

TEXAS DEPARTMENT OF TRANSPORTATION

COMMISSION MEETING

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

Thursday, May 30, 2013

COMMISSION MEMBERS:

Ted Houghton, Chair
Jeff Austin III
Jeff Moseley
Fred Underwood
Victor Vandergriff

STAFF:

Phil Wilson, Executive Director
John A. Barton, Deputy Executive Director
Jeff Graham, General Counsel
Rose Walker, Chief Clerk
Kristen Webb, Assistant Chief Clerk

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b. **Right of Way Dispositions and Donations**

- (1) **Brazoria County** - SL 419 and SH 35 in Old Ocean - Consider the removal from the system of a segment of SL 419, transfer of control, jurisdiction, and maintenance to the county and redesignation of the remaining segment of SL 419. Also consider the sale of surplus right of way on SH 35 to the county (MO)
- (2) **Brazos County** - SH 6 at SH 40 in College Station - Consider the sale of surplus right of way to the abutting landowner (MO)
- (3) **Collin County** - FM 2478, old alignment at Kathryn Lane in Plano - Consider the sale of surplus right of way to the abutting landowner (MO)
- (4) **El Paso County** B I-10 at SL 375, south of Rojas Drive in El Paso- Consider the sale of access rights to the abutting landowner (MO)
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15. **Routine Minute Orders**

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P R O C E E D I N G S

1
2 MR. HOUGHTON: Good morning. It is 9:01, and I
3 call to order the regular May 30, 2013 meeting of the
4 Texas Transportation Commission.

5 Note for the record that public notice of the
6 meeting, containing all items of this agenda, was filed
7 with the Secretary of State at 4:45 on May 22, 2013.

8 I ask before we begin today to place all your
9 cellular phones and communication devices in the silent or
10 off mode. If you wish to address the commission, during
11 today's meeting, please complete a speaker's card at the
12 registration table. The yellow is for an item on the
13 agenda and the blue is for the open session. Regardless,
14 you have to sign one of those to speak.

15 Now I'd like to turn the agenda over to our
16 executive director for a safety message.

17 MR. WILSON: Thank you, Mr. Chairman.

18 I'd like to as Occupational Safety Director
19 Jerral Wyer to come forward and provide a quick safety
20 briefing. Jerral.

21 MR. WYER: Thank you, Phil. Good morning,
22 everyone. Thank you, Phil and Commission, for your
23 continued support of Safety Mission Zero.

24 This morning I'd like to give a brief short
25 safety instructions for the Greer Building. First of all,

1 if there's a severe weather alert, I'm going to ask that
2 everyone make your way to the stairwell and then proceed
3 downward into the basement area and we'll collect there.
4 In the event of a fire, please familiarize yourself with
5 the two exits in the building. We will make our way to
6 the nearest exit, safely cross the roadway over to the
7 Capitol grounds so that we allow emergency response team
8 members room to respond to the event.

9 In the event we have a medical emergency,
10 please make your way to the first aid station which is
11 located in the main entry of the building on the first
12 floor here, and if we need to call 9-1-1, just as a
13 reminder, our address is 11th and Congress.

14 Thank you so much. I hope everybody has a
15 great day.

16 MR. HOUGHTON: Thank you, Jerral.

17 MR. WILSON: Thank you, Jerral.

18 With that safety briefing completed, I'll hand
19 the gavel back to you, Mr. Chair, to complete opening
20 remarks.

21 MR. HOUGHTON: All right. I'm going to take
22 things a little out of order here. I'm going to first ask
23 for the approval of the minutes of April 25, 2013. The
24 draft has been provided to you in your briefing material.

25 Is there a motion?

1 MR. MOSELEY: So moved.

2 MR. UNDERWOOD: Second.

3 MR. HOUGHTON: All in favor?

4 (A chorus of ayes.)

5 MR. HOUGHTON: And at this time I would like to
6 recognize our newest commissioner who is here today,
7 Victor. We start with customary comments from our
8 commissioners, and you are first out of the box.

9 MR. VANDERGRIFF: I'm delighted to be here.
10 When I was first asked to join the Transportation
11 Commission, I wasn't sure if that was a typo in the
12 request or that they had the right guy.

