7 billion to
4 upgrade and maintain our transportation network last
5 year.

6 Under the leadership of Governor Abbott,
7 Lieutenant Governor Patrick, and Speaker Straus, our
8 84th State Legislature ended some 1.3 billion in
9 non-transportation diversions in the most recent
10 biennial budget.

11 And with 83 percent of Texans supporting
12 Proposition 7 on the November 2015 ballot, our State
13 agreed to further increase funds for roads and bridges
14 by as much as 2.5 to 3 billion annually without imposing
15 new taxes or fees on hard-working Texans.

16 With some estimates showing our state
17 population doubling by 2050, it's no wonder that Texans
18 have recognized that our infrastructure network is key
19 to improved safety, mobility, and economic success.

20 The Commission's actions today represent
21 an important next step towards building a better
22 transportation future for our state and I look forward
23 to continuing to work with all of you to give our state
24 the tools it needs to improve the lives of Texans.

25 Thank you, again, for allowing me to

1 contribute to today's proceedings. And my best wishes
2 for a successful and productive session.

3 Thank you all very much.

4 CHAIRMAN LEWIS: Thank you, sir.

5 Commissioner Austin, do you have any
6 comments?

7 COMMISSIONER AUSTIN: Landon, welcome
8 home.

9 MR. HAIRGROVE: Thank you, sir.

10 COMMISSIONER AUSTIN: I would like to say
11 for any of y'all that have been up to Senator Cornyn's
12 office, Landon's been on the hill for a long time. He
13 is our go-to guy. And, you know, there are those people
14 that really -- that work up there that are there part
15 time; and then those that really work. Landon, I can
16 promise you, reads every bill, knows where a comma ought
17 to be re-inserted and everything; but he always asks,
18 "What is right for Texas?"

19 And I know many of us get a call and
20 ask -- and our team that you've worked so closely with,
21 you know, previously with Colby Chase, now with Andrea,
22 leading our federal initiative, Melanie, Melissa. Y'all
23 are in constant contact. And, you know, it's not
24 uncommon for us to say, "What does Landon think? What
25 does he think, and what would he recommend?" Because

1 you do have the best interest of the State of Texas at
2 heart, and I know you continue to hear from us. And I'm
3 probably going to beat Commissioner Bugg to the punch on
4 this: We are a donor state; we want that money back.

5 (Laughter.)

6 COMMISSIONER BUGG: I already talked to
7 Landon.

8 COMMISSIONER AUSTIN: I know you did. I
9 saw you beat me to it.

10 But what's interesting, we've spent a
11 lot time -- there's been a lot of comments focused in
12 here -- and rightly so -- thanking the Texas Legislature
13 for what they've done. What you are a great part of,
14 and Senator Cornyn, federal funds represent over 40
15 percent of our funding; and we cannot forget about what
16 y'all do and thank you for a five-year bill -- the first
17 time we've had that in a long time -- so we can put
18 people to work. That, coupled with the state funds,
19 we're going to get down to business what we really need
20 to be doing.

21 And I know while a lot of focus is on
22 roadways; but, Landon, you've been involved in the WRDA
23 discussion in helping our ports, which is very important
24 to us. You know, in the last bill it added depth to
25 Freeport, Sabine, Neches, Corpus to really help in the

1 freight congestion that we all have. Y'all are right in
2 the thick of it. So thank you very much for what you
3 do, and we really enjoy working with you. And we'll be
4 back soon because we still have some things to tackle,
5 like getting our money back.

6 MR. HAIRGROVE: Thank you, Commissioner
7 Austin. And we always look forward to working with all
8 of you. I really have appreciated the benefit of your
9 counsel over the years. So thank you very much,
10 Commissioner Austin.

11 CHAIRMAN LEWIS: Thank you, sir.

12 Next, we have Jesse Hereford.

13 Sir, if you will, please come forward.
14 After stating your name and who you're here
15 representing, then give us the benefit of your thoughts.

16 MR. HEREFORD: Good morning, Chairman,
17 Member of the Commission.

18 Jesse Hereford, immediate Past Chairman
19 of the Border Trade Alliance; and I was part of the
20 group with Senator Hinojosa.

21 First, we want to thank you for the
22 consideration for the staff recommendation of
23 \$60 million to be spent on border infrastructure,
24 extremely important for the border. And I know that
25 Carolyn Mays -- I saw the Freight Mobility Plan will

1 also be on the agenda -- I'll quote a couple of stats
2 from that here.

3 We're very thankful for Senator Hinojosa
4 including the rider language. Obviously, it gives you
5 some flexibility. However, our concern is that when the
6 list came up -- and we'll obviously address this in the
7 30-day comment period -- is that they're all on-system
8 projects.

9 That legislation originally was written
10 in 2005 by Senator Hutchison. It was called the
11 Coordinated Border Infrastructure Fund. I worked for
12 her at that time -- Landon worked for her later. He's a
13 good guy. We go way back.

14 And so that fund could be used on system,
15 but it could also be used off system. And so when you
16 look at the amount of international trade that we have
17 and the congestion that we have at our international
18 land ports of entry or our international bridges, our
19 hope is that some of those funds would also be used on
20 those types of projects.

21 And so to quote out of Caroline's Texas
22 Freight Mobility Plan, more than \$254 billion worth of
23 goods cross at the Texas/Mexico border via truck and
24 rail. Sixty million tons of freight crossed at the
25 border. Trucks accounted for 83 percent of that 60

1 million. And now we're looking in the future. So by
2 2040 more than 180 million tons will cross our highways
3 at our international border, which is an increase of 142
4 million tons. So we're more than doubling what we have
5 today. And if we don't invest in our ports of entry, I
6 mean, we're just going to have parking lots.

7 So, obviously, the need around the entire
8 state outweighs the amount of funds we have. And that's
9 why we're here today, to ask you to also consider some
10 of these off system out of that 60 million.

11 And then just to focus on, you know,
12 Cameron County, Judge Sepulveda was here earlier -- I
13 know he works with y'all; he's a good partner -- he's
14 looking at expanding by two new ports of entry. McAllen
15 is looking at one new port of entry and an expansion at
16 a current port of entry. Donna is looking at an
17 expansion of their port of entry. Laredo is possibly
18 looking at a new port of entry. Eagle Pass is looking
19 at an expansion. Del Rio is looking at an expansion and
20 one new port of entry. Presidio is looking at an
21 expansion, which is about \$20 million.

22 So, you know, if you would break out what
23 the District got, I mean, that's the entire district
24 amount for one project. So that 60 million doesn't go
25 very far; but if we can at least focus some of that on

1 the planning and the advanced planning of this or the
2 permitting to get the required presidential permit for
3 construction, then I'm sure the locals will be able to
4 try to sell bonds. And El Paso is also looking at
5 expansion.

6 So we are very thankful that Senator
7 Cornyn, Congressman Hurd, and Congressman Cuellar were
8 able to put that legislation in the Federal bill.

9 And it's our hope, again, that you all
10 will consider some of those off-system projects. And as
11 we move through the 30-day comment period, we'll
12 definitely be submitting comments for your
13 consideration.

14 Thank you for the time.

15 CHAIRMAN LEWIS: Thank you.

16 Don Dixon, please come forward. State
17 your name, who you're representing; and give us the
18 benefit of your thoughts.

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

20 My name is Don Dixon, and I represent
21 myself. And I guess I'm probably -- maybe the only one
22 here that's going to be a citizen that's going to be so
23 thankful that the Legislature's finally given us some
24 money so we can get our roads fixed.

25 Mr. Bass, congratulations. Looking

1 forward to your great leadership for this wonderful
2 agency.

3 I sat in 2003 in San Antonio at the TxDOT
4 trans-guide system there when I heard a presentation
5 about how we're going to improve our roads in
6 San Antonio. We're going to toll Roseburg Parkway.
7 We're going to toll 281. We're going to toll I-10 West.
8 And we're going to toll 1604. And we're going to do all
9 this with debt.

10 I sat there and heard that and having
11 businesses all over the state and all over the country
12 that depended on those roads and the freedom of travel,
13 I went home and told my wife, "You're not going to
14 believe what I just heard. This is not going to be good
15 for Texas."

16 And as a good wife does, "What are you
17 going to do about it?"

18 So 13 years, with a lot of testimony,
19 talking to a lot of citizens, "What do you want? What
20 do you need?" We're making progress. Thank you, people
21 of Texas and thank you to the govern, the leadership of
22 this state, we're finally getting something done.

23 We certainly want improvements in
24 San Antonio. We're behind. We're way behind. We've
25 got to get 281 fixed. We've got to get 1604 fixed.

1 We've got to get I-10 fixed.

2 And from the public side, what we would
3 like you-all to strive to do, as best you can, is to be
4 very efficient, as efficient as you can be as an agency,
5 a state agency, a government agency, to get concrete
6 asphalt on the ground as efficiently as you can.

7 One of your predecessors, Greer, who this
8 building is named after, in his little book, he said, "I
9 never want the Legislature to think I don't have a place
10 for the money to go when it comes in the door." You
11 know this.

12 So part of your efficiency and what the
13 public is going to be looking to you for, engineer these
14 projects and get them ready to go as efficiently as you
15 can; and make the engineers do the work to get the best
16 product you can for the best price. This is the public
17 side.

18 Another part of the public side is: I
19 like the no tolls; that's great. We need that. We
20 can't continue to do the tolls and the debt. But, also,
21 remember Texas, the Alamo, the cradle of liberty.
22 Liberty is a very important thing for Texas. And so
23 whenever you put that money into a road, make sure
24 everybody can use it, that you don't discriminate
25 against someone. You've got to have three people in

1 your car. You know, we don't want you on this road
2 unless you get on a bus.

3 Texas economy thrives, would absolutely
4 stop without the use of an automobile and the efficiency
5 and freedom that that gives. So we've got to have roads
6 to use them in. And so when you build these roads, make
7 sure everybody can use them; and thank you so much for
8 what you do for the people of Texas.

9 We're not done with TxDOT from the public
10 side. There's a lot more that needs to be done; and
11 from the public side, you help us. You deliver. You be
12 efficient, and we'll be in those committee meetings
13 trying to get you money.

14 Thank you, Mr. Bass.

15 CHAIRMAN LEWIS: Thank you, sir.

16 COMMISSIONER AUSTIN: Don.

17 CHAIRMAN LEWIS: Commissioner Austin.

18 COMMISSIONER AUSTIN: Don, before you
19 leave, I wanted to say: Thank you for your passion
20 and continued comments.

21 MR. DIXON: Thank you, Commissioner
22 Austin.

23 COMMISSIONER AUSTIN: For the sake of my
24 fellow commissioners -- forgive me if I don't say this
25 right -- during the forum, you actually came up and

1 said, "Mr. Jeff, I have an idea." And you were
2 proposing a whole new road, a cut-through part of east
3 Texas, going from A. Would you mind sharing that with
4 us again?

5 MR. DIXON: I talked to Caroline Mays. I
6 said, "I like your idea of developing more of the trunk
7 system."

8 As you know, I'm an engineer, a
9 mechanical engineer. So I work on stuff like this. We
10 do really, really well going from north to south; and we
11 do well east to west, basically, with our interstate
12 system. That's how it was laid out, you know, the grid.
13 Where Texas is really falling short is on the diagonal.

14 The traffic going from Laredo,
15 San Antonio, Austin, Dallas, I-30 to Texarkana, has a
16 big dogleg. The public has the same thing. We have
17 quite a few bottlenecks: Austin, Temple, Dallas.

18 So what I suggested to Ms. Mays and to
19 you is: Let's put a freeway between San Marcos, College
20 Station, Palestine, Marshal; and then pick up I-69 at
21 Marshal. And that would cut off the dogleg, and it
22 would alleviate a tremendous amount of congestion and
23 accidents and problems that we have on that road.

24 And, of course, Walmart is in Palestine.
25 Thousands of trucks a day -- I don't know where all they

1 go, but they probably use 79 and 21. So this is
2 something that we need to have money for and get this
3 done because 281 is -- I mean, pardon me -- 21 is
4 congested and needs to be fixed.

5 COMMISSIONER AUSTIN: Thank you for
6 sharing that. You know, it's not often we hear
7 solutions that want to put a whole new road or a
8 corridor in. So thank you.

9 CHAIRMAN LEWIS: Thank you very much,
10 sir. Dale Rudick. Okay.

11 Ray Lopez. Ray, please come forward.
12 After identifying yourself and what your title is, who
13 you're here representing, then give us the benefit of
14 thoughts, please, sir.

15 CHAIRMAN LOPEZ: Well, thank you very
16 much.

17 And like many of others speakers, I'm up
18 here to say thank you. There's a whole litany of folks
19 that need to be thanked.

20 My name is Ray Lopez. I'm here with a
21 couple of different hats on; but primarily I'm the
22 chairman of the Alamo Area Metropolitan Planning
23 Organization, the newly reconfigured and renamed AAMPO.
24 We are working really, really hard. Alamo Area -- you
25 were questioning the -- Alamo Area Metropolitan Planning

1 Organization, we wanted to kind of do what our friends
2 to the north did, since they have this really cool name,
3 CAMPO, we figured AAMPO would be good.

4 (Laughter.)

5 CHAIRMAN LOPEZ: But all kidding aside,
6 we are here to really just give the thanks, give the
7 encouragement, and then our commitment to continue to
8 partner to figure out a way to continue moving Texas
9 forward.

10 There's been a lot of comments that have
11 been made about the importance of the various projects
12 that have been talked about.

13 Commissioner Bugg, you came to
14 San Antonio and did the listening tour. And I would
15 think that most of the comments that are being made, if
16 you took the highway name out and substituted somebody
17 else's highway name, if you took out the freeway name,
18 perhaps, and put somebody else's in there, most of those
19 scenarios are driven by growth that is happening across
20 Texas. And like everybody recognizes, growth is good;
21 but it comes with some concerns and some consternation.
22 And I think the money that's being appropriated and
23 ultimately distributed to the communities is certainly
24 going to go a long way to resolve those.

25 Director Bass, you've got a challenge on

1 your hands to make sure that that happens and that we,
2 out in the community, are effectively implementing all
3 that.

4 But let me also kind of go a little bit
5 different track than what -- Judge Wolff came up here.
6 It's really difficult to come after Judge Wolff.
7 Anytime that I get a chance to speak, I try to go ahead
8 of him; but seldom do I get to do that.

9 So I'm going to take a little bit
10 different track because I know that the judge and
11 certainly the County and City have been working really,
12 really hard to create some sort of a community synergy
13 around what we want to look like, what we want to be,
14 and how we want to move forward; and we've started a
15 process within the city of San Antonio called SA
16 Tomorrow.

17 SA Tomorrow basically is an initiative
18 that the City and the County are both moving forward
19 with to get feedback. Much like what the governor, with
20 his wisdom, asking the Commissioner to go out and do a
21 listen tour, we're doing a listening tour, as well, with
22 our community. And what we hear from them is: You need
23 to make investments, but you need to make wise
24 investments. You need to make those investments; but
25 you need to make them in collaboration with other

1 agencies, with other entities.

2 Taking that to heart, what we have
3 started to do is that AAMPO and CAMPO, for example, are
4 going to be having joint MPO meetings in the near future
5 to talk about that community that we have between us
6 that's in common; and that's the corridor, the I-35
7 corridor between San Antonio and Austin.

8 We won't stop there. We'll continue to
9 talk to our friends down in Laredo and down in the
10 Valley because all of you -- you heard Jesse Hereford
11 speaking about all the trade and traffic that's coming
12 across that border -- or those borders. And guess what?
13 They're coming right through our corridor. They're
14 coming right through San Antonio.

15 So what our community is saying is: We
16 want you as our elected officials to be prudent with the
17 money, spend it in the areas that are important to all
18 of us; but you need to leverage it against each other.
19 And I think that that's what we're all hearing. Figure
20 out a way to take the limited funds, leverage them
21 across our entire state; and the entire state becomes a
22 much better place to be. And we know that people want
23 to be here.

