



IH 35E Managed Lanes SB 1420 Committee

MEETING MINUTES

**November 10, 2011 at 4 pm
North Central Texas Council of Governments
Transportation Council Room
616 Six Flags Drive
Arlington TX, 76005-5888**

IH 35E Managed Lane Project SB 1420 Committee members in attendance:

***John Polster – Denton County – Committee Vice Chair
Elizabeth Mow – NTTA
Bill Hale – TxDOT
Alberta Blair – Dallas County
Michael Morris – NCTCOG – Committee Chair
Matthew Marchant – City of Carrollton***

Support Staff in attendance:

***John Hudspeth
Jack Ingram
John Munoz
Matt MacGregor
Dieter Billek
Sonja Whitehead
Tony Hartzel***

A Public Notice of this meeting containing items on the proposed agenda was filed in the Office of the Secretary of State on November 2, 2011 as required by Title 43, Texas Administrative Code, §27.92(f).

Minutes

Item 1.

Bill Hale called the meeting to order at 4:01 pm and briefly explained the need to elect a chair and vice chair for the committee and presenting the persons elected to the Texas Transportation Commission for concurrence.

Item 2.

Bill Hale then went around the room for introductions. After introductions, he turned the meeting over to the Staff for the Presentation.

Item 3.

Staff suggested that the committee not necessarily abide by specific rules of procedure, but instead utilize a more informal structure. The committee informally recognized and agreed to allow Bill Hale



to facilitate the discussion until a chair and vice chair were elected. The issue of alternates was brought up and it was agreed that the language in the bill understood there may be times when a member may not be present so it was agreed there would be with no alternates by acclamation. Staff then presented a copy of a shell document that the committee would use for their final determination as defined in SB 1420 . The report will be used to fill in the answers to the three questions prior to voting and sending to the Executive Director of TxDOT.

Item 4.

Staff then made a presentation regarding the status of the project, defined public private partnerships and updated the committee on what additional due diligence has been performed in the last 6 months. Staff presented 4 original scenarios that were not financially feasible with current funds available. Staff also presented some options moving forward, specifically options 6-8. The committee had some questions for staff that were not addressed in the presentation. Staff agreed to go back and look at Scenario's 1-4 and 5-8 and add more details regarding the financial standing of each of those elements. Specifically what is the cost and what is the gap for each of the scenario's rather than a range. Staff continued the presentation regarding the updates to Scenario 6 which included more details of the components of Scenario's 6A, 6B and 6C. The committee also asked staff to consider ways to select the developer on a base bid but include parameters for added elements and structure those in a manner that is fair to the proposers. John Polster also highlighted that so far only Denton County has a significant amount of dollars in the project and that the committee needs to secure additional partners. Michael Morris agreed with that point. Further discussion surrounded the inclusion of members of the committee and who is eligible to vote. It was noted that if someone sends TxDOT a letter and resolution validating a commitment to either provide Right of Way or funding for the project, they are eligible to vote. A discussion ensued on who was eligible and why. Ultimately, the members listed above are either required by SB 1420 to have a member or have commitments in writing through a resolution to commit ROW and or funding to the project. Michael Morris invited Commissioner Hugh Coleman to address the committee. Commissioner Coleman advised the committee that with regards to the Denton County Commissioners Court support for the project, that it included the need for having an additional general purpose lane added for each managed lane. Michael Morris asked Commissioner Coleman to quantify the impact of that new piece of information by the end of the SB 1420 committee. Commissioner Coleman also noted that the timeline that the SB 1420 committee set for making their determination is too short. Commissioner Coleman still noted his concern with regards to the timeline. Commissioner Andy Eads noted that he shared Commissioner Coleman's concern with regards to the ultimate configuration and how he was able to sell the project to his constituents. He had the same comment with regards to the added general purpose lanes and added managed lanes.

Item 5.

Alberta Blair made a motion to nominate Michael Morris as Chair and John Polster as Vice Chair of the committee. The motion was seconded by Elizabeth Mow. The motion for both carried unanimously.

Item 6.

Michael Morris requested that staff add an agenda item to the next meeting requesting additional public input. Also, Michael Morris wanted everyone to know that the TIGER/TIFIA loan request that



was submitted earlier was indicative of a concession project but did not want anyone to presuppose that a decision on delivery had been made for the committee, simply that the constraints of time required a decision be made for delivery. Also, Michael Morris requested staff add an item regarding discussion of an MOU and to send to stakeholders early to review and comment at the next meeting. Michael Morris indicated that he and his staff would handle the Draft MOU. John Polster requested for the next meeting to see what could be delivered under availability and concession, with \$1.0B to \$1.2B in public funds available (Scenario 6+). Michael Morris also mentioned that he is working on providing financial analysts an additional revenue stream/loan for use on the project. Rider Scott also requested the Master Schedule of projects be presented at the next meeting. Michael Morris also requested that TxDOT provide information to stakeholders regarding lessons learned regarding the RFI process. Michael Morris also requested that NTTA present what their reasoning was regarding waiving primacy. Elizabeth Mow said she could handle that presentation. John Polster requested that we also include Scenario 5 and 9 in the interest of full disclosure. Matthew Marchant noted that there was some green space available in the pictures provided and that perhaps general purpose lanes could be added, however, Michael Morris and John Polster noted the difference between what is shown as existing and proposed and that with the limited dollars available, it was necessary for the group to minimize throwaway work. Matthew Marchant noted that cynics could say that it is unlikely the ultimate would be built so let's at least get another general purpose lane. John Polster indicated that whatever happens, the first phase has to include added lanes across the lane to eliminate the pinch point.

Item 7.

Bill Hale made a motion that the next meeting of the Committee will be held at 1:30 pm at the Denton County Transportation Authority's boardroom in Lewisville on Tuesday, November 22, 2011, and the third meeting will be held at 10:00 am at DCTA boardroom on Wednesday, November 30, 2011. John Polster seconded the motion. The motion carried unanimously.

Item 8.

Elizabeth Mow made a motion to adjourn the meeting. Alberta Blair seconded the motion. The motion carried unanimously.