13 My history, as many of you know, is I served
14 almost six years with the North Texas Tollway Authority,
15 and it was my privilege during that time to have a number
16 of spirited debates with the department and the members of
17 this commission about the financing of roads, and then I
18 also was a revolutionary of sorts in working with the
19 commission to create the Department of Motor Vehicles
20 which are formerly divisions out of TxDOT.

21 So you can imagine a little bit of my surprise,
22 but also my delight to be asked to join what I've always
23 said, publicly and privately, is the best organization in
24 Texas in terms of what it can deliver with road quality
25 and rail and aviation and ports and all that you do here.

1 In the time I've been here getting ready for my
2 service, I have been very pleased with the executive
3 director and the quality of his staff that's here. I
4 think it's excellent and I think the commission is to
5 certainly be commended for having pushed hard to get such
6 a quality team in place. But thank you for the efforts
7 you've made for me.

8 I am somebody by nature who is used to open,
9 frank discussion, and if necessary, debate, and so with
10 that in mind and my background, I'm somebody bearing, I
11 guess, a gift to make sure that everybody here at the
12 commission knows that I'm on this team, I'm excited to be
13 here and look forward to working with you and look forward
14 to being able to ask questions and get appropriate answers
15 and solutions for transportation funding and for
16 transportation in designing, building and maintaining good
17 roads.

18 And with that, I know that Chairman Houghton
19 enjoys Skittles, that is a very good thing for him, and I
20 also know we're going to honor Connie when she leaves, but
21 she's had a dish that she's used for quite some time in
22 making sure that there's an appropriate amount of treats
23 in here. So just to be sure that I'm in good graces as we
24 start off, I brought ten bags of Skittles, and I promise
25 that I will replace the dish from Connie, and I will make

1 sure that as we go forward that I have plenty of Skittles
2 for you and a nice appropriate dish for your leadership.

3 Look forward to serving with you.

4 (General laughter and applause.)

5 MR. VANDERGRIFF: And one last comment, I know
6 that my picture was placed her last month in my absentia
7 for being here. I was not technically on the commission,
8 but Commissioner Austin, in particular, refused to
9 recognize that fact, so he placed a picture here.

10 And so I asked a little question about him,
11 he's very enthusiastic and just goes all over the state
12 and the country promoting TxDOT, but I'm told that he
13 really enjoys bikes on roads, that that's an important
14 thing for him to see bicycles down toll roads or
15 interstates and the like. And so I happened to be in
16 California over the weekend on business and there were a
17 bunch of bikers that were appropriately exercising their
18 rights to clog up the road, and so I stopped them and I
19 decided that because I understand how much he likes bikes,
20 that I'm going to continue, as I make travels around,
21 asking bikers about him and just bringing little tidbits
22 of things to add to his collection that he already has.

23 So these are from two bikers in Newport Beach,
24 California, these were their pins and I want to make sure
25 and give those to you, and I'll keep adding to your

1 collection.

2 MR. AUSTIN: I don't know what to say. Thank
3 you.

4 MR. VANDERGRIFF: Thank you, Chairman.

5 MR. HOUGHTON: You're quite welcome.

6 MR. MOSELEY: Chairman, members, good morning.

7 I, too, want to join with you, Chairman, in welcoming
8 Commissioner Vandergriff to the team, and it's wonderful
9 to have his wealth of experience, having served as chair
10 of the Texas Department of Motor Vehicles and also having
11 been very active in the North Texas Tollway Authority. So
12 we welcome your knowledge, and thank you so much for
13 stepping forward and being willing to serve.

14 I had the privilege of working with his dad,
15 Tom Vandergriff, who served as Tarrant County Judge, and
16 so it was a really wonderful honor to get to serve with
17 Tom Vandergriff for so many years, who became, in a way, a
18 mentor to me, and so to have a chance to serve with you,
19 Commissioner, is really something I look forward to.

20 I also have a small token of appreciation for
21 Commissioner Vandergriff. First of all, I've given him
22 the most coveted seat on the dais. I was seated here as
23 the junior member, and so I'm pleased to yield that to
24 you, Commissioner Vandergriff. The other thing about this
25 commission is that the least senior member gets to make a

1 privileged motion at each commission meeting, and that has
2 to do with eminent domain, and so I'll no longer be making
3 that motion, but I do have framed the motion of eminent
4 domain to present to Commissioner Vandergriff.