24 So that being said, I want to, again,
25 thank you all.

1 And a very, very personal thanks to you,
2 Bruce, for all the work you do in San Antonio and then
3 taking on this challenge, which is not an easy one, to
4 keep moving forward in our community and our region.
5 We're grateful to you.

6 We realize that the day of any single
7 organization, whether it's at the Federal, state, or
8 local level being able to take on any problem,
9 especially one like transportation, and being able to
10 solve it themselves is gone. Those days are gone.
11 There are no agencies out there with the resource or the
12 ability to be able to make it happen. So it behooves us
13 all to work closely together.

14 I stand before you as not only the
15 chairman of the Alamo Area Metropolitan Planning
16 Organization but also as a City Councilman of the City
17 of San Antonio that also chairs the Transportation
18 Commission on the City's behalf that we're here,
19 prepared and anxious to partner with you.

20 Thank you very much for your leadership.
21 Look forward to serving with you.

22 Thank you very much.

23 CHAIRMAN LEWIS: Thank you very much,
24 Chairman Lopez, for being here.

25 I believe that's all the appearance cards

1 we have.

2 I do want to express on behalf of the
3 whole Commission our appreciation for each of you who
4 have come forward to make your views known.

5 Also, Congressman Henry Cuellar, who went
6 to a lot of trouble to get here; then, as it turned out,
7 couldn't stay, but wanted to affirm his support for
8 trade and transportation as we go forward.

9 And with that, I'll ask Director Koch to
10 please come back up.

11 And, Commissioner Austin, do you have any
12 comments at this time?

13 COMMISSIONER AUSTIN: I'd like to say --
14 I think as was pointed out, you know, a lot of the
15 projects that are being approved right now, as
16 Commissioner Bugg heard going around the state, are the
17 work of decades, months, years in the past; and these
18 have been on the plan for a good while, but we're able
19 to execute. And sometimes it means re-prioritizing.
20 And as we look at, you know, what makes -- as we talk
21 about the UTP, what makes these projects successful.

22 And I want to go back. Collaboration has
23 been mentioned, but we need your help. And what can
24 help us as we look at these projects, the ones that are
25 ready to go, setting priorities, working to make sure

1 the district office is in sync, whether -- it's not just
2 in the five metro cities but it's statewide, whether
3 it's MPO, RPO, the COG, is having that consensus and
4 collaboration because we see a lot of projects where
5 there's -- people are not in agreeance. The ones that
6 are in agreeance, where there's the match, the
7 financing, everything ready to go, guess what? We need
8 to get those out the door; and that's even going to be
9 more important as we come up looking at Prop 7 going
10 forward.

11 But I also want to say thank you -- I
12 know there have been some watching and listening who
13 have made some of these projects their priorities from
14 the past. I see former Chairwoman Deidra Delisi back
15 here, Chair Houghton, Chair Hope Andriotti, you know,
16 who really helped look and bring attention to a lot of
17 these. Fred Underwood, who was working on statewide
18 corridors, looking at a lot of these. And not to
19 mention Ned Holmes and Bill Meadows. Because I had an
20 opportunity to visit with Commissioner Meadows last
21 week, and I was complaining to him about all the
22 construction cones. And he goes, "Those are my cones."

23 (Laughter.)

24 COMMISSIONER AUSTIN: But, anyway, thank
25 you for what they have done to help us start executing

1 with the funds.

2 Thank y'all.

3 CHAIRMAN LEWIS: Commissioners any
4 other questions?

5 COMMISSIONER VANDERGRIFF: Yes.

6 CHAIRMAN LEWIS: Commissioner
7 Vandergriff.

8 COMMISSIONER VANDERGRIFF: It's not so
9 much a question, but I know that the next tranche of
10 money that won't be here for probably another two years.
11 When we get to Prop 7, we'll have a little bit. This is
12 really the big gasp for the next couple of years pending
13 some major changes. Something can always happen.

14 And I remember sitting here a couple of
15 years ago the last time we had a bunch of money. We
16 gave out \$1.7 billion, and we had a similar crowd of
17 dignitaries coming to support that effort, including
18 from all the cities that are here. But the major
19 difference in that effort versus today, which I think is
20 significant and worth noting again from the bench,
21 certainly, was that those projects were not really ones
22 that had bubbled up specifically from the local
23 community. They were supported. They were good. And
24 as several people said, anytime we come and give out
25 money, y'all are going to show up to come get it.

1 But this time around, I have to, again,
2 applaud the governor for setting a priority relative to
3 congestion; and I think that's appropriate for the
4 governor. They're elected to lead the state of Texas
5 and support that. And then for Commissioner Bugg and
6 this Commission for prioritizing the most important area
7 in the state for congestion relief.

8 It's not the only area. It's a big,
9 diverse state; and I appreciate that they also made sure
10 that we funded other areas of the state because if we
11 hadn't, we'd be hearing from a lot of those folks, too,
12 I'm sure.

13 So this is a well-thought-out plan. And
14 it was part of the glass-full comments that
15 Commissioner Austin alluded to.

16 I do want to point out that the
17 speakers here today -- and certainly Commissioner Bugg
18 has indicated this -- that sustainability is really the
19 key. And, to me, I'm a numbers guy, like a couple of my
20 banker are to both sides of me -- I come from a
21 different business, but nevertheless numbers directed --
22 and when we started talking 5 billion a year, it didn't
23 make much sense to me until we quantified that we had a
24 140-billion-dollar need across the state of Texas that
25 we'd get to in 10 or 15 years if we had the money. And

1 we had a 70-billion-dollar need in the urban corridors;
2 and in the DFW area alone, it was over \$20 billion that
3 we needed.

4 And the last part, the sobering part I
5 want to make sure that we continue to focus on is that
6 in the last ten years -- when I first started in
7 transportation, my hair was not actually gray and white
8 like it is today.

9 (Laughter.)

10 So I've been around this a while. And
11 just doing the mental math of things I've been a part
12 of, we've funded about 16 to \$18 billion of projects,
13 with another 3-plus billion that was generated by the
14 toll authority I served on that went to the counties
15 that they were able to invest and partner in. So you're
16 talking 21 -- somewhere between 18 and \$21 billion in
17 the metroplex that's been in transportation for the last
18 ten years. And we have a real major way to go to keep
19 that kind of funding stream up.

20 And so I am personally committed to
21 helping you, Commissioner Bugg, to finding those
22 sustainable funding streams that allow this effort to
23 continue and to grow and to prosper into bigger efforts.

24 COMMISSIONER BUGG: Thank you,
25 Commissioner. I really appreciate the support and the

1 support from all my fellow commissioners. And like I
2 said at the beginning, when I was on the listening tour,
3 I concluded by saying, "I'm just one of five."

4 And that's why, again, I really
5 appreciate everyone showing up today, because it does
6 give you a firsthand look at what the impact of the
7 governor's initiative is. And when the governor charged
8 us, the five of us, to take over the responsibility of
9 this, it's a team effort. So I thank each of you.

10 CHAIRMAN LEWIS: Any other questions for
11 Director Koch on this matter? Any other comments at
12 this time?

13 (No response.)

14 CHAIRMAN LEWIS: If not, I think that
15 completes, Mr. Director, Agenda Item Number 3.

16 Thank you, Director Koch. Appreciate it.

17 This would be a good time for a break.

18 (Applause.)

19 CHAIRMAN LEWIS: I know a number of you
20 need to leave. So we're going to have a break until
21 11:00. We'll be in recess until 11:00. We'll reconvene
22 at that time. Thank you.

23 (Off the record from 10:45 to 11:05 a.m.)

24 CHAIRMAN LEWIS: Okay. We're going to
25 get back into session again.

1 EXEC. DIRECTOR BASS: We will continue
2 now with Agenda 4, which is the appointment of members
3 to the Border Trade Advisory Committee; and
4 Director Koch will continue.

5 DIRECTOR KOCH: Good morning,
6 Mr. Chairman, Commission Members, and Mr. Bass.

7 For the record, my name is James Koch
8 Program; and I'm the Transportation Planning and
9 Programming Division Director. This Minute Order
10 appoints 13 members to the Border Trade Advisory
11 Committee. The purpose of the committee, created in
12 2001 by the 77th Legislature, is to define and develop a
13 strategy and make recommendations to the Commission and
14 the governor, in order to address the highest priority
15 border trade challenges. The border Trade Advisory
16 Committee recommendations are included in a border
17 report which is presented to the presiding officers of
18 the State House and Senate.

19 Upon your approval, the 13 individuals
20 named in the Minute Order will be appointed to the
21 committee, with terms expiring August 31st, 2018. By
22 statute, the size of this committee is not limited.

23 Staff recommends approval of this Minute
24 Order, and I will take any questions at this time.

25 CHAIRMAN LEWIS: Yes, Commissioner

1 Austin.

2 COMMISSIONER AUSTIN: I just have one
3 comment: The Border Trade group really is important.
4 And I know as we begin looking at Prop 7 and other
5 things, there's a lot of initiatives that impact
6 oversize/overweight, the bridge traffic, freight. If
7 Congressman Cuellar was here, I know he'd be talking
8 about Laredo's the Number 1 point of entry. But these
9 are all issues that we do want to take into
10 consideration. We're really going to be relying on this
11 group to provide input.

12 One other person who I failed to mention
13 earlier who has a lot to do, because this is going to
14 tie into a lot of Federal initiatives, is Jerry
15 Strickland. Jerry, I know you're here. I forgot to
16 mention him while ago. He's with the governor's office
17 and handles Federal affairs, and he's been working with
18 us in DC on a lot of initiatives. So thank you, Jerry.

19 CHAIRMAN LEWIS: And, Director Koch, it's
20 my understanding that you may be coming back before us
21 at a later time to add maybe a couple more members as
22 far as energy areas and perhaps additional border trade
23 type areas?

24 DIRECTOR KOCH: That is correct, sir.

25 VICE-CHAIR MOSELEY: Chairman, I would

1 just --

2 CHAIRMAN LEWIS: Yes. I'm sorry.

3 COMMISSIONER MOSELEY: If I may just echo
4 Commissioner Austin's remarks, one of the demands for
5 capacity on our mobility system most certainly today and
6 growing is the movement of freight across our
7 international boundary with Mexico. Economists are very
8 straightforward in declaring that even though we tend to
9 be distracted by the social challenges that Mexico's
10 dealing with, we're not always aware of the wonderful
11 economic reforms that have taken place.

12 And while we've been content to have one
13 free trade agreement, Mexico has pursued free trade
14 agreements; and I believe, Chairman, may be the nation
15 with the most free trade agreements in the world and at
16 the same time have pursued reforms in their education
17 system, their pension reform most recently in their
18 energy sector.

19 And so the economists are saying that
20 over the next 30 years that Mexico's economy is
21 projected to eclipse that of Germany's economy. That's
22 a profound statement because that means the peso would
23 be stronger than the euro, Germany being the backbone of
24 the euro.

25 So our 14 border crossings with Mexico,

1 necessarily, we'd look at this advisory committee to
2 guide us in understanding what the future demands are
3 for our goods to market and taking care of this
4 significant trading relationship that we have.

5 So thank you for bringing these names
6 forward, and we appreciate those volunteers who are
7 giving us the benefit of their real-life experiences of
8 living on the border and understanding how we can get in
9 front of some of these challenges.

10 CHAIRMAN LEWIS: Thank you.

11 And with that, Vice-Chair Moseley, do you
12 move that we appoint the members of the Border Trade
13 Advisory Committee in accordance with staff's
14 recommendation?

15 COMMISSIONER MOSELEY: So moved,
16 Chairman.

17 CHAIRMAN LEWIS: Commissioner Austin, do
18 you second?

19 COMMISSIONER AUSTIN: I second.

20 CHAIRMAN LEWIS: We have a motion and a
21 second. If there's no discussion, we'll proceed to a
22 vote. All in favor say aye.

23 (Chorus of "Ayes.")

24 CHAIRMAN LEWIS: Any opposed no.

25 (No response.)

1 CHAIRMAN LEWIS: The motion carries.

2 Thank you.

3 DIRECTOR KOCH: Thank you, sir.

4 CHAIRMAN LEWIS: Mr. Director.

5 EXEC. DIRECTOR BASS: We'll now continue
6 with Item 5, Adoption of the Texas Freight Mobility
7 Plan. Interim Director of the Freight and International
8 Trade Section, Caroline Mays, will present.

9 CHAIRMAN LEWIS: And, Ms. Mays, before
10 you begin.

11 Judge, let me ask you: On this item we
12 have, I think, Judge Jenkins wants to testify. He is
13 going to have to make an emergency call in just a
14 moment. So I want to call him up or -- Judge, is this a
15 good or bad time for you?

16 JUDGE JENKINS: Well, I suppose it's a
17 good time so far.

18 CHAIRMAN LEWIS: Okay. Well, why don't
19 you come on up; and if you need to go take that call,
20 when your phone rings, you just go.

21 JUDGE JENKINS: I apologize. My Federal
22 partners are calling about something. I'm afraid it
23 might be tornadoes, so I did agree to take the call.

24 I had the privilege of serving on the
25 Freight Advisory Committee. I want to thank this

1 Commission for that opportunity. Thank you for
2 recognizing the importance of freight and its
3 intersection with congestion.

4 I want to thank the Committee that
5 served, particularly our Chair, Judge Emmett, who did so
6 much work on this and Caroline and her team, who worked
7 so well to come up with what I think is a very
8 comprehensive document and one that we hope that you
9 will be adopting unanimously today.

10 We had a situation in north Texas where
11 somehow we managed to get in the north Texas COG all of
12 our priorities listed as low on there. It was a self-
13 scoring. So it wasn't that you listed us low. We
14 listed ourselves as low. That's been corrected. And we
15 can't put it in the report, I think, today because
16 that's a bound report; but we recognize it's a living
17 document and we're working with staff as we move forward
18 to get those in there.

19 Two important projects that I will be
20 shot back home by the Collin County Judge and the Ellis
21 County Judge and a bunch of members of the Legislature
22 if I don't mention. These weren't in there, but they're
23 going to be. And that's Loop 9 and the Collin County
24 outer loop. That is our we hope to eventually take the
25 freight around Dallas and Collin County.

1 But I don't want anyone to hear these
2 comments and hear anything but pleasure and praise for
3 TxDOT for the committee, for your work; and I want to
4 thank you for that. And I've got --

5 (Cell phone buzzing.)

6 JUDGE JENKINS: Uh-oh. Anyway, thank you
7 so much for all that you do; and we've got those
8 documents if you need them.

9 Thank you.

10 CHAIRMAN LEWIS: Thank you very much.
11 And for the record, that was Clay Jenkins, Dallas County
12 Judge.

13 And, Director Mays, I'll ask you to come
14 back. Sorry for the interruption.

15 DIRECTOR MAYS: Not a problem.

16 CHAIRMAN LEWIS: Proceed with your
17 report.

18 DIRECTOR MAYS: Thank you. Good morning,
19 Chairman and Commissioners and Director Bass.

20 For the record, my name is Caroline Mays;
21 and I serve as the Interim Director for Freight and
22 International Trade Section within TTP.

23 Today I'm going to be bringing a Minute
24 Order to adopt the first Freight Mobility Plan for the
25 department, and I just want to note that I came before

1 you back in September of last year and presented, you
2 know, an overview of the freight plan. It was a great
3 discussion. And during that meeting, Judge Emmett, who
4 chairs the Texas Freight Advisory Committee that Judge
5 Jenkins sits on was also here to brief the Commission.
6 Unfortunately, he couldn't be here today; but he sends
7 his regards. He's actually in Washington, DC on another
8 freight related activity that he's attending with the
9 Unit Foundation in Washington, DC.

10 I just wanted to mention a couple of
11 things, you know, important, really, on what happened
12 with the Freight Mobility Plan. This plan was almost a
13 three-year effort that we undertook, beginning in early
14 2013.

15 And we had, you know, extensive
16 stakeholder listening sessions. We held the first
17 listening sessions in 2013, held the next set of
18 listening sessions in 2014; and then, in addition to
19 that, we had the Texas Freight Advisory Committee under
20 the chairmanship of Judge Emmett to lead that effort.

