



IH 35E Managed Lanes SB 1420 Committee

MEETING MINUTES

**November 22, 2011 at 1:30 pm
Denton County Transportation Authority
Board Room, 1660 S. Stemmons, Suite 250,
Lewisville, TX, 75067**

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

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

Support Staff in attendance:

***John Hudspeth
Jack Ingram
John Munoz
Matt MacGregor
Dieter Billek***

A Public Notice of this meeting containing items on the proposed agenda was filed with the Office of the Secretary of State on November 14, 2011 as required by Title 43, Texas Administrative Code, §27.92(f).

Minutes

Item 1 Introductions

Michael Morris called the meeting to order and, after introductions, briefly reviewed the agenda. He indicated he wanted to start with a “Finance 101” presentation, and followed up with a review of the types of delivery models: concession, availability payment and NTTA. He indicated that TxDOT was going to update the various scenarios discussed with the Working Group and Stakeholders. He also advised that NTTA would deliver a presentation on their primacy waiver. He then indicated that he wanted input from the public so he could have a good record of the comments. He then indicated that the MOU was on the agenda and that lastly on the agenda was additional items for discussion.

Item 2 Staff Presentations



Mr. Morris then began his presentation on "Finance 101". John Hudspeth followed up with a presentation on the update describing Scenarios 1-8, including 6A, 6B, 6C and 6A+ and focused on the updates since the last meeting by describing the included financial analysis. John Munoz discussed the feasibility of the financial analysis for Scenarios 6A, 6B and 6C. Right of way costs were discussed and staff was asked to confirm numbers. Also there were many questions regarding the issues surrounding the various scenarios. Commissioner Andy Eads asked about capacity improvements within the corridor and noted the commissioner's court is concerned about that particular issue. John Hudspeth then presented a description of several additional project scenarios that can be added. This was referred to as Scenario 6A+. John Munoz then added how TxDOT intends to remain aggressive when it comes to the schedule.

Item 3 NTTA Presentation

Elizabeth Mow introduced Janice Davis with NTTA, who gave the presentation regarding NTTA's evaluation of the project and rationale for their decision to waive primacy on the IH 35E Managed Lanes Project

Item 4 Public Input

Michael Morris then opened the discussion up to the public for input. Mr. Morris asked Judge Horn about her letter to Transportation Commissioner Meadows regarding funding. County Commissioner Coleman asked about the rules regarding the SB 1420 committee and asked if they had a deadline to submit the report and also if it was the responsibility of the SB 1420 committee to define the scope. Michael Morris indicated there was not a deadline and John Munoz described the need to have a scope defined in order to make a decision on the method of delivery. The SB 1420 committee needs data by which to make their decision. This decision cannot be made in a vacuum. Michael Morris indicated that it was not our intent to minimize the project but rather set a baseline and grow the project using competitive tension. Bill Hale echoed that sentiment. It is important to note the SB 1420 Committee rules allow TxDOT to move forward with the procurement if a report is not submitted by the date TxDOT is scheduled to issue a request for proposals for the project. In that case, the rules allow TxDOT to use any business terms applicable to the project that have been adopted by the metropolitan planning organization and that relate to the determinations to be included in the report. Commissioner Coleman pressed the committee on the issue of not getting free capacity and indicated that he may lobby for removal of the authority of TxDOT to enter into Public Private Partnerships. Michael Morris asked how the removal of the authority to leverage money into the project would help deliver more project? Commissioner Coleman admitted that was a good question. Michael Morris said we would look into the added capacity issue. Mayor Burroughs of Denton observed that if we don't get it right, it could affect generations and pressed for getting additional capacity up to LP 288. He also said it would be a mistake not to take the improvements to US 380 and indicated the growth is heading to the northwest of the city and wanted to understand the revenue impacts of extending the project north. Representative Crownover noted that this is an important roadway corridor and said the state needed to step up and that we need to get it right. Tom Washington from the State Republican Executive Committee asked if the SB 1420 committee could change general purpose lanes into managed lanes without adding capacity. Michael Morris indicated that the region has a policy to



not convert a general purpose lane into a managed lane. Director Knowles asked about revenue sharing and Michael Morris acknowledged that there is an ability to share revenue. Mayor Ruggiere indicated that due to the change in scope, he wanted the committee to make assurances that the money generated in the corridor would stay in the corridor and regarding phasing, wanted to make sure that the timing of any work is communicated back to the stakeholders. Judge Horn then spoke about her support for the whole project and wants to get as much built as possible, but understood that the project was going to have to be delivered in stages. She also discussed her letter to Commissioner Meadows and the desire to obtain additional funds. Chandler Cochran spoke for Senator Jane Nelson regarding her letter concerning objections to not adding free capacity to the corridor. Commissioner Andy Eads asked for a breakdown on the costs and asked about the ROW costs and noted a presentation from 18 months ago where the costs were half that of the current estimate. Michael asked staff to update the committee at the next meeting.

Item 5 Memorandum of Understanding

Michael talked about the MOU and asked for input. John Munoz noted that it is good to have the entire Stakeholder group be involved in the process of the MOU and may not be necessary to limit this document to the SB 1420 committee. Michael asked if anyone had any other comments to get them to John Hudspeth.

Item 6 Discussion of issues to be addressed by the committee and staff

Michael Morris discussed the intent of getting a TIFIA loan and wanted the audience to know he is trying to get more money and that a TIFIA loan can add \$100 M to the project based on the terms of the loan. Michael Morris then discussed the next meeting agenda and location.

Item 7 Adjourn

Elizabeth Mow made a motion to adjourn the meeting. Rudy Durham seconded the motion. The motion carried unanimously.