5 So, Commissioner, welcome onboard.

6 (Applause.)

7 MR. VANDERGRIFF: I will proudly display this
8 on my wall.

9 MR. MOSELEY: Chairman, in addition to
10 welcoming Commissioner Vandergriff, just very quickly,
11 Commissioner Austin and I were pleased to represent TxDOT
12 in Washington, working with our team members to invite
13 members of Congress to join the Texas Maritime Caucus. We
14 had a very strong success in that. This is on the heels
15 of the Water Resource Development Act of 2013 being passed
16 by the Senate. And so Commissioner Austin, as the liaison
17 to Washington and my role serving as the liaison to the
18 Texas ports community, we kind of double-teamed and it was
19 really great to have so many wonderful meetings and see
20 the enthusiasm of our congressional delegation to
21 participate in the Texas Maritime Caucus.

22 I wanted to also say a shout out to our Houston
23 District public information director, Raquel Lewis. She
24 was joined by team member Karen Othon. They did an
25 outstanding job of raising awareness about safety on US

1 290 where there's so much construction. And so as a
2 result of their efforts, TxDOT will be nationally
3 recognized and awarded the Pride Award for public
4 education on US 290.

5 Thank you, Chairman and members.

6 MR. AUSTIN: Wow, how do I love thee.

7 Welcome, Commissioner Vandergriff. I guess
8 we'll nickname him Double V, so we'll hear Double V, not
9 to confuse with the two Jeffs or Ned, Ted and Fred, so
10 we're going to come up with Double V. Welcome, and yes,
11 we did miss you last month but you were here in spirit.

12 And with these, I will wear these. I am a
13 biker, I do like bikes. I think there's going to be an
14 item coming up, it's a safety issue. We want to make sure
15 that the bike community has adequate access to proper
16 roads, proper facilities.

17 I spent a lot of time in Colorado -- I know you
18 came from California, I do the same thing -- but I spent a
19 lot of time in Colorado where I do ride bikes up there on
20 dedicated bike paths that are safe, and I think as we look
21 at long range how we can work with the communities, MPOs,
22 their plans to make it safer for the community, that's one
23 thing we want to do. Because that's a quality of life
24 competitive advantage that we can have in Texas that a lot
25 of other states don't enjoy.

1 Given that, Commissioner Moseley, thank you.
2 It's great going to Washington with a celebrity. And
3 looking at the needs of the ports, again, as TxDOT is
4 becoming more multimodal, we're not just a highway
5 department anymore, and as we're looking at the port
6 issues, looking at the Intracoastal Waterway which is a
7 great concern to keep Texas moving with the economic
8 impact it has, but also hearing feedback about the
9 airports.

10 Dave, thank you. Your work in helping make
11 recommendations to do things is recognized quite a bit, so
12 thank you.

13 But we do have a lot of multimodal needs, and I
14 know as we're coming out of a legislative session right
15 now, one thing is uncertain and that's our funding, and we
16 still have a lot of questions to look at, and that's going
17 to make us think back and look at what do we do and how
18 we're doing it and where we're going. We have a lot of
19 needs, even if there was \$4 billion, \$5 billion, \$10
20 billion a year, there are identified needs that have come
21 from our staff and communities that need a lot of
22 attention, so we have some tough choices to make.

23 But one thing that is for certain, coming out
24 of this legislative session TxDOT's integrity was not
25 really questioned. Under the leadership of Chairman

1 Houghton, his predecessor, Chairman Delisi, also with
2 Meadows, a lot of things that were put in place coming out
3 of Sunset two years ago, with Executive Director Phil
4 Wilson and a lot of the staff that is here, the ladies and
5 gentlemen of TxDOT have dealt in between sessions with
6 great integrity and worked to improve accountability and
7 trust, and I think it really shows. So I'd like to say
8 thank you to everybody who did that. Now if we could just
9 parlay that into certainty of funding.

10 Two last things. Yesterday, Commissioner
11 Underwood and I had the opportunity to go down to
12 Brownsville in the Valley. First and foremost was to help
13 do a groundbreaking, the ribbon-cutting for 550. That's
14 their first toll road in the Cameron County RMA. That is
15 going to connect a vital link between the Port of
16 Brownsville and coming over to what was then, when I made
17 my comments, the future I-69.