21 And then the final stakeholder engagement
22 was we put the draft plan for public comment back in
23 October for a 30-day comment period. It ran from
24 October 9th to November 9th. And after we received
25 those comments, we did revise the documents.

1 And then the Freight Advisory Committee
2 met actually this past Monday in Houston; and under the
3 leadership of Judge Emmett, they unanimously adopted the
4 freight plan and recommended it to the Commission for
5 adoption.

6 And so I want to highlight some of the
7 things in the freight plan that are really critical.
8 Some of the things you heard this morning. The freight
9 plan, like I mentioned, is the first Freight Mobility
10 Plan for the department but also for the state. And it
11 really outlines some of the challenges that the state is
12 facing in terms of facilitating economic development and
13 economic vitality.

14 The plan also lays out a vision for a
15 safe and reliable and efficient transportation system
16 that supports the state's economic goals. So,
17 therefore, it's really necessary for you, as the
18 Commission, to adopt the freight plan as, one, it meets
19 MAP-21 requirements. That was the previous Federal
20 transportation bill that we were developing the plan
21 under.

22 But also, in addition, I wanted to
23 mention, you know, in terms of the priorities on what
24 Commissioner Bugg has been working on in the congestion
25 initiative, the priorities outlined in the freight plan

1 actually takes into consideration some of the many
2 congestion initiative chokepoints that Commissioner Bugg
3 has been working on. There's been a lot of mention
4 about I-35 and some of the critical freight corridors
5 within the state. So I wanted to kind of mention that
6 so you-all can see that the freight plan is really
7 looking at more economic development side of things that
8 have been mentioned here today.

9 And, also, to follow up on Judge Jenkins'
10 comments, we received comments from this office about
11 some of the priorities of the projects in the freight
12 plan; and the freight plan is a living document. You'll
13 hear later some of the steps we're going to take. It's
14 a living document; and we'll be updating the project
15 list, at a minimum, on an annual basis or even much more
16 frequent than that. And then the freight plan itself,
17 we'll be updating that every five years or earlier than
18 five years, depending on the needs.

19 And as you also know, the new Federal
20 Transportation Bill was enacted in December; and with
21 that comes, you know, some challenges for us. You're
22 adopting the freight plan today; but I also want to
23 mention to you that the freight plan as it is today does
24 not meet the FAST Act requirement. And so with that, we
25 will immediately start the process of updating that. We

1 have up to two years to make sure that our freight plan
2 is compliant with the FAST Act.

3 There are three components that we have
4 to include to make our plan FAST Act compliant: The
5 first one is we have to identify our critical rural
6 freight corridors within the entire state. And then the
7 second one, we have to identify critical urban freight
8 corridors within our metro areas. And we heard a lot
9 about metro issues today. The mayor has talked about
10 last miles. Those would be considered the critical
11 urban freight corridors. And then, finally, the freight
12 plan has to be financially constrained, you know, for us
13 to be able to meet FAST Act requirements.

14 So as I conclude my remarks and, you
15 know, ask for your adoption on the plan, as we move into
16 the freight plan implementation, that's one thing that
17 the Committee really -- you know, the Director asked me
18 to come and mention to you that they would like to stay
19 engaged within the implementation of the freight plan
20 and making sure it's not just a document that going to
21 sit on a shelf. And Judge Emmett actually agreed that
22 he will continue to chair the committee and to make sure
23 that the plan is implemented.

24 So with that I would like to, on behalf
25 of department but also TPP, to request that the

1 Commission adopt the Texas Freight Mobility Plan as
2 presented.

3 CHAIRMAN LEWIS: Thank you.

4 Are there any questions of Director Mays
5 at this time from the Commission?

6 Yes.

7 COMMISSIONER VANDERGRIFF: I'd just like
8 to make an observation. I know we praise a lot of
9 people all the time. I try to do it more sparingly,
10 perhaps, than others do because you are supposed to do
11 the job you do; but in your case, I have to note, I've
12 had a chance to be at a few of your meetings, I've been
13 around your members, and I've watched you perform,
14 Caroline, very zealously and effectively in leading this
15 project over the last few years. I mean, my hat's off
16 to you. You've done an excellent job on behalf of the
17 department in leading this to a very good, successful
18 conclusion. So I just wanted to note that to you.

19 And the second thing is I wanted to ask
20 and follow up on Judge Jenkins' comment. Is his comment
21 correct that it was a self-reporting system and so that
22 they made a clerical error, basically; and they've
23 acknowledged that, that they put everything low. Have
24 you seen the revised list that they have? Have they
25 given you copy of that list where they've corrected that

1 self-reporting? I understand it can't be published, but
2 have you seen that?

3 DIRECTOR MAYS: Yes. Yeah, Commissioner,
4 thank you for your kind remarks on accomplishment on the
5 freight plan.

6 But, yeah, addressing Judge Jenkins'
7 comments, when we went to develop the project list for
8 the Freight Mobility Plan, we consulted the Districts
9 and the MPOs. And the projects you see in the freight
10 plan are generated by the Districts and the MPO as well
11 as the priorities. You know, the Districts and the MPOs
12 were responsible for setting the priorities of all those
13 projects that were included in the freight plan.

14 So the projects that Judge Jenkins
15 mentioned, yes, they were sent a new list with new
16 priorities; and as I mentioned earlier, this is a living
17 document. We will be updating the freight plan,
18 especially with the FAST Act implementation and the
19 funding that's tied to that. Funding any project that
20 we're going to be putting forth to meet FAST Act
21 requirements has to be in the freight plan. So we're
22 going to have to do that revision immediately.

23 COMMISSIONER VANDERGRIFF: Again, since
24 it's a self-reporting document --

25 DIRECTOR MAYS: Yes.

1 COMMISSIONER VANDERGRIFF: -- did you
2 have any -- I realize you haven't studied it in great
3 detail; but did you have any issue or problem with the
4 changes that they made to indicate their low, medium,
5 and high priorities in there?

6 DIRECTOR MAYS: No. No, we don't have
7 any problem with that.

8 COMMISSIONER VANDERGRIFF: All right.

9 I just want to note, Chairman, that I
10 think it's appropriate -- I realize that it gets updated
11 annually; and in five years it gets looked at again.
12 But I think it's important, particularly if there's
13 really no controversy and it's a self-reported number,
14 there's no weight attached to it, that this body
15 consider an amendment to the existing Minute Order that
16 is proposed to allow for the inclusion for purposes of
17 the department's use their self-reported numbers.

18 VICE-CHAIR MOSELEY: I second
19 Commissioner Vandergriff's motion.

20 COMMISSIONER VANDERGRIFF: Is that a
21 motion? Yeah. We're in the discussion part; but I know
22 when there is a motion made, I'd like to note that.

23 CHAIRMAN LEWIS: Okay. Then when we're
24 ready for a motion, I call for a motion, then we'll ask
25 for that amendment.

1 COMMISSIONER VANDERGRIFF: Thank you,
2 Chairman.

3 CHAIRMAN LEWIS: Thank you.
4 Commissioner Austin.

5 COMMISSIONER AUSTIN: I just have one
6 comment, Caroline. I second everything that
7 Commissioner Vandergriff made. And I know being at the
8 rail conference last week with a lot of people that you
9 do work with, with different constituencies, many, many
10 compliments to what you have done with this. Also,
11 Eric Stevens, the Director of Rail, who was in support
12 of this, the whole initiative. And I'd like to ask -- I
13 know I've asked Tim, is that going to different
14 communities -- Tim Ginn -- my Fellow Commissioners is
15 that we continue to add focus and let's ask the
16 questions -- it's not all about the roadways -- but what
17 can we do to help with the freight initiative as well.
18 We have the study. We don't need it to be put on a
19 shelf. We need to start looking at ways to implement it
20 and do what we can to improve coordination.

21 Again, I'm aware of one community I'm
22 going to visit. There's a particular project that can
23 remove 30 or 40 at-grade crossings. Those are the type
24 of things that can have impact on safety, et cetera,
25 that we don't lose focus of this as well.

1 But congratulations on a great, great
2 project.

3 DIRECTOR MAYS: Thank you.

4 CHAIRMAN LEWIS: Vice-Chair Moseley.

5 VICE-CHAIR MOSELEY: Thank you, Chairman.

6 I would just echo what my colleagues have
7 said related to the product that came out of this
8 committee.

9 And, of course, Caroline Mays, thank you
10 for your ability to coordinate and facilitate. You had
11 some wonderful team members; and, of course, Judge
12 Emmett and Secretary Cascos and the group that you
13 worked with brought tremendous information forward.

14 This is a wonderful, wonderful document;
15 and it will serve the taxpayers of the state extremely
16 well by having this foundation of knowledge about the
17 movement of freight. With 130,000 lane miles of state
18 highways and I think the back of the envelope,
19 Director Bass, is at \$10 million a mile, if we look at
20 the value of that asset, it's well over a trillion-
21 dollar asset. And I think significant to maintaining
22 that asset is a discussion on freight because the
23 biggest wear and tear, and the biggest cost of
24 maintenance has to do with freight hauled on our
25 roadway. And so now we have a wonderful document, a

1 foundation of knowledge. As Commissioner Vandergriff
2 was saying, we should all be totally committed to
3 keeping it updated; but it's a wonderful beginning point
4 to understand how we can more effectively work with the
5 shippers. We may be looking at dedicated freight
6 corridors. There may be value in moving trucks and
7 giving them their own enhanced roadways with stronger
8 rebar, perhaps, Michael. These are not new
9 conversations. But this document gives us the morale
10 authority to really look at the value of new
11 technologies. Texas A&M has the freight shuttle.

12 So thank you for this work product. It's
13 exciting because it gives us the ability to really move
14 into some very significant discussions.

15 DIRECTOR MAYS: Thank you, Commissioner.

16 CHAIRMAN LEWIS: Thank you.

17 I have a question for Marc Williams, if I
18 might. What do you have for us, Marc? You're standing
19 up there. You're huddling up. What is it?

20 MR. WILLIAMS: I wanted to comment on the
21 comments of Judge Jenkins and the list that was -- has
22 been submitted to the -- to our team on the freight side
23 of that. The proposal to maybe amend the Minute Order
24 to adopt that list is certainly something that the
25 Commission can consider and should.

1 One thing that I'd like to point out is
2 that the freight plan, as has been submitted today, has
3 been unanimously voted on by the Freight Advisory
4 Committee in its current condition, including Judge
5 Jenkins and Judge Emmett.

6 And so one of the things that I would
7 propose for Commission consideration before amending the
8 freight plan is if there's a new set of comments, new
9 set of priorities that have been submitted by one of the
10 members, by one of the areas, that we have an
11 opportunity to take that back to the Freight Advisory
12 Committee to consider and then come back and resubmit
13 any amended changes to the freight plan.

14 In addition to Judge Jenkins, there was a
15 couple of other comments from Kansas City Southern and
16 others about the plan itself. Despite having a
17 four-month final comment period on the final document,
18 typically at the very end, there's always going to be a
19 few people. And we'll continue to see that.

20 But my suggestion for the Commission's
21 consideration would be to allow Caroline and her team to
22 take any remaining additions to that back to the Freight
23 Advisory Committee, let them consider that, and then
24 come back at a future date for an amendment to the
25 freight plan that can fairly incorporate all of those.

1 And so I just wanted to offer that to the Commission.

2 CHAIRMAN LEWIS: Commissioner
3 Vandergriff.

4 COMMISSIONER VANDERGRIFF: Well, I want
5 to ask: Then, are you telling us to adopt this with the
6 numbers as is and then come back at some future date as
7 yet unspecified when you get your Freight Advisory
8 Committee back together?

9 MR. WILLIAMS: Our recommendation would
10 be to adopt the document that's before the Commission at
11 this time; and then with the revisions or the changes
12 that have been submitted by Judge Jenkins and those that
13 may have come from a few other members, that we have an
14 opportunity to go back to the Advisory Committee, let
15 them review those, incorporate them; and then we can
16 come back to the Commission with an amendment. As
17 Caroline has mentioned, it's a living document.

18 COMMISSIONER AUSTIN: The Commission --
19 or, the Advisory Committee, when are they scheduled, if
20 ever, to meet again?

21 MR. WILLIAMS: I think -- I believe we're
22 looking at quarterly meetings with them?

23 DIRECTOR MAYS: Yeah. Yeah, as early
24 as probably --

25 CHAIRMAN LEWIS: If you could, go to the

1 microphone, Director Mays.

2 DIRECTOR MAYS: Sorry.

3 We're probably looking at early August
4 when the Committee will meet; but, again, you know, I
5 could have a discussion with Judge Emmett and Judge
6 Jenkins together and talk about if the Committee needs
7 to meet sooner to address the comments, then we would
8 definitely be able to do that. They're fairly flexible.

9 COMMISSIONER VANDERGRIFF: Commissioner,
10 I see that Judge Jenkins is in the audience. Would it
11 be appropriate to address a question to him?

12 CHAIRMAN LEWIS: Sure.

13 Judge Jenkins, would you please come
14 forward? We have some additional questions for you.

15 JUDGE JENKINS: And I apologize for --
16 it seems that's the way it always works, but that
17 Federal call came in the last ten seconds of my
18 comments. No news to report from the feds.

19 CHAIRMAN LEWIS: No problem.

20 COMMISSIONER VANDERGRIFF: Judge, if I
21 can ask you a question -- you may not have heard -- and
22 I want --

23 JUDGE JENKINS: I've been listening
24 intently.

25 COMMISSIONER VANDERGRIFF: Okay. The

1 Judge has not asked me to do this. I just notice that
2 this is a challenge and I think it's an appropriate
3 place to address it, but I really will defer to your
4 wisdom. You've heard the Department has indicated that
5 we should pass it as is, without any of these correction
6 here; yet, sometime probably in the next three or four
7 months the Advisory Committee would be reconvened and
8 you'd also between now and then visit have an
9 opportunity to with the Chair, Judge Emmett. Are you
10 satisfied with that?

11 JUDGE JENKINS: Sure. I would defer to
12 TxDOT and take staff at their word that we can get these
13 incorporated as they are self-reported and it was
14 clearly -- I don't think anyone would think that a
15 7-million-person population would purposely self-report
16 everything as a low priority, so it is something that we
17 want to get fixed; and we want those to get those two
18 items that everyone talks about at the meetings in
19 there. But we can do that through a meeting with Judge
20 Emmett and I and then bring that back. It's not
21 important to me how we do that as long as we're able to
22 get that done.

23 COMMISSIONER VANDERGRIF: All right.

24 JUDGE JENKINS: And, again, I don't want
25 this to be misinterpreted as anything but pleasure with

1 TxDOT that they're taking on this freight issue and the
2 work they've done on it. And this will give our Chamber
3 of Commerce and the people that served as advisors to
4 that group an opportunity to also look at the documents
5 as well.

6 COMMISSIONER VANDERGRIFF: Okay. Well,
7 with that, Chairman, I won't offer the amendment. The
8 Judge is appropriately satisfied with the Department's
9 reaction to that. So I appreciate your comments, Judge.
10 And, again, it was, in my mind, a self-reporting issue.
11 So it was really a no-harm, no-foul issue to correct it.
12 But as long as we'll go do that, I'll be fine with that.

13 JUDGE JENKINS: Thank you so much.

14 COMMISSIONER VANDERGRIFF: And last, but
15 not least, the Judge was correct that the judges in the
16 district that are interested in projects that were
17 ranked a low priority, they might very well hang him for
18 making sure -- if it doesn't get adjusted; and I want to
19 make sure that doesn't happen.

20 JUDGE JENKINS: Yeah, we don't want to
21 get me hung, right?

22 (Laughter.)

23 JUDGE JENKINS: Well, thank y'all so
24 very, very much for your work.

25 CHAIRMAN LEWIS: Thank you.

1 Any other questions for the judge at this
2 time?

3 (No response.)

4 CHAIRMAN LEWIS: If not, Marc and
5 Director Mays, if you will, come back to the podium.

6 Thank you, Judge. Appreciate it very
7 much for you coming back again.

8 Any other questions for Director Mays or
9 Deputy Director Williams at this time?

10 (No response.)

11 If not, Commissioner Vandergriff, do you
12 have a motion to adopt the Texas -- I'm sorry. I'm
13 running ahead of myself. Very sorry.

14 We did have some cards. Thank you for
15 bringing that to my attention. We do have some
16 additional cards.

17 I'll introduce to the Commission Michael
18 Morris, who may be known to a few of you.

19 And after stating your name and who
20 you're here representing, please give us the benefit of
21 your thoughts.

22 MR. MORRIS: Michael Morris,
23 Transportation Director of the MPO in Dallas/
24 Fort Worth.

25 I just want to take a minute,

1 Mr. Chairman.

2 I wanted to congratulate you, James, on
3 your new post.

4 But I just want to brag on TxDOT here for
5 a moment. Caroline Mays, I don't know, four or five
6 years ago, "I think I'm going to do something in
7 freight" and watching it grow and her hard work, echoing
8 Commissioner Vandergriff's position. I happened to be
9 here for other business when Judge Emmett was here and
10 she, presenting it. I've been bragging about TxDOT's
11 freight plan ever since, Commissioner Moseley. It is
12 really cool. I don't think you realize how cool it is.

13 But I want to brag about how hard
14 TxDOT -- the work of Judge Emmett giving so much of his
15 time to this state, Judge Jenkins and others of their
16 time to this. Not only the MPOs -- I can speak for them
17 a little bit, at least my own -- I think if you go ahead
18 and approve this, you are going to send to the
19 transportation community of this state how serious you
20 are about transportation.

21 Today should be echoed not just about
22 congestion relief and connectivity and other things that
23 Commissioner Bugg has brought; but if you approve this
24 particular plan, you're telling the transportation
25 community of this state how serious you are with regard

1 to this particular topic.

2 Let me end with a connection of a few
3 dots. You have now a new Federal bill with new emphasis
4 on freight, finally, after 20 years of conversation to
5 our congressional partners. You, hopefully, will have a
6 new state freight plan. You have HB 20 performance
7 measures and the integration of, hopefully, the
8 importance of freight in the decisions we make on
9 transportation projects so you can fund freight not just
10 through a freight initiative; we can fund freight
11 through other things that we do, like the Interstate 35
12 project that, hopefully, you'll approve in February.

13 But as you advance Proposition 7 and
14 other programs if, in fact, you approve this today, with
15 the hard work of TxDOT and volunteers from across the
16 state, I want the echo to go out to the transportation
17 community how serious you are in the fact that you now
18 can deliver transportation projects in a half a dozen
19 innovative ways to approve freight not only in our
20 state, across to Mexico, and in the United States. It
21 will be a huge success for TxDOT if you move forward.

22 Thank you for the opportunity to give you
23 comments.

24 CHAIRMAN LEWIS: Thank you very much,
25 sir.

1 Any questions of Director Morris?

2 (No response.)

3 CHAIRMAN LEWIS: Thank you for coming
4 forward and for all of your work on many of our
5 committees.

6 We have Maureen, I think it's Crocker.
7 Did I get that right?

8 MS. CROCKER: Yes, it is.

9 CHAIRMAN LEWIS: Please come forward.
10 State your name and who you're here representing, and
11 give us the benefit of your thoughts.

12 DIRECTOR CROCKER: Good morning,
13 Commissioners and Mr. Bass. Thank you for the
14 opportunity to speak.

15 My name is Maureen Crocker. I am
16 Executive Director of the Gulf Coast Rail District in
17 the Houston region; and I'm speaking on behalf of
18 Chairman Burt Keller and the Board who sent me here to
19 commend TxDOT on this plan and to speak in support of
20 it.

21 The TxDOT staff has put incredible effort
22 into putting this together, as you've already heard; and
23 much like Commissioner Bugg's outreach, they've done a
24 lot of outreach. And we know in Houston that they've
25 actually listened, and we've been heard.

1 One of the things that this plan
2 highlights is the need for improvements at at-grade
3 crossings and particularly in Houston in the port area.
4 And it's not just an improvement for freight mobility
5 when you address grade crossing; but as Commissioner
6 Austin said, it's a safety improvement. Commissioner
7 Moseley knows that. He's doing a lot of work on safety.
8 And it's very important to both the rails and the
9 roadway drivers.

10 And it's also a congestion issue. A lot
11 of vehicles and trucks, in particular, in the port area
12 get stuck at some of these grade crossings, waiting for
13 trains to pass. So addressing them is going to bring a
14 lot of benefits to the state and to the Houston region.

15 So just kind of -- we did submit detailed
16 comments and I'd like to take one highlight from what we
17 submitted and it's really a direct quote from the
18 freight plan that's appropriate today with all the
19 discussion about congestion and freight. "The
20 population and growth trends highlight the need to
21 explore development and investment in modes other than
22 highways to move both freight and people in the future
23 for Texas to continue to be economically competitive."

24 And like Michael Morris just said,
25 approving this is really going to take Texas a long way

1 in transportation and in keeping things moving.

2 Thank you.

3 CHAIRMAN LEWIS: Thank you.

4 Any questions of Executive

5 Director Crocker at this time?

6 (No response.)

7 CHAIRMAN LEWIS: Thank you so much for

8 coming forward.

9 And let's see. Don Dixon.

10 If you'd please come forward and state
11 your name, and then give us the benefit of your thoughts
12 on this topic.

13 MR. DIXON: Thank you, Commissioner.

14 My name is Don Dixon.

15 I didn't have the map with me. It's a
16 Texas map showing the -- showing the lack of mobility in
17 a diagonal manner. This should be a freeway running
18 from San Marcos, College Station, Buffalo, Palestine,
19 Marshall; pick up I-69. You can see that there's huge
20 bottlenecks on 35 here in Austin, Temple, and Dallas. A
21 freeway here would bypass those bottlenecks.

22 21 between San Marcos and Bastrop is a
23 disaster. Much of it is only two lanes. This is the
24 OSR, a highway that's 300 years old. And to look at it
25 between San Marcos and Bastrop, you'd think we hadn't

1 done anything to it because it's two lanes and no
2 shoulders or anything.

3 So this needs to be a freeway in order to
4 relieve congestion, improve safety and connectivity for
5 a diagonal route. So please consider this. Whether it
6 is used for freight or not -- although there are many,
7 many freight users on this route -- it needs to be done
8 for the safety of the people of Texas.

9 Thank you so much.

10 CHAIRMAN LEWIS: Thank you so much, sir.

11 If there are no further comments or
12 questions from the Commissioners... And we have no
13 further cards.

14 Commissioner Vandergriff, do you move
15 that we adopt the Texas Freight Mobility Plan --

16 COMMISSIONER VANDERGRIFF: So moved,
17 Chairman.

18 CHAIRMAN LEWIS: -- in accordance with
19 staff's recommendations?

20 And, Commissioner Bugg, do you second.

21 COMMISSIONER BUGG: I second.

22 CHAIRMAN LEWIS: We have a motion and a
23 second. If there's no discussion, we'll proceed to a
24 vote. All in favor say aye.

25 (Chorus of "Ayes.")

1 CHAIRMAN LEWIS: Any opposed no.

2 (No response.)

3 CHAIRMAN LEWIS: All right. Thank you.

4 I'll turn it back over to you,

5 Director Bass.

6 EXEC. DIRECTOR BASS: Consideration of
7 Item 6 A is being deferred today.

8 So we will move to Item 6 B, which
9 concerns the authorization for an interoperability
10 agreement. It will be presented by Toll Operations
11 Division Director Rick Nelson.

12 DIRECTOR NELSON: Thank you, Chairman,
13 Commissioners, Director Bass.

14 For the record, my name is Rick Nelson,
15 I'm the Director of Toll Operations Division for TxDOT.

16 So for your consideration, we have a
17 Minute Order that we would like you to approve that
18 gives the Department the authority to sign an agreement
19 for interoperability with Kansas and Oklahoma, and all
20 of Texas toll agencies. This is toward our goal of
21 meeting the MAP-21 Federal legislation that requires
22 national interoperability for toll roads.

23 It also sets up an international -- or
24 I'm sorry -- an interoperable committee that includes
25 all the RMAs and the toll authorities in the state and

1 governance in how we'll operate back offices in the
2 state.

3 So if you have any questions, I'd be glad
4 to answer them for you.

5 CHAIRMAN LEWIS: Any questions of
6 Director Nelson, at this time?

7 Commissioner Austin.

8 COMMISSIONER AUSTIN: I would just say
9 thank you for your work on this, and I know implementing
10 MAP-21 is very important. There are some penalties if
11 we don't implement this by the fall; and I think Texas
12 is going to be a leader, especially working with the
13 states.

14 The real winner in this is going to be
15 the consumer of being able to have improved billing,
16 improved connectivity, being able to use their tags
17 going in and out of other states. But also working
18 with -- I know we've had folks here from Cameron
19 County -- working down there with freight, the
20 international bridges. So we're going to have better
21 interoperability with our tags.

22 So thank you for all your work on this,
23 and this will be very important for a state.

24 DIRECTOR NELSON: Thank you.

25 CHAIRMAN LEWIS: Any other questions or

1 comments?

2 (No response.)

3 CHAIRMAN LEWIS: Then, Commissioner
4 Austin, do you move that we approve -- the Commission
5 approve the Department to enter into an agreement with
6 the other governmental entities related to the
7 interoperability of toll collection systems in
8 accordance with the recommendation?

9 COMMISSIONER AUSTIN: So moved.

10 CHAIRMAN LEWIS: And, Vice-Chair Moseley,
11 do you second?

12 VICE-CHAIR MOSELEY: Second.

13 CHAIRMAN LEWIS: We do have a motion and
14 a second. If there's no further discussion, we'll
15 proceed to vote.

16 All in favor say aye.

17 (Chorus of "Ayes.")

18 CHAIRMAN LEWIS: Any opposed say no.

19 (No response.)

20 CHAIRMAN LEWIS: Thank you, sir.

21 DIRECTOR NELSON: Thank you.

22 CHAIRMAN LEWIS: Appreciate it.

23 EXEC. DIRECTOR BASS: Next we have
24 Item 7, Aviation Grant Funding. Our Aviation Division
25 Director, Dave Fulton, will present.

1 DIRECTOR FULTON: Thank you, James.

2 This Minute Order contains a request for
3 grant funding approval for three airport improvement
4 projects. The total estimated cost of the request, as
5 shown in Exhibit A, is approximately \$8.7 million:
6 Approximately \$7 million in federal funds; 800,000 in
7 state funds; 900,000 in local funds. Public hearing was
8 held on December 18th. No comments were received. We
9 would recommend approval of this Minute Order.

10 CHAIRMAN LEWIS: Any questions of
11 Director Fulton at this time?

12 (No response.)

13 CHAIRMAN LEWIS: We do have some cards
14 for testimony. We'll begin with, let's see, it's Hugh
15 Norris.

16 Please come forward, sir. You have three
17 minutes, and I'll let you know when your time has
18 expired. And you'll need to state your name and who
19 you're here representing, if you're representing a
20 group.

21 MR. NORRIS: Thank you, Mr. Chairman,
22 Members of the Commission.

23 Congratulations to you, Mr. Bass, for
24 your appointment. Based on your experience and
25 dedication, we know you're going to do an outstanding

1 job.

2 Members of the Commission, my name is
3 Hugh C. Norris, Jr. I'm a resident of the City of
4 Georgetown. I'm here today with two of my colleagues
5 from a group we have that's called Airport Concerned
6 Citizens of Georgetown. We speak not only for ourselves
7 but on behalf of all the others within the city limits
8 and outside the city who support our positions of
9 opposition to the continued expansion of the Georgetown
10 Municipal Airport or GTU.

11 We all live within an area of about
12 12 and a half square miles that the City designated
13 years ago as an area of sensitive safety and noise
14 sensitivity.

15 Over the last -- this Minute Order that
16 is being proposed today for Georgetown involves two
17 specific federal funding actions. One is for a 25-
18 project program which has already been designated as
19 1514 GRGTM. The second is a master plan update for a
20 20-year additional master planning for the GTU;
21 presumably that number will be 1614 GRGTM.

22 The GTU has, over the last 37 years, been
23 the recipient of 20 separate federal funding actions.
24 Those federal funding actions have resulted of over
25 \$31 million of improvements pouring onto the GTU of

1 those that are completed, of those that underway but not
2 yet completed, and those that are planned and in the
3 pipeline.

4 Let me pause for a moment and say that
5 the first rule and responsibility of local government is
6 to protect your own people from harm, and this is the
7 bedrock for Congress passed the Environmental Policy Act
8 in 1969.

9 It simply said to all agencies disbursing
10 federal funds: Do no harm. Find out before you take
11 funds and go into a local area whether or not your
12 action is going to result in harm, adverse impacts; and
13 do it before you spend the money. And do it in a
14 process that's called environmental statement --
15 Environmental Impact Statement, an EIS.

16 If you're not really sure whether or not
17 there's going to be any adverse impacts, then proceed
18 with an Environmental Assessment, an EA. Properly
19 present it of what you intend to do in the community and
20 see whether or not you have objections from the
21 community. If you do, then move to an EIS.

22 In the 37 years and 20 separate federal
23 funding actions, there's never been a single EA or EIS
24 for any completed project, not one.

25 We have recently finished the process for

1 an Environmental Assessment for one of the 25 projects
2 of 1514 GRGTM, one of the 25. This project, this
3 Federal funding action by itself is the largest single
4 Federal grant proposal in the whole 37 years of funding
5 for the GTU.

6 We have -- and the reason why we know
7 that there hasn't been any EAs and EISs is not just
8 because of the records that we have asked for
9 repetitious through ORRs; it's because we know they
10 were done by category exclusions. A category
11 exclusion, without me being too elaborate -- and I'm not
12 a lawyer -- simply says that if you have a project
13 agency that you want to do and it fits within a
14 category, that you have it as being shown over time not
15 to produce adverse impacts, then you don't have to do a
16 NEPA review. Every one of these 20 actions so far has
17 been categorically excluded.

18 The ACC has presented objections to this
19 action and this procedure. We have filed actions with
20 higher federal authorities questioning this practice.
21 Those issues are not yet resolved by the Federal
22 authorities.

23 But you can resolve it. You can resolve
24 it this morning because if you will postpone this action
25 on the Georgetown projects, those two Federal funded

1 actions pending the completion of the preparation of an
2 Environmental Impact Statement, you will clear the air.
3 You will simply clear the air of all of our opposition
4 on category exclusions, on the finding of no significant
5 impact that was recently released on the fuel -- this
6 was the one of the 25 --

7 CHAIRMAN LEWIS: Mr. Norris, if you will,
8 please conclude your remarks.

9 MR. NORRIS: Yes, sir. I'll step aside
10 and let my colleagues -- my request to you as a part of
11 my presentation, Mr. Chairman, Commission, please all we
12 ask is you don't -- you don't have to agree not to do an
13 MO. What we're asking for is: Postpone that action
14 until the completion of an EIS process, and that will
15 clear the way for your appropriate action.

16 Thank you very much.

17 CHAIRMAN LEWIS: Thank you for coming
18 forward, sir.

19 Wendy -- is it Dew? Please come forward;
20 and I'll let you know when your three minutes have
21 expired. Thank you for coming forward. State your name
22 and who you're here representing, and proceed.

23 MS. DEW: I'm Wendy Dew, and I'm with the
24 ACC. And thank you for having me. Thank you.

25 We all -- I'm a new resident in

1 Georgetown. We've been there about a year and a half.
2 And we moved there to get away, to have it quiet, nice
3 and have some open air and open spaces and, you know, to
4 get out of the city. And we looked all over around
5 everywhere, trying to decide where to move; and we
6 decided that Berry Creek is a wonderful little area.
7 And we love it. And we spent a year remodeling our
8 house, redoing our backyard because we planned to stay
9 there for the rest of our lives.