18 And we're going to talk about this a little bit
19 later, but we were joined by Congressman Phil Vela and
20 also FHWA Administrator Victor Mendez. He had a surprise
21 announcement that FHWA had approved the sections down
22 there in the Valley of 281 and 77 and Interstate 2 which
23 is part of the I-69 program, to be designated as I-69.
24 What a great surprise to have that announcement and to
25 have that come from someone -- of course, then he says

1 subject to our approval. But I do appreciate that.

2 He assigned me two tasks: one, to say hello to
3 his fellow El Pasoan -- did I say it right?

4 MR. HOUGHTON: Got it.

5 MR. AUSTIN: Chairman Houghton, he's from El
6 Paso, but also how much he really enjoys working with
7 TxDOT staff, that we are one of the leaders in the country
8 of figuring out solutions, how we can do things and cut
9 through. And Carlos, I know he really said a lot of great
10 things about you. But those were the two items.

11 Is Scott Leonard in here? I don't see Scott.
12 Yesterday there was a little surprise reception for Scott.

13 Scott has handled a lot of strategic projects for TxDOT
14 that have really helped drive home some long-term savings.

15 And I'm a banker, but I don't have bills with my name and
16 face on them. So with all the money that Scott has helped
17 save, there were some bills that were edited with his name
18 to say thank you because if you look over a ten-year
19 period of things that have been identified and talked
20 about, we're well north of a billion dollars in potential
21 savings. And there may be even more than that, but what
22 he has done to help drive that effort internally, hats
23 off. I know Scott is not here but I hope he's watching,
24 if you would please help me say thank you.

25 (Applause.)

1 MR. AUSTIN: With that, I pass.

2 MR. UNDERWOOD: Always a hard job to follow
3 Jeff. Kind of takes the wind out of you.

4 Victor, I had a gift for you but it was last
5 month, and since then, the dog ate it. The good part is
6 the dog didn't get sick.

7 (General laughter.)

8 MR. UNDERWOOD: Welcome. Glad to have you,
9 look forward to working with you.

10 Jeff, I've read about people that ride bikes
11 that don't have motors. I didn't know that you ride a
12 bike.

13 But on a serious note, I do want to thank the
14 men and women of South Texas at Brownsville for their
15 hospitality yesterday, and I'm excited for them. And I
16 appreciate Jeff including me in this trip. It was great
17 to see it and see some good friends of TxDOT that really
18 appreciate what we do, what our staff does. This I-69
19 project really is a credit to our staff, to the men and
20 women down in South Texas and the men and women in this
21 building right here. So thank y'all very much, that took
22 place because of y'all.

23 Also, I wanted to thank our staff for this past
24 legislative session. They have put in a yeoman's job of
25 hours, and I'll give you an example. Last Sunday at

1 midnight I texted one of our staffers about a particular
2 bill and I got an email back, still working on the
3 project, still keeping an eye on what was going on in the
4 legislature. And so I really appreciate it. I know our
5 commission appreciates the hard work they've done this
6 legislative session.

7 And welcome to all our guests.

8 MR. HOUGHTON: Thank you, fellow commissioners.

9 I do want to talk about a few things, but last night, to
10 echo Fred's remarks, we had a little event for folks that
11 worked during the legislative session across the street
12 with our legislators, and want to thank them again very
13 much for their hard work. So far, I think things have
14 been very positive that have come out of the session, the
15 legislation, and we'll talk about that. But I want to
16 again thank them for their efforts, and as Fred said, some
17 worked into the wee hours of the morning, keeping us up to
18 date and informed as to what was going on.

19 Now on a more somber note, we lost a former
20 colleague of the Texas Transportation Commission. On May
21 26, Ray Barnhart died at the age of 85, and not only was
22 he a commissioner, but he was director of the Federal
23 Highway Administration from 1981 to 1987, the longest
24 tenured director. And like our Mayor Lanier, who was
25 chairman of the commission who raised the gas tax back in

1 the '80s, Ray Barnhart, Director Barnhart, when he led the
2 charge to raise the motor fuels tax, federal tax by five
3 cents in 1983, and he insisted on returning the decision
4 authority and powers back to the states which he got
5 mostly accomplished.

6 He was a member of the Transportation
7 Commission from 1979 to 1981, and the Texas House
8 representative for Harris County from 1972 to 1973, and
9 probably more importantly, as I can attest, he was an
10 Eagle Scout which is on his bio. But I would have you all
11 remember Ray Barnhart and his family on your thoughts and
12 your prayers.