10 Well, for the first year it wasn't so
11 bad, you know. Actually, the first eight months wasn't
12 so bad; but after that, all of a sudden, these big old
13 planes are coming right over my house. And it's so
14 loud, I have a deaf dog; and it makes her just bark her
15 little head off. She can't hear it, but she can feel
16 it. I can feel it. It almost sucks the shingles off
17 your roof, you know; but the only good thing is it
18 knocks the leaves off the roof.

19 So, anyway, I just saying these planes
20 are big and they're noisy and they're going to be about
21 every five minutes if this goes through. I mean, there
22 are so many discrepancies in what everybody saying that
23 they're doing and how it's being handled that it's hard
24 to know how to feel. I'm really confused about the City
25 just telling the residents, "We're not expanding the

1 airport. We're not doing anything of the kind. We're
2 just kind of making it nicer."

3 Well, yes, they are expanding the
4 airport; and they've been doing it for a long time. You
5 don't put \$31 million into an airport and not do some
6 type of expansion. They've been lengthening runways.
7 They've been doing all kinds of things that are
8 expansion things at the airport, and they're not getting
9 input from the public. They're not telling people.
10 They're just kind of sneaking it in and that's wrong and
11 it's illegal. They shouldn't be allowed to do this.

12 I spent the whole day yesterday reading
13 your aviation section of your DOT website, and how
14 interesting. Anyway, on your own website it says that
15 you're going to -- what you require and what your
16 guidelines are; but I don't see any of it being
17 followed. So who's in charge to make sure that this is
18 being done?

19 And I don't know if you've been to
20 Georgetown lately. But, I mean, if you really drive
21 around there, there's some beautiful homes; and there's
22 some beautiful communities. And it should be able to
23 stay that way.

24 We have no problem with the airport as it
25 is, but we do have problems with the expansion plans

1 that they're planning to do. And even on the City
2 website, they say that -- you know, the first little
3 part, you know, we "blah, blah, blah" and all along
4 about what they're not doing. I even heard a little
5 harp music for a minute there. And then you get down to
6 the part where they go --

7 CHAIRMAN LEWIS: And let me ask you to
8 conclude your marks. If you'll sum up, please.

9 MS. DEW: Pardon me?

10 CHAIRMAN LEWIS: If you'll sum up your
11 remarks, please.

12 MS. DEW: Yeah.

13 But, anyway, they say that once this is
14 done, that the City has absolutely no control over how
15 much traffic comes into that airport, in and out, 24/7.
16 Right now we're not getting night traffic because they
17 don't have the lights in. But once that happens, they
18 have full-fledged, all-day/all-night; and they're
19 bringing in some big planes because they're
20 strengthening the runways to accommodate that. Why
21 would that be allowed when 60,000 people live around
22 that airport? Why is this being allowed?

23 For the money they've put into -- I mean,
24 into the airport so far, they could have built another
25 airport; and there's no reason why that couldn't be

1 moved if they needed to. If they sold that property to
2 a developer -- even on the tax assessment, it's around
3 \$75 million. If you can't build an airport with that
4 kind of money, you might as well throw in the towel.
5 You know, why aren't there other options being looked
6 at?

7 And the people of the community of
8 Georgetown have been fighting the improvement of this
9 airport for 25 years, and not one person will listen to
10 the people. I --

11 CHAIRMAN LEWIS: Thank you, ma'am. I'll
12 need you to conclude your remarks at this time.

13 MS. DEW: Okay.

14 CHAIRMAN LEWIS: All right. Thank you
15 very much.

16 MS. DEW: You bet. Thank you.

17 CHAIRMAN LEWIS: Let's see. We have
18 another card from John Milford.

19 MR. MILFORD: That's me.

20 CHAIRMAN LEWIS: Mr. Milford, please come
21 forward. State your name and who you're here
22 representing, and give us the benefit of your thoughts.
23 I'll let you know when you're three minutes have
24 expired.

25 MR. MILFORD: Good morning, Mr. Chairman

1 and Ladies and Gentlemen. I'm not sure I can add much
2 to all this. I think we've covered about it all.
3 However, I do want to add in my perspective.

4 I've lived in Georgetown near the airport
5 in a development called Seranota for 33 years. I raised
6 my family there. And I have seen this airport come from
7 what it was when we moved there, which was basically a
8 small airport with Piper Cubs and small planes flying
9 out. No problem.

10 But over years I've seen it advance.
11 I've seen the runway extended a thousand feet. I've
12 seen them build a control tower and numerous other
13 improvements, including an air show that was very
14 dangerous to our community and was only canceled because
15 an aircraft crashed into one of my neighbor's home; but
16 during all of that, the City of Georgetown was adamant
17 that they were going to keep it as it was.

18 And so here we are now all these years
19 later, 33 years in my case; and Georgetown is applying
20 for federal funds again to do what they call maintenance
21 work and safety work. But it's really a development
22 project that is between TxDOT Aviation and the City of
23 Georgetown to improve the airport; and by doing all
24 these improvements, they are bringing in -- and they
25 will bring in bigger and larger planes, which are

1 already coming.

2 And I was just standing out in the yard
3 just yesterday; and the noise sometimes is so -- loud I
4 live a half mile away -- it is -- you can't carry a
5 conversation on sometimes out there. And they seem to
6 be doing it without regard to what happens to all of us
7 citizens without input to all of us. And what Carl had
8 mentioned earlier, the use of category exclusion has
9 been a vehicle to avoid any kind of scrutiny.

10 Well, what needs to happen is this entire
11 development project needs to be looked at from a whole
12 perspective to look at what is happening to the
13 community and evaluate it for the effects on the
14 community. So that's what I ask, that you delay
15 funding, delay any kind of funding at all for these
16 projects until a proper assessment has been done to
17 fairly evaluate what's happening to the community. The
18 environment is more than snails and frogs; it's people,
19 too. And we are being truly affected by this right now.

20 So thank you very much.

21 CHAIRMAN LEWIS: Thank you.

22 We have a card from Jim Briggs.

23 Mr. Briggs, please come forward, state
24 your name and who you're here representing; and give us
25 the benefit of your thoughts.

1 MR. BRIGGS: Thank you, Mr. Chairman,
2 Members of the Commission, Executive Director.

3 It's a pleasure to be here today. I
4 bring you greetings from Mayor Ross and the Georgetown
5 City Council. Unfortunately, they could not be here
6 today. They're hosting an open house in Sun City and
7 that tends to be a location that does have a lot of
8 influence and carries a lot of weight with the Council.

9 I do want to bring you information
10 relative to the Georgetown position on this. We support
11 this measure to move forward. In 2015 the Georgetown
12 Municipal Airport turned 70 years old. The airport
13 plays a critical role in general aviation reliever
14 airport status, relieving the general aviation pressure
15 off the Austin-Bergstrom Airport.

16 This is a shovel-ready project. City
17 elected officials support all elements of the project.
18 Engineering design is complete. FAA required
19 environmental review is also complete. The City's 10
20 percent cost share is in the bank and has been
21 authorized to proceed to TxDOT upon approval of this
22 measure. The project is ready to bid, and it has FAA
23 approval.

24 The city elected officials support the
25 airport improvement project, and in October of 2014 they

1 voted to approve the City's cost share of this project.
2 In March of 2015 the Council voted authorizing the debt
3 financing to go ahead and fund this.

4 The City of Georgetown not only met but
5 exceeded the public participation requirements for
6 environmental review. Three different public
7 participation opportunities were held for the public to
8 comment.

9 Planned airport projects for this project
10 include the removal of a 25-year-old, in-the-ground fuel
11 storage tank and fuel system; pavement maintenance to
12 taxiways and aprons; changing taxiway design to meet
13 current FAA guidelines; and adding edge lining to
14 existing taxiways to improve the safety of airplanes
15 taxiing during low-light conditions.

16 Since this is the Transportation
17 Commission, I do know that you are quite aware of
18 pavement design and other things, as engineers and
19 whatnot will bring before the Commission. The most
20 recent pavement maintenance was completed almost 18
21 years ago. Eighteen years of asphalt pavement is not a
22 proper maintenance plan. Certainly that is one element
23 that does concern us.

24 The entire project is designed for the
25 air traffic currently using the airport, and these

1 improvements conform to the currently-approved master
2 plan. And that master plan is in need of update; and we
3 are in the process of this endeavor to be able to make
4 that master-plan update, which will, again, constitute
5 lots of public input and public meetings in that
6 process.

7 The forthcoming improvements will ensure
8 the airport continues to function in its current
9 capacity; and the project adds improvements for safety
10 of airport users, environment of the Edwards Aquifer,
11 and maintaining existing airport infrastructure to
12 continue the service as designed.

13 We suggest and recommend approval by the
14 Commission of this endeavor, and we support this at the
15 Georgetown City Council level.

16 Thank you.

17 CHAIRMAN LEWIS: Thank you, Mr. Briggs.

18 Those are all of the comment cards we
19 have.

20 Director Fulton -- let me ask this: Any
21 other questions of Director Fulton?

22 Yes, Commissioner Austin.

23 COMMISSIONER AUSTIN: Dave, thank you for
24 everything that you do for aviation. I have just a
25 couple of general questions to make sure we understand

1 this. Our project description says this is a pass-
2 through grant that we're doing. It has for pavement,
3 electrical improvements, and prepare an airport master
4 plan, an update to the airport master plan. Is this for
5 expansion?

6 DIRECTOR FULTON: Not in any way. If you
7 will permit --

8 COMMISSIONER AUSTIN: Absolutely.

9 DIRECTOR FULTON: -- I will address a
10 couple of points that were issued.

11 Originally, moving the airport, on
12 January 14th, Mr. Norris sent a letter to the mayor and
13 City Council with a recommendation to move the airport.
14 On March 25th of 2014 the City Council voted to leave
15 the airport at its current location.

16 Mr. Norris filed a complaint with the
17 FAA. This is requesting an Environmental Impact
18 Statement. On August 28th of 2015, FAA responded with a
19 seven-page letter, which I will not read; but in a
20 synopsis, the FAA response is: No EIS is required. FAA
21 recommends community engagement. There is no legal
22 basis for compelling airport to relocate or anything
23 that would limit its safety, accessibility,
24 appropriately -- I'm sorry -- or utility. FAA rejects
25 the request for an audit. TxDOT is appropriately and

1 adequately addressing relevant environmental impacts.

2 COMMISSIONER AUSTIN: The last question,
3 what was just reported, the reports that the City has
4 done and had some engagement, reaching out.

5 DIRECTOR FULTON: FAA pointed out in
6 their letter that it was not mandatory, but they just
7 suggested. Due to that, the City convened a public
8 hearing on December 9th; and those comments were
9 included in the draft Environmental assessment that led
10 up to the finding of no significant impact.

11 CHAIRMAN LEWIS: Yes, Vice Chair Moseley.

12 VICE-CHAIR MOSELEY: Are you involved in
13 approving or disapproving the size of aircraft that land
14 at this airport?

15 DIRECTOR FULTON: No. The airplanes that
16 are allowed -- that can land there, it is the pilot's
17 decision; and he accepts responsibility that an airport
18 is adequate for his means. And he takes that
19 responsibility.

20 We certainly design it for a certain
21 class of airplanes that are -- can be accommodated,
22 but --

23 VICE-CHAIR MOSELEY: But the design that
24 was pointed out is the same design; it's just an update
25 of an 18-year asphalt resurfacing, I mean?

1 DIRECTOR FULTON: I believe the last
2 expansion of a runway there was 1991. Is that correct?

3 VICE-CHAIR MOSELEY: But we're not change
4 the design; we're just going back and --

5 DIRECTOR FULTON: It's an old military
6 strip that was completed in 1945 and it has multiple
7 runways and we're taking out an old runway that --
8 taxiway that needs to be replaced and replacing it with
9 a modern, parallel taxiway.

10 And the other part of the project is to
11 remove this old, underground storage facility and put in
12 an above-ground -- we go above ground in aviation now.
13 It makes it much safer and much more visible to leakage.

14 So those are the two parts of the
15 project.

16 VICE-CHAIR MOSELEY: If there were
17 questions about the size of the aircraft or the number
18 of aircraft, would those questions go to the City Hall;
19 or where would one take those questions?

20 DIRECTOR FULTON: Well, they really
21 should go to the City.

22 You know, I think that's what led
23 probably to the environmental issue. We had got an
24 e-mail from Mr. Norris on February 14, 2015. He says,
25 "It is not our desire to engage in NEPA issues with your

1 agency and the City, but continued indifference to our
2 pleas leaves us no other choice."

3 VICE-CHAIR MOSELEY: Thank you.

4 CHAIRMAN LEWIS: Commissioner Austin.

5 COMMISSIONER AUSTIN: Dave, I have one
6 other question kind of related but a little different.

7 It was mentioned with this grant, the one
8 in Georgetown, they have a 10 percent match in there.
9 What is typical? What is a typical match? Are they
10 always 10 percent, or do some require 20 or 5?

11 DIRECTOR FULTON: Typically all the major
12 capital improvement projects on general aviation
13 airports, the Federal funding is eligible not to exceed
14 90 percent. So typically they are 90 percent Federal
15 and 10 percent local.

16 COMMISSIONER AUSTIN: And with that
17 match, when a grant is applied for, does the
18 municipality or the airport have to prove that they have
19 those funds in there or --

20 DIRECTOR FULTON: They send us a
21 resolution by the City Council stating that they want
22 this project and that they have their funds available.

23 VICE-CHAIR MOSELEY: The reason I'm
24 asking, yesterday we had a -- you know, we facilitate
25 grants for transit, rail, aviation. And while it comes

1 through -- if the match for the grants, if they don't
2 have available or maybe they were paid out, sometimes
3 they could, in theory, come to the state infrastructure
4 bank; but our SIB does not allow for loans like this. I
5 think you kind of answered my question that most of
6 these folks already have their match set aside and ready
7 to go.

8 DIRECTOR FULTON: We explored the SIB
9 idea with the Executive Director years ago when he had a
10 different job, and he informed us that there was no
11 money available there. Right, James?

12 EXEC. DIRECTOR BASS: Right.

13 COMMISSIONER AUSTIN: If a SIB was either
14 created or expanded authority, could that help the
15 airports in the state build, to help with improvements
16 or expansion, et cetera?

17 DIRECTOR FULTON: You know, to be very
18 candid, it is very rare that we ever lose a project for
19 lack of local funding. We plan our projects out three
20 to five years in advance, and the community starts
21 planning. And I think it's important enough to them
22 that they seem to always come up with the money. So I
23 can't think of a project -- do you know of any projects
24 that we have lost due to a lack of -- they'd certainly
25 love to have -- and it is tough sometimes, but it is a

1 grant for their airport. And 90 percent is a pretty
2 good deal.

3 COMMISSIONER AUSTIN: Thank you very
4 much, Dave.

5 CHAIRMAN LEWIS: Any other questions or
6 comments?

7 (No response.)

8 CHAIRMAN LEWIS: If not, Commissioner
9 Austin, do you move to award the funding to the various
10 locations airport improvement projects in accordance
11 with the staff's recommendation?

12 COMMISSIONER AUSTIN: So moved.

13 CHAIRMAN LEWIS: Vice-Chair Moseley, do
14 you second?

15 VICE-CHAIR MOSELEY: Second, Chairman.

16 CHAIRMAN LEWIS: We have a motion and a
17 second. If there's no further discussion, we'll proceed
18 to a vote. All in favor say aye.

19 (Chorus of "Ayes.")

20 CHAIRMAN LEWIS: Any opposed no.

21 (No response.)

22 CHAIRMAN LEWIS: It's adopted. Thank
23 you.

24 EXEC. DIRECTOR BASS: Next we have
25 Item 8(a)1, which is final adoption of rules to

1 Chapter 9 which concern contract and grant management.
2 Right-of-way Interim Division Director Gus Cannon will
3 present.

4 INTERIM DIRECTOR CANNON: Thank you,
5 Director Bass.

6 I'm Gus Cannon, the Interim Director of
7 the Right-of-Way Division.

8 For your consideration today, I'm
9 presenting Item 8(a)1, which provides for the final
10 adoption of amendments to 43 Texas Administration Code,
11 Chapter 9(f), entitled Contracts for Scientific, Real
12 Estate Appraisal, Right of Way Acquisition, and
13 Landscape Architectural Services.

14 Specifically, we're addressing the real
15 estate appraisal and the right-of-way acquisition
16 portion of the rules under definitions 9.81, Notice and
17 Letter of Interest and 9.83; 9.85, Evaluation and 9.87,
18 Selection; and finalize with 9.89, Qualification
19 Requirements for Appraisers. These all relate to
20 contract and grant management tools to increase our
21 capacity.

22 These amendments respond to the
23 identified need to secure adequate capacity in the
24 contracting for professionally, timely, cost effective,
25 transparency in the Department's contracting with

1 professional real estate appraisers and right-of-way
2 acquisition services.

3 The Commission, by Minute Order 114392,
4 dated October 29, 2015, proposed the amendments. No
5 comments were received.

6 I'm pleased to answer any questions you
7 might have.

8 CHAIRMAN LEWIS: Are there any -- yes,
9 Commissioner Austin.

10 COMMISSIONER AUSTIN: I have a question.
11 I know in the past we've talked about different
12 appraisers where some of the contractors may be coming
13 from Victoria to do something in Tyler.

14 INTERIM DIRECTOR CANNON: Correct.

15 COMMISSIONER AUSTIN: We are preventing a
16 lot of that?

17 INTERIM DIRECTOR CANNON: That's one of
18 the primary applications of the rule changes. This will
19 open it up to all general and residential real estate
20 appraisers across the state. So we hope that it will
21 minimally quadruple, if not quintuple, the availability
22 of certified appraisers.

23 COMMISSIONER AUSTIN: Well, and I think
24 that's good to the -- that will help the process to
25 those that are either acquiring from or disposing. And

1 let me use an example. We're disposing of a lot of
2 property as well that we don't need, and that's a
3 different type of an appraisal. It's not an eminent
4 domain. It's a disposition appraisal; and I think in
5 the past we've been using -- the way the contract and
6 everything was written, eminent domain appraisals for
7 the process for dispositions of real estate, right?

8 INTERIM DIRECTOR CANNON: That's right.

9 COMMISSIONER AUSTIN: This will
10 correct --

11 INTERIM DIRECTOR CANNON: Yes, sir. It
12 will open up a precertification at no cost to these
13 appraisers and allow them to get on the list to appraise
14 these properties without having to deal with the eminent
15 domain aspect of it unless they choose to do so.

16 COMMISSIONER AUSTIN: Well, thank you. I
17 know this is a tedious process, something small; but it
18 is a big deal to those that may be acquiring or what
19 have you. So thank you very much for y'all addressing
20 this.

21 And thanks to our legal team. I know
22 this has been pretty detailed as well.

23 Thank you.

24 CHAIRMAN LEWIS: Any other questions?

25 (No response.)

1 CHAIRMAN LEWIS: If not,
2 Commissioner Bugg, do you move that we approve the
3 final -- move to final approval of the amendments in
4 accordance with staff's recommendation?

5 COMMISSIONER BUGG: So moved.

6 CHAIRMAN LEWIS: Commissioner
7 Vandergriff, do you second.

8 COMMISSIONER VANDERGRIFF: Second.

9 CHAIRMAN LEWIS: There being no further
10 discussion, I'll call for a vote.

11 All in favor say aye.

12 (Chorus of "Ayes.")

13 CHAIRMAN LEWIS: Any opposed no.

14 (No response.)

15 CHAIRMAN LEWIS: The motion carries.
16 It's long overdue, and we're happy to have it.

17 EXEC. DIRECTOR BASS: Now we have
18 Item 8a(2), which is final adoption of new sections to
19 Chapter 30 which concern Meteorological Evaluation
20 Towers. Once again, Aviation Division Director Dave
21 Fulton will present.

22 DIRECTOR FULTON: Again, my name's Dave
23 Fulton, Director of the TxDOT Aviation Division.

24 This item is for final adoption of
25 proposed new rules to implement Senate Bill 505, 84th

1 Legislature. The rule establishes the Department as the
2 registrant for Meteorological Towers, short name METS,
3 meeting the definition found in Transportation Code.

4 Prior to selecting a geographical
5 location for wind-energy generating turbines, small
6 towers are erected and equipped with sensors designed to
7 collect weather data. These data are then used to
8 determine if the location has adequate potential to make
9 the construction of wind turbine generators economically
10 viable.

11 The increasing prevalence of METS has
12 caused concern for the National Transportation Safety
13 Board and Federal Aviation Administration. Because the
14 METS are typically less than 200 feet tall and located
15 in remote locations, notification to the FAA is not
16 required.

17 Without a means to collect and distribute
18 information on these towers, agricultural operators are
19 unaware of their existence or location. Operators of
20 agricultural, medical response, and pipeline aircraft
21 typically fly at altitudes less than 200 feet above
22 ground level. Because these towers are not mapped or
23 marked for visibility, pilots are unable to see and
24 avoid them.

25 This rule will provide a mechanism to

1 collect and disseminate location information to those
2 aircraft operators and inform owners of METS of their
3 responsibility to paint and mark existing and proposed
4 towers.

5 The Department will establish a Web-based
6 registration and reporting system to easily allow METS
7 owners a means to report tower location information and
8 aircraft operators a means to locate previously
9 unreported towers.

10 An opportunity for public comment on this
11 proposed rule was held. Two comments were received.
12 Both were supportive of the new rule.

13 We would recommend approval of the Minute
14 Order.

15 CHAIRMAN LEWIS: Any questions of
16 Director Fulton on this matter?

17 COMMISSIONER AUSTIN: Dave, this is
18 coming out of -- there was an incident up in North
19 Texas, up near the panhandle a couple years ago that
20 resulted in this legislation, I believe; is that
21 correct?

22 DIRECTOR FULTON: I think there was a
23 trial several years ago, the accident I remember. A
24 family out of San Angelo, their college-educated son
25 moving into the business collided with the guy wires on

1 a tower; and, of course, it killed him. And the reason
2 he couldn't see the guy wires, they had just been
3 replaced.

4 These guys are pretty savvy. They can
5 actually see grass growing up around the base of the
6 wires and they had -- the owner of that tower had just
7 replaced the wires, so they were invisible.

8 The Legislature did not act at that time.
9 This issue was brought back up by, really, the aircraft
10 owners' and pilots' association who took the lead and
11 has done this in several other states to try to protect
12 people flying below 200 feet, basically.

13 COMMISSIONER AUSTIN: Well, thank you.
14 Does your Advisory Committee, do y'all really look and
15 make recommendations?

16 DIRECTOR FULTON: Absolutely. They are
17 totally supportive of this rule and the legislation. We
18 had no involvement in the legislation, but I personally
19 think it's a great idea.

20 COMMISSIONER AUSTIN: Thank you.

21 CHAIRMAN LEWIS: Thank you.

22 If there are no further questions,
23 Chairman Vandergriff, do you move approval of these new
24 sections to Chapter 30 in accordance with staff's
25 recommendations?

1 COMMISSIONER VANDERGRIFF: So moved.

2 CHAIRMAN LEWIS: Vice-Chairman Moseley,
3 do you second?

4 VICE-CHAIR MOSELEY: Second, Chairman.

5 CHAIRMAN LEWIS: We have a motion and a
6 second. If there are no further discussions, we'll
7 proceed to a vote.

8 (No response.)

9 CHAIRMAN LEWIS: All in favor, please say
10 aye.

11 (Chorus of "Ayes.")

12 CHAIRMAN LEWIS: Any opposed no.

13 (No response.)

14 CHAIRMAN LEWIS: The Motion carries.
15 We'll turn it back to our Executive
16 Director.

17 EXEC. DIRECTOR BASS: Next we have
18 Item 8 B, proposed rules to Chapter 9 concerning
19 contract and grant management. Construction Division
20 Director Tracy Cain will present.

21 DIRECTOR CAIN: My notes say good
22 morning, but good afternoon.

23 For the record, my name is Tracy Cain;
24 and I am the Director of the Construction Division.

25 Item 8 B is for promulgation of

1 administrative rules under Title 43 of the Texas
2 Administrative Code. Specifically these are amendments
3 to 9.120, 9.107, 9.11, 9.113, and 9.114. The Minute
4 Order proposes amendments to Chapter 9(g) that modify
5 the definition of an affiliated entity and allow the
6 Executive Director to impose sanctions against a highway
7 improvement contractor whose schedules are not being met
8 due to factors that are within the control of the
9 contractor.

10 The current definition of an affiliated
11 entity under the highway improvement contract sanction
12 rules have proven too vague to be helpful in determining
13 whether an entity should be sanctioned as an affiliate
14 of the sanctioned primary contractor, administrating the
15 sanctioned highlighted need of a better definition for
16 an affiliated entity sufficient to provide adequate
17 guidance to the Executive Director when considering the
18 sanction of an affiliated company.

19 The new criteria for determining whether
20 the entity is an affiliate of the contractor is the same
21 criteria that is provided in the Texas Administrative
22 Code relating to the qualifications for bidders for
23 highway improvement contracts, thus, ensuring conformity
24 between those provisions.

25 Additionally, some recent highway

1 construction projects have indicated that the current
2 rules do not address sanctioning a contractor that
3 regularly fails to meet schedules except for defaulting
4 the contractor.

5 The new amendment provides much-needed
6 flexibility to ensure that highway construction projects
7 are completed in a timely fashion. So changes to the
8 rules that establish the sanction process provided
9 specific criteria for sanctioning late performance to
10 aid the Executive Director when considering the
11 appropriate action to take when confronted with a
12 chronically late performing contractor.

13 Open to any questions.

14 CHAIRMAN LEWIS: Yes,
15 Commissioner Austin.

16 COMMISSIONER AUSTIN: This kind of ties
17 into many things of the things -- Commissioner
18 Vandergriff is working on House Bill 20, accountability.
19 And while we're asking on accountability from the
20 contractors, I think also -- I hope this will address
21 internal accountability because I know we've had
22 instances where it may appear that a contractor may be
23 behind; but they could be waiting on a decision that
24 we're making.

25 And I know this is designed to get

1 everybody to the table to talk about it and work on it;
2 but I hope this doesn't remove our responsibility to the
3 contract, that we live up to our end to make sure that
4 everything happens in a timely manner.

5 And I would say to the contracting
6 community: We want to do our part.

7 And to our team: If we're holding up a
8 process, let us know. I know James Bass wants to know
9 about it, but let us know so we can get this fixed and
10 keep everybody moving.

11 DIRECTOR CAIN: Absolutely. Every
12 contract that's late has a story behind it, and this is
13 addressed for things that the contractor has control of.
14 So we're going to have provisions in there to make sure
15 that it's not ever misused in that way.

16 CHAIRMAN LEWIS: And, again, this is not
17 final adoption, I think, as Commissioner Austin has
18 indicated. This is the first proposal, and you'll put
19 it out for discussion, comment?

20 DIRECTOR CAIN: Yes, sir, possibly March
21 for approval.

22 CHAIRMAN LEWIS: Very good.

23 Any other questions?

24 (No response.)

25 CHAIRMAN LEWIS: If not, Vice-Chair

1 Moseley, do you move to approve the proposed amendments
2 in accordance with staff's recommendations?

3 VICE-CHAIR MOSELEY: So moved, Chairman.

4 CHAIRMAN LEWIS: Chairman Austin, do you
5 second?

6 CHAIRMAN AUSTIN: I'll second.

7 CHAIRMAN LEWIS: We have a motion and a
8 second. If there's no further discussion, we'll proceed
9 to the vote.

10 (No response.)

11 CHAIRMAN LEWIS: All in favor say aye.

12 (Chorus of "Ayes.")

13 CHAIRMAN LEWIS: Any opposed no.

14 (No response.)

15 CHAIRMAN LEWIS: The motion carries.

16 Thank you very much, sir.

17 And we'll go back to the Executive
18 Director.

19 EXEC. DIRECTOR BASS: Next we move to
20 Item 9 A, the Quarterly Investment Report, which will be
21 presented by Interim Chief Financial Officer, Ben Asher.

22 MR. ASHER: Thanks, James. Chairman,
23 Commissioners.

24 For the record I'm Ben Asher, and I'm
25 serving as the Interim Chief Financial Officer here at

1 TxDOT.

2 This item is to consider acceptance by
3 the Commission of the Quarterly Investment Report for
4 the period ending November 30th for the Central Texas
5 Turnpike System and funds related to prepaid TxTag
6 custodial account.

7 Staff recommends approval, and I'd be
8 happy to answer any questions.

9 CHAIRMAN LEWIS: Are there any questions
10 at this time of our CFO, Ben Asher?

11 (No response.)

12 CHAIRMAN LEWIS: If there are none, then
13 Commissioner Austin, do you move that we accept the
14 Quarterly Investment Report?

15 COMMISSIONER AUSTIN: So moved.

16 CHAIRMAN LEWIS: And, Commissioner Bugg,
17 do you second.

18 COMMISSIONER BUGG: I do.

19 CHAIRMAN LEWIS: We have a motion and a
20 second. If there's no further discussion, I'll call for
21 a vote.

22 (No response.)

23 CHAIRMAN LEWIS: All in favor say aye.

24 (Chorus of "Ayes.")

25 CHAIRMAN LEWIS: Any opposed no.

1 (No response.)

2 CHAIRMAN LEWIS: The motion carries.
3 Executive Director.

4 EXEC. DIRECTOR BASS: Thanks.

5 Mr. Chairman, I understand we will be deferring any
6 consideration on Item 9 B.

7 CHAIRMAN LEWIS: Yes.

8 EXEC. DIRECTOR BASS: So we'll move on to
9 item 9 C. Once again, Mr. Asher will discuss and
10 present approval of the issuance of refunding
11 obligations for the Texas Mobility Fund.

12 MR. ASHER: Thanks, James.

13 This item and actually the three
14 following agenda items relate to providing annual
15 delegation to the Chief Financial Officer and other
16 department officials to authorize the issuance of bonds
17 for projects as well as refunding bonds to lower the
18 interest rate on bonds already issued.

19 Current delegation is set to expire at
20 the end of this month.

21 Each of the items address the specific
22 authorizations sought for each of the bond programs.

23 This item seeks authorization for the
24 issuance of Texas Mobility refunding bonds if targeted
25 debt service savings of 3 percent can be achieved.

1 Staff recommends approval. Happy to
2 answer questions.

3 CHAIRMAN LEWIS: Are there any questions
4 of CFO Asher at this time?

5 VICE-CHAIR MOSELEY: Chairman, is this a
6 motion to approve all?

7 MR. ASHER: No. I've been advised to do
8 each one sequentially.

9 CHAIRMAN LEWIS: I didn't understand what
10 you just said.

11 MR. ASHER: Yes, this is 9 C.

12 CHAIRMAN LEWIS: And, Vice-Chair Moseley,
13 do you move for approval of 9 C in accordance with
14 staff's recommendations?

15 VICE-CHAIR MOSELEY: So moved, Chairman.

16 CHAIRMAN LEWIS: And, Commissioner
17 Austin, do you second?

18 COMMISSIONER AUSTIN: I'll second.

19 CHAIRMAN LEWIS: All right. We have a
20 motion and a second. Any further discussion?

21 (No response.)

22 CHAIRMAN LEWIS: If not, we'll proceed to
23 a vote. All in favor of the motion say aye.

24 (Chorus of "Ayes.")

25 CHAIRMAN LEWIS: Any opposed no.

1 (No response.)

2 CHAIRMAN LEWIS: The motion carries.

3 Thank you.

4 EXEC. DIRECTOR BASS: Next we have
5 Item 9 D, approval of obligations from the State Highway
6 Fund.

7 MR. ASHER: This item seeks authorization
8 for the issuance of additional bonds as well as
9 refunding bonds for the State Highway Fund revenue bond
10 program.

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

13 CHAIRMAN LEWIS: Are there any questions
14 with regard to this item?

15 (No response.)

16 CHAIRMAN LEWIS: If not,
17 Commissioner Bugg, do you move approval of this item in
18 accordance with staff's recommendation?

19 COMMISSIONER BUGG: So moved.

20 CHAIRMAN LEWIS: Commissioner
21 Vandergriff, do you second?

22 COMMISSIONER VANDERGRIFF: Second.

23 CHAIRMAN LEWIS: We have a motion and a
24 second. If there's no further discussion, we'll proceed
25 to a vote.

1 (No response.)

2 CHAIRMAN LEWIS: All in favor say aye.

3 (Chorus of "Ayes.")

4 CHAIRMAN LEWIS: Any opposed no.

5 (No response.)

6 CHAIRMAN LEWIS: Motion carries.

7 And I'll turn it back over to

8 Director Bass.

9 EXEC. DIRECTOR BASS: Now, Item 9 E,
10 approval of issuance of highway general obligation
11 bonds.

12 MR. ASHER: Thank you, James.

13 This item is similar to the one just
14 discussed, but it's for the Texas Highway Improvement
15 General Obligation Bond Program authorizing additional
16 bonds as well as refunding bonds.

17 Staff recommends approval, and I'd be
18 happy to answer questions.

19 CHAIRMAN LEWIS: Are there any questions
20 of our CFO at this time on this item?

21 (No response.)

22 CHAIRMAN LEWIS: And if not, Commissioner
23 Vandergriff, do you move that we approve this item in
24 accordance with staff's recommendation?

25 COMMISSIONER VANDERGRIFF: So moved.

1 CHAIRMAN LEWIS: And, Vice-Chair Moseley,
2 do you second?

3 VICE-CHAIR MOSELEY: Second, Chairman.

4 CHAIRMAN LEWIS: We have a motion and
5 second. If there's no further discussion, we'll proceed
6 to a vote.

7 (No response.)

8 CHAIRMAN LEWIS: All in favor say aye.

9 (Chorus of "Ayes.")

10 CHAIRMAN LEWIS: Any opposed no.

11 (No response.)

12 CHAIRMAN LEWIS: The motion carries.

13 Executive Director Bass.

14 EXEC. DIRECTOR BASS: Lastly, Item 9 F,
15 approval of the issuance of refunding bonds for the
16 Central Texas Turnpike System.

17 MR. ASHER: This item seeks authorization
18 for the issuing of Central Texas Turnpike System revenue
19 bonds. Staff recommends approval, and I'd be happy to
20 answer any questions.

21 CHAIRMAN LEWIS: Are there any questions
22 of the CFO at this time?

23 (No response.)

24 CHAIRMAN LEWIS: If not, Commissioner
25 Vandergriff, do you move approval of the item in

1 accordance with staff recommendations?

2 COMMISSIONER VANDERGRIFF: So moved.

3 CHAIRMAN LEWIS: Vice-Chair Moseley, do
4 you second?

5 COMMISSIONER VANDERGRIFF: Second,
6 Chairman.

7 CHAIRMAN LEWIS: We have a motion and a
8 second. If there's no further discussion, we'll proceed
9 to a vote.

10 (No response.)

11 CHAIRMAN LEWIS: All in favor say aye.

12 (Chorus of "Ayes.")

13 CHAIRMAN LEWIS: Any opposed no.

14 (No response.)

15 CHAIRMAN LEWIS: Thank you, sir.

16 EXEC. DIRECTOR BASS: Now, Item 10 A
17 consists of the awarding of maintenance and department
18 building construction contracts. Director of
19 Construction Tracy Cain will present.

20 DIRECTOR CAIN: Again, for the record, my
21 name's Tracy Cain; and I'm the Director of the
22 Construction Division.

23 The item before you, Item 10 A, is for
24 the consideration of the award or rejection of highway
25 maintenance and department building construction

1 contracts that were let on January 5th and 6th, 2016.

2 We presented a total of 13 projects for
3 which we received 117 bids for an average number of 3.77
4 bids per project. The low bid value was \$29,963,722.
5 And we had an overall underrun of 7.96 percent.

6 Staff recommends award of all maintenance
7 projects, with the exception of a San Antonio district
8 project, RMC 629657001, in Bexar County, which we
9 recommend to reject due to the lack of competition and
10 extreme overall pricing. It was 65.2 percent over the
11 estimate.

12 The District requests that the single bid
13 be rejected to afford the opportunity to reevaluate and
14 relet this project at a later date. We do concur with
15 this plan of action.

16 CHAIRMAN LEWIS: Thank you.

17 Commissioners, are there any questions of
18 Director Cain at this time?

19 (No response.)

20 CHAIRMAN LEWIS: If there are no
21 questions, then Vice-Chair Moseley, do you move that we
22 award the Highway Maintenance Department building
23 construction contracts except for the San Antonio
24 project that was outlined by staff and accept the staff
25 recommendation with regard to these matters?

1 VICE-CHAIR MOSELEY: So moved, Chairman.

2 CHAIRMAN LEWIS: And,
3 Commissioner Austin, do you second?

4 COMMISSIONER AUSTIN: Second.

5 CHAIRMAN LEWIS: We have a motion and a
6 second. If there's any discussion -- there is no
7 discussion so we'll proceed to a vote.

8 (No response.)

9 CHAIRMAN LEWIS: All in favor of the
10 motion say aye.

11 (Chorus of "Ayes.")

12 CHAIRMAN LEWIS: Any opposed no.

13 (No response.)

14 CHAIRMAN LEWIS: The motion carries.
15 Thank you, Director Cain.

16 EXEC. DIRECTOR BASS: Next is Item 10 B,
17 Construction Contracts.

18 DIRECTOR CAIN: All right. The item
19 before you, Item 10 B, is for the consider of the award
20 or rejection of highway and transportation enhancement
21 building construction contracts that were let on
22 January 5th and 6th, 2016.

23 We presented 68 projects for which we
24 received a total of 293 bids for an overall average
25 number of 4.31 bids per project. The low bid value was

1 \$297,221,237. And we had an overall over run of .24
2 percent.

3 Staff recommends award of all the
4 construction projects with the exception of a Tyler
5 district project, FC 910963, in Anderson County, which
6 we recommend be rejected due to the extreme overall
7 pricing at 39.26 percent over the estimate.

8 The District requests that all bids be
9 rejected to afford them the opportunity to reevaluate
10 and relet this project at a later date.

11 We do concur with this plan of action.

12 CHAIRMAN LEWIS: Thank you.

13 Are there any questions, Commissioners,
14 of Director Cain at this time?

15 (No response.)

16 CHAIRMAN LEWIS: If not, Commissioner
17 Austin, do you move that we approve the highway and
18 transportation enhancement building construction
19 contracts, as recommended, with the rejection of that
20 one item from the Anderson County of the Tyler district
21 project?

22 COMMISSIONER AUSTIN: So moved.

23 CHAIRMAN LEWIS: And, Commissioner Bugg,
24 do you second?

25 COMMISSIONER BUGG: Yes, sir.

1 CHAIRMAN LEWIS: We have a motion and
2 second; and if there's no further discussion, we'll
3 proceed to a vote.

4 (No response.)

5 CHAIRMAN LEWIS: All in favor say aye.

6 (Chorus of "Ayes.")

7 CHAIRMAN LEWIS: Any opposed no.

8 (No response.)

9 CHAIRMAN LEWIS: The motion carries.
10 Thank you, Director Cain.

11 EXEC. DIRECTOR BASS: That brings us to
12 Item 11, the Eminent Domain Proceedings. Interim
13 Director of Right-of-Way Gus Cannon will present.

14 INTERIM DIRECTOR CANNON: Again, I'm Gus
15 Cannon, Interim Director of the Right-of-Way Division.

16 I'm presenting Item 11, which authorizes
17 the filing of condemnation proceedings necessary to
18 progress the acquisition of 78 parcels by exercise of
19 eminent domain. Fifty-three of the parcels are
20 non-controlled, and 25 are controlled.

21 Staff recommends your approval of the
22 Minute Order.

23 CHAIRMAN LEWIS: Are there any questions
24 of Director Cannon at this time? If not --

25 VICE-CHAIR MOSELEY: The only question I

1 have is: Does Commissioner Bugg have a motion?

2 CHAIRMAN LEWIS: This is how we have
3 Commissioner Bugg humble.

4 Commissioner Bugg, do you have a motion
5 to make with regard to this matter?

6 COMMISSIONER BUGG: You know, Chairman, I
7 just really hate to dominate always making this motion
8 for eminent domain. I'm more than happy to let one of
9 my fellow Commissioners make it.

10 COMMISSIONER AUSTIN: We couldn't do it
11 the same way.

12 VICE-CHAIR MOSELEY: Take it as a
13 compliment.

14 COMMISSIONER BUGG: Well, all right.

15 In that case, I move that the Texas
16 Transportation Commission authorize the Texas Department
17 of Transportation to use the Power of Eminent Domain to
18 acquire the properties described in the Minute Order set
19 forth in the agenda for the current month for
20 construction, reconstruction, maintenance, widening,
21 straightening, or extending the highway facilities
22 listed in the Minute Order as a part of the State
23 Highway System and that the first record vote applies to
24 all units of property to be condemned.

25 CHAIRMAN LEWIS: Well-stated motion,

1 Commissioner Bugg.

2 And, Commissioner Vandergriff, do you
3 second?

4 COMMISSIONER VANDERGRIFF: Second.

5 CHAIRMAN LEWIS: We have a motion and a
6 second. If there's no discussion, we'll proceed to a
7 vote.

8 (No response.)

9 CHAIRMAN LEWIS: All in favor of the
10 motion say aye.

11 (Chorus of "Ayes.")

12 CHAIRMAN LEWIS: All opposed no.

13 (No response.)

14 CHAIRMAN LEWIS: All right. The motion
15 carries. Thank you, Director Cannon.

16 DIRECTOR CAIN: Again, thank you.

17 EXEC. DIRECTOR BASS: Item 12 contains
18 the Routine Minute Orders including Donations to the
19 Department, Real Estate Dispositions, Finance Reports,
20 Highway Designations, and Speed Zones. At this time I
21 would like to bring them up as a package but exclude
22 Item 12b(7) at the moment, which will be brought up in a
23 few moments, and continue with the rest of the package
24 at this time.

25 Staff recommends your approval.

1 CHAIRMAN LEWIS: All right. We will take
2 up Item 12(b)(7) separately.

3 So we're right now taking up Items 12 A
4 through 12(b)(6) and 12 C through 12 F.

5 We do have a comment card with regard to
6 this item, and I'll ask that John -- is it Kroll? Yes,
7 of course, there you are. Hi, John. Please come
8 forward; and after stating your name and who you're here
9 representing, give us the benefit of your thoughts with
10 regard to these items.

11 COUNCILMAN KROLL: Mr. Chairman,
12 Commissioner Bass.

13 My name is John Kroll. I'm City
14 Councilman in Dripping Springs, Texas, Hays County, 20
15 miles southwest of here.

16 I just wanted to commend the TxDOT
17 Right-of-Way Division for their hard work and good work
18 on this interesting issue. It's Item, I guess, 12(b)(5)
19 that the City, the School District, and the folks out in
20 Hays County have been working on for ten years to try to
21 accomplish this, building a loop road around Dripping
22 Springs, improving traffic flow and safety in our city.

23 So I want to thank you for all your hard
24 work on that, and that's why I'm here.

25 CHAIRMAN LEWIS: Thank you.

1 Anyone have any questions for Council
2 Member Kroll?

3 COMMISSIONER AUSTIN: I always have
4 questions for good Councilman Kroll.

5 (Laughter.)

6 COMMISSIONER AUSTIN: But I want to say
7 thank you for your patience in waiting here.

8 This intersection and what y'all are
9 doing does illustrate a partnership with cities,
10 municipalities, and TxDOT to be able to solve something
11 in swapping and moving land because this will really
12 improve a lot of traffic. Thank you for a your
13 leadership on this.

14 COUNCILMAN KROLL: Thank you.

15 CHAIRMAN LEWIS: Yes, thank you very much
16 for being here; and thank you for your leadership.

17 Are there any other questions or
18 comments, Commissioners?

19 (No response.)

20 CHAIRMAN LEWIS: If not, Commissioner
21 Vandergriff, do you move that we approve the routine
22 items --

23 COMMISSIONER VANDERGRIFF: So moved.

24 CHAIRMAN LEWIS: Let me kind of --

25 COMMISSIONER VANDERGRIFF: Sorry.

1 CHAIRMAN LEWIS: I want to make sure --
2 Routine Items 12 A through 12(b)(6) and then 12 C
3 through 12 F, in accordance with staff recommendations?

4 COMMISSIONER VANDERGRIFF: So moved,
5 Chairman.

6 CHAIRMAN LEWIS: And, Vice Chair Moseley,
7 do you second?

8 VICE-CHAIR MOSELEY: Yes, sir.

9 CHAIRMAN LEWIS: If there's no further
10 discussion, we'll proceed to vote with regard to those
11 items and excepting out 12(b)(7). On these items we
12 have before us at this time, if there's no further
13 discussion, we'll vote.

14 (No response.)

15 CHAIRMAN LEWIS: All in favor aye.

16 (Chorus of "Ayes.")

17 CHAIRMAN LEWIS: Any opposed no.

18 (No response.)

19 CHAIRMAN LEWIS: The motion carries.

20 And then Executive Director Bass.

21 EXEC. DIRECTOR BASS: Last, I would like
22 to bring up Item 12(b)(7), which is a real estate
23 disposition in Smith County. Staff recommends approval
24 of this item.

25 CHAIRMAN LEWIS: And, Members, are there

1 any questions of Executive Director Bass with regard to
2 item 12(b)(7) in Smith County?

3 (No response.)

4 CHAIRMAN LEWIS: If not, we're going to
5 proceed to a vote on that item separately.

6 And, Commissioner Bugg, do you move that
7 we approve Routine Item 12B 7 in accordance with staff
8 recommendation?

9 COMMISSIONER BUGG: So moved.

10 CHAIRMAN LEWIS: And, Commissioner
11 Vandergriff, do you second?

12 COMMISSIONER VANDERGRIFF: Second.

13 CHAIRMAN LEWIS: As I understand it,
14 you'll be recusing yourself on this matter?

15 COMMISSIONER AUSTIN: Yes, sir,
16 Mr. Chairman. I abstain from this vote.

17 CHAIRMAN LEWIS: Okay. Very good.

18 So with regard to this, all in favor of
19 approval of Item 12(b)(7) according to staff
20 recommendations, say aye.

21 (Chorus of "Ayes.")

22 CHAIRMAN LEWIS: Any opposed no.

23 (No response.)

24 CHAIRMAN LEWIS: We have one abstention;
25 otherwise, the motion is approved.

1 Let's see. We do not have any reason to
2 go into Executive Session at this time. Therefore, all
3 of the items on the agenda have been completed.

4 We are ready -- we do have some cards for
5 open comment time, and we will proceed on. Amy Nobles
6 wishes to address the Commission.

7 After coming forward, please state your
8 name; and we'll let you know when you have three minutes
9 of your time. Thank you.

10 MRS. AMY NOBLES: Hi. I'm Amy Nobles;
11 and maybe after being here almost a year, I won't be
12 nervous, but...

13 All right. So here we go. My name is
14 Amy Nobles, and I'm here to speak to you concerning our
15 property on County Road 307 in Grimes County. Thank you
16 for allowing us the opportunity to highlight, again, the
17 controversy around the route selection for the 249 Toll
18 Road.

19 I just want to catch you up on two
20 important pieces of information regarding the toll road
21 along County Road 307.

22 First, as you know, since August, we've
23 been asking for clarification on landowner influence, as
24 stated by Russell Zappalac when he suggested a
25 reasonable compromise of a route along County Road 307,

1 currently known as the black route, could not be
2 considered because there was one adamantly-opposed
3 property owner.

4 As of December we had yet to have any
5 TxDOT staff clarify how one individual could have so
6 much influence, and so we proceeded with an open-records
7 request to try and understand the communications on our
8 own. While we are novices with the process and will be
9 requesting further information, we were able to
10 determine that prior to the adamantly-opposed
11 landowner's purchase of the property in February of
12 2015, he did speak with Chad Bonny regarding the
13 proposed route at the time of purchase and must have
14 felt confident enough following that conversation to
15 continue on to proceed with his land purchase.

16 There are a few e-mails for updates
17 throughout the next several months and then a
18 presentation that was sent to the Bryan office in
19 September, one month after he earned adamantly-opposed
20 status from Russell Zappalac, which listed the reasons
21 he was opposed to the route on his property as the
22 following: One, fatal to the land.

23 Is there a toll road that is not
24 detrimental to the land?

25 Number two, fatal to the animals.

1 Because you're going to move over his
2 fence? Our livestock is used for income.

3 Three, fatal to his future plans to
4 retire on the property.

5 Hmm, my in-laws have been living on their
6 property for 15 years; and we're talking about present,
7 not future.

8 Lastly in his presentation, he requested
9 that TxDOT should stay with the route they expressly
10 represented to him prior to his purchase and to address
11 the route representation he's speaking of, at the date
12 of his purchase, the route still published did not cross
13 our property, either.

14 So we have yet to determine exactly what
15 real opposition he would have that would cause TxDOT to
16 completely dismiss routes that would cross his property,
17 and I would encourage you to consider that question also
18 as you strive to provide transparency throughout the
19 agency.

20 In addition to this information, we would
21 like to share with you some interesting information of
22 historical significance that was discovered by your
23 archeologists over the holidays and is located in the
24 middle of the last stated preferred route, known as blue
25 route. This will provide confirmation of the negative

1 impact the blue route will have on the environment.

2 CHAIRMAN LEWIS: Ms. Nobles, if you will,
3 conclude your remarks.

4 MRS. AMY NOBLES: Oh, sorry. Okay.
5 Sure. Well, I'll just read the summary part.

6 The graves identified in December 2015
7 are of Clifford Anderson, Isaiah Harris, Mary Robertson,
8 Olivia Steptoe, and A.C. Valentine, birthdays dating
9 back to 1881. It's part of the Whiteside Cemetery that
10 dates back to Stephen F. Austin's Old 300.

11 In summary, the graves identified
12 represent the Whiteside Cemetery, which had been until
13 now, lost to history. Apparently each of the
14 individuals interred followed in a line of descendents
15 originating from the former slaves of the Whiteside
16 property. Most of the Whiteside descendents remained
17 working on the property as sharecroppers following
18 emancipation.

19 Burial records for African-Americans in
20 the first few decades following emancipation are a big
21 hit and miss, and then they seemed entirely absent for
22 antebellum period in Grimes County. Thus, it is
23 entirely possible that there are more, potentially many
24 more burials of Whiteside descendents at the cemetery
25 than have been identified at this point.

1 And I have a copy of that information for
2 you as well if you want to read all of the genealogical
3 information.

4 CHAIRMAN LEWIS: Thank you very much,
5 Ms. Nobles.

6 Chad Nobles, please come forward. After
7 stating your name, give us the benefit of your thoughts.

8 MR. CHAD NOBLES: Well, good afternoon.
9 I know time is short, and you guys are hungry. So I'm
10 going to get going.

11 For the record, my name is Chad Nobles.

12 As you know, we've got property affected
13 on County Road 307 associated with the proposed 249 Toll
14 Road.

15 As you have just heard from my wife, our
16 previous statements about the negative impact the blue
17 route will have to cemeteries, wetlands, creeks, and
18 lakes found on our property were confirmed and verified
19 by your staff last month. Not only were these
20 substantial but many had substantial and significant
21 historical impacts.

22 Based on these negative impacts, we would
23 assume that the blue route is no longer even considered
24 as a viable option. Additionally, these findings proof
25 that the matrix the Bryan TxDOT office created back in

1 October 2015 showing the blue route as the best route is
2 flawed, and the evaluation of the various routes should
3 not be considered.

4 Furthermore, the validity of the data
5 that was stated to support the blue route has proven not
6 to be true. Then one would also question -- or have to
7 question the validity of the other data and credibility
8 of the entire report. Therefore, based on the numerous
9 errors found on the blue route, one would consider that
10 lack of comprehensive investigation or unbiased due
11 diligence was not done; and, therefore, the entire
12 report should be tossed out.

13 Now, if you recall, let's go back to my
14 map that you've seen before. There were six routes that
15 were drawn up after the one supposedly adamantly
16 stakeholder spoke out. Based on the open-records
17 request that you've heard we've done, the only reason
18 for not going across this property was the potential for
19 a future home to be built or the disruption to animals.

20 I would say that all of us could say
21 we're going to have animals disrupted, and all of us
22 could say we're going to be building a home.

23 But let's go back to the map and the
24 facts that are present today. If we eliminate the blue
25 route based on the facts that you've heard, then that

1 leaves the green, the orange, the pink, the black, and
2 the yellow route.

3 I think we can all agree that the yellow
4 route, due to the close proximity of that particular
5 home, would need to be eliminated as well. Therefore,
6 we're left with the pink and the yellow and the black.

7 If we eliminate the pink due to the
8 division of property and the green due to the proximity
9 and many number of homes affected, as well as the
10 division of property, we leave with the yellow and the
11 black.

12 We know that the opposition to the yellow
13 is that fact that it's close to this particular home;
14 and we can probably agree to eliminate it as well, even
15 though it's on the other side of a county road which is
16 already closer than the current home.

17 So what route does that leave? The one
18 we've all been stating everybody prefers, which is the
19 black route.

20 If you recall, back in August we
21 presented to the Commissioners signed letters from ten
22 of the eleven stakeholders in the area supporting this
23 black route. At that time it was called the south
24 route.

25 The other three routes -- or two routes

1 that were available were the green route, which was
2 called the middle, which the landowner said not to take;
3 and there was a third route that's not even shown on
4 these six routes.

5 In conclusion, we, along with 90 percent
6 of the stakeholders in the area, prefer the black route.
7 This route does not affect any homes, does not go across
8 a cemetery or wetlands, does not cross County Road 307,
9 does not require the filling in of a lake or relocating
10 of a county road and is by far the most geometrically
11 superior to all the routes.

12 CHAIRMAN LEWIS: If you would, conclude
13 your remarks.

14 MR. CHAD NOBLES: The only reason
15 provided not to choose or look at this route was the
16 potential of a landowner to build a future home. Let's
17 not make decisions based on future what ifs, but let's
18 make them based on facts.

19 And if you insist on building this road
20 and taking our property, we would ask that you build the
21 black route, definitely not the green or the blue.

22 Thank you.

23 CHAIRMAN LEWIS: Thank you, sir.

24 Robert Nobles, please come forward. If
25 you would, please, sir, after stating your name, give us

1 the benefit of your thoughts.

2 MR. ROBERT NOBLES: Hello. My name is
3 Robert Nobles. And I'm here to express my opposition to
4 the blue and green routes proposed along County Road 307
5 associated with the proposed 249 Toll Road through
6 Grimes County. If you are going to build the toll road,
7 I strongly recommend you listen to the stakeholders in
8 the area and take the black route.

9 As we have stated before, these blue and
10 green routes will severely affect our lifestyle, our
11 income, and come extremely close to our home.

12 Unlike the reasons given by one opposed
13 landowner to the black route, we currently live on the
14 property in a home that's already built, not one that
15 may or may not be built in the future.

16 Additionally, there are other homes in
17 the area that are already built, not a potential future
18 home for somebody, and would be adversely affected by
19 blue or green routes.

20 Unlike this one opposed landowner, we
21 actually live on the property; and it is our full-time
22 homestead. And the same goes for several other
23 neighbors who permanently reside that would be adversely
24 impacted by the blue or the green routes.

25 We, too, have animals on our place; but

1 our animals are actually a source of income for us, not
2 just running wild.

3 We don't have potential plans to retire
4 on the property one day in the future. We have already
5 retired, and we live there full time.

6 As you can see, we have so much to lose
7 and nothing to gain from this proposed toll road.

8 Recently I found out that TxDOT purchased
9 land on all four corners at the intersection of
10 Highway 105 and FM 1774 in Plantersville. That's great
11 news. That means that there is room to expand
12 Highway 1774 instead of building the toll road.
13 Originally, we were told the reason TxDOT could not
14 expand 1774 was because there was no way to get through
15 Plantersville. However, it appears that with the
16 purchase of the property on all four corners, there must
17 be plans already developed to expand this area.

18 With all the money being spent on this
19 highway interchange and the additional money coming in
20 from the passing of Proposition 7, why doesn't TxDOT
21 just do what all the citizens of Grimes County want and
22 expand 105 and 1774 and not build a toll road?

23 Highway 105 needs to be widened from
24 Navasota to Montgomery. A toll road through the rural
25 countryside in Stoneham will not help this traffic. The

1 best choice for the citizens of Grimes County and all
2 who travel through the area is for TxDOT expand 1774 and
3 105, not build another toll road.

4 However, if TxDOT continues to proceed
5 with the 249 Toll Road, even with all the controversy, I
6 would ask that you do away with blue and green routes
7 and support the black route.

8 And thank you for your time.

9 CHAIRMAN LEWIS: Thank you for coming
10 forward.

11 That's it -- or do we have one more?
12 Okay. Do you care to come forward? I think we have
13 your card wrong. I didn't know we had another one.
14 Just a second. We need to have your card -- if you
15 will, state your name for the record; and then give us
16 the benefit of your remarks.

17 MRS. SANDRA NOBLES: Good afternoon. My
18 name is Sandra Nobles.

19 And I'm here once again to protest the
20 construction of the 249 Toll Road through Grimes County.
21 I would hope that TxDOT would improve FM 1774 and
22 Highway 105 instead. However if TxDOT continues to
23 promote the toll road, then I am asking you to abolish
24 the blue and green route which we strongly oppose due to
25 the negative impacts on the environment as well as to

1 our property and lifestyle. We ask that you direct
2 staff to promote the black route which has the support
3 of the permanent residents on County Road 307.

4 As you are aware, TxDOT employees Carlos
5 Swanke and Jason Barrett came out in December and
6 examined the areas being affected. Several headstones
7 were found; and after much research, your archeologists
8 determined that area has significant historical value
9 and covers a very large area.

10 As we have stated many times before, the
11 blue and green routes are by far the worst routes in
12 relation to the location of our home and severely damage
13 our property and lifestyle. I'm asking you to only
14 approve the black route which is the least intrusive to
15 the permanent homeowners on County Road 307. Help us
16 keep the serenity of country living here on County Road
17 307.

18 Additionally, it is our understanding
19 that the public hearing on the proposed State Highway
20 249 through Grimes County is expected to be held
21 sometime in March 2016. We've also been told that we
22 will not see any further information or specific details
23 on which route will be recommended until it is posted
24 for the public hearing.

25 However, based on the August 2015

1 Commissioners meeting, it is our understanding that both
2 Commissioner Bugg and Commissioner Vandergriff required
3 the route to be approved by the Commission prior to
4 final approval. With that said, will that vote take
5 place before the public hearing or after the public
6 hearing or how do we get further clarification on the
7 procedures related to the motion made by the
8 Commissioners at the August meeting regarding this vote?

9 I also have a letter from my daughter
10 that I would just like to present since we're running
11 short of time. I don't want to delay you any longer.

12 CHAIRMAN LEWIS: Thank you, ma'am.

13 Let's see. We have -- is it Matt Lamon?

14 MR. ORNELAS: Mr. Chairman, Chief of
15 Staff Lamon needed to leave, so he asked to express his
16 regrets.

17 CHAIRMAN LEWIS: Okay. Are you Martin
18 Ornelas?

19 MR. ORNELAS: Martin Ornelas, yes, sir.

20 CHAIRMAN LEWIS: If you will go ahead and
21 state your name and who you're here representing, and
22 give us the benefit of your remarks.

23 MR. ORNELAS: Great. Thank you.

24 Good afternoon. Cut me off at a minute.

25 I know we're all real -- I'm really hungry; I should own

1 it. But thank you for the opportunity.

2 I'm here to talk about the multi-modal
3 transit facility that's been in discussions for over two
4 years out of the hub city in Alice, Jim Wells County.

5 We're very happy that his process has
6 been a long process that is within the framework of
7 regional coordination and has been, through a lengthy
8 prioritization process, one of the highest priorities
9 for numerous stakeholders in the entire Coastal Bend to
10 focus on the western portion of the more than half a
11 million citizens in the entire Coastal Bend.

12 Specifically, I'm with REAL, which is the
13 Rural Economic Assistance League, a rural transit
14 district 5311 recipient of funds that encompasses an
15 area of nine counties in the entire Coastal Bend. Our
16 service population is over 200,000 that would directly
17 benefit from the creation of this multi-modal transit
18 facility.

19 What's important to note is that this
20 multi-modal transit facility is within the entire
21 context of sustaining rural public transportation to
22 those vulnerable populations in rural communities.

23 Through an analysis of an investment of
24 dollars we've been able to enumerate that for every \$1
25 invested in this facility, a total return of \$127 of

1 social benefit would take place; and for that we
2 packaged our approach to TIGER. Certainly, when we
3 submitted a request directly to TIGER, we were not
4 successful; but we are more than pleased that through
5 TxDOT's leadership, we were extremely successful in
6 prioritizing rural needs through a TIGER recipient of
7 awards. We're very, very happy that that's the case,
8 especially in the secondary portion, which is the
9 facilities project.

10 We are an indirect recipient of those
11 funds in that Phase I of the capital project is to move
12 the four current facilities out of that pipeline and get
13 them to completion, which would then open up Phase II
14 projects. We are one of the Phase II projects out in
15 Alice; and so we're extremely happy, so happy that we're
16 asking for a fast-track approach to get these
17 facilities, not just to get them there but the need but
18 the need and demand for more effective coordination of
19 vulnerable populations is such that a fast-track
20 approach is desperately, desperately needed.

21 I'd like to add one final thing, that for
22 REAL, as the rural transit district, we provide over
23 1500 trips a day to our entire service area, with a
24 fleet close to 80 units at this time. Our demands are
25 growing, and the need for this type of facility that

1 looks at immediate need as well as future need is there.

2 We got the opportunity to dream big
3 through this facility; and we are looking at future
4 population growth as well as future need in being in the
5 hub city and the corridor on 281, knowing that it's also
6 a hurricane evacuation area, a route. We have
7 prioritized the need for us to look at a
8 hurricane-safe-haven location that would accommodate the
9 need of 90 individuals with disabilities in wheelchairs
10 or a combination of 45 bedridden individuals with other
11 individuals in wheelchairs. So we're thinking into the
12 future. We're very thankful of TxDOT's leadership and
13 support, and we just want to get it done.

14 Thank you so much. Please enjoy your lunch
15 this afternoon. Thank you.

16 CHAIRMAN LEWIS: Thank you very much,
17 sir.

18 That's all of the comment cards which we
19 have; and, therefore, if there's no other business to
20 come before the Commission, Commissioner Bugg, do you
21 move that we adjourn?

22 COMMISSIONER BUGG: So moved.

23 CHAIRMAN LEWIS: Commissioner
24 Vandergriff, do you second that?

25 COMMISSIONER VANDERGRIFF: Second.

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CHAIRMAN LEWIS: We have motion and a second. All in favor say aye.

(Chorus of "Ayes.")

CHAIRMAN LEWIS: Any opposed no.

(No response.)

CHAIRMAN LEWIS: We are in adjournment. For the record, the time is 12:53 p.m.

Thank you all for being here with us.

(Proceedings adjourned at 12:53 p.m.)

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C E R T I F I C A T E

I, Debbie D. Cunningham, CSR, Certified Shorthand Reporter, in and for the State of Texas do hereby certify that the foregoing pages 1 through 186 constitutes a full, true, and accurate transcript of stenographic notes taken by me at the time of the proceedings.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: February 11, 2016.



Debbie D. Cunningham, CSR

Texas CSR No. 2065

Expiration: 12/31/2016

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