13 And with that, Phil, I think I'll turn the
14 agenda over to you. We have somebody to recognize and to
15 honor for their service.

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

17 Our first agenda item today is a resolution
18 honoring Connie Bohuslav, executive assistant, on her
19 retirement from the department after twenty-five years of
20 service. I would like Connie to please come forward and
21 be recognized.

22 (Applause.)

23 MR. WILSON: Good morning.

24 "Whereas, the Texas Transportation Commission
25 takes great pride in recognizing Connie Bohuslav for her

1 outstanding service to the Texas Department of
2 Transportation after a distinguished twenty-five year
3 career;

4 "And whereas, Bohuslav began her TxDOT career
5 in 199 as the administrative assistant to the field areas
6 and the traffic Engineering Section in the Maintenance and
7 Operation Division, and became the section director's
8 secretary in 1990;

9 "And whereas, in 1992 Bohuslav was named
10 administrative assistant to the division's director of
11 administration, and when the division was split in 1993,
12 she became the secretary for the deputy director of the
13 new Traffic Operations Division and was promoted to the
14 division director's secretary in 1998;

15 "And whereas, in 2001 Bohuslav moved to TxDOT
16 headquarters at the Greer Building to serve as executive
17 assistant for the deputy director of administration, then
18 to work for the deputy executive director, and as of 2011
19 has been executive assistant to the chief of staff;

20 "And whereas, in addition to all of her other
21 duties over the years, Bohuslav has played a critical role
22 in planning and organization high profile events such as
23 Short Course;

24 "And whereas, Bohuslav's kindness,
25 professionalism, knowledge and willingness to go the extra

1 mile has meant so much to all of those who have worked
2 with her;

3 "And whereas, in retirement she plans to spend
4 more time with her family, travel and enjoy drinking
5 coffee on her back porch with her dog, Lacy;

6 "And whereas, Bohuslav is testament to the high
7 caliber of individuals that our agency employs;

8 "Now, therefore, let it be resolved that the
9 Texas Transportation Commission does hereby extend its
10 sincerest best wishes to Connie Bohuslav in recognition of
11 her professional achievements in a career of loyal service
12 on behalf of the State of Texas and its citizens.

13 "Presented this day, Thursday, the 30th of May
14 2013."

15 Thank you, Connie.

16 MS. BOHUSLAV: Thank you.

17 (Applause.)

18 MR. WILSON: Mr. Chairman, if I may, and
19 commissioners, we have some other folks with Connie today,
20 if they'd stand and be recognized. We have Steve
21 Bohuslav, her husband. Steve worked for TxDOT for twelve
22 years, he is now in the private sector. And we have
23 Steve's parents, Dan and Lou Bohuslav. Dan retired from
24 TxDOT in 1992 and he was our former DE in San Angelo and
25 in Yoakum. So please welcome them today as well.

1 (Applause.)

2 MR. WILSON: Mr. Chairman, I turn it to the
3 commissioners for comments.

4 MR. HOUGHTON: Well, I'm going first this time
5 because I've known you the longest. And I want to thank
6 you for everything you've done for me personally and for
7 this agency, and obviously, you come from good lineage.
8 Tremendous service, and we're going to miss you, and thank
9 you for handing the bowl and the dish of Skittles over to
10 Victor that he can supply them on a regular basis. That's
11 very, very important.

12 MS. BOHUSLAV: And you can have that bowl.

13 MR. HOUGHTON: I can have the bowl. Is that
14 over fifty bucks? Can I take that gift.

15 (General laughter.)

16 MR. HOUGHTON: Thank you very, very much,
17 Connie. And I would encourage the other commissioners if
18 they'd so like to tell you and talk to you about how they
19 feel about things.

20 MR. VANDERGRIFF: Well, Connie, I've known you
21 for a while as well, and you were always a very kind and
22 professional voice and helping me as I made travels in and
23 around the department over the years. And I look forward
24 to hearing all the great stories about your retirement and
25 travel and the things you get to do, but thank you again

1 for your service here. I know that I was not the
2 exception, you treated everybody with great respect and
3 professionalism and courtesy, so thank you.

4 MS. BOHUSLAV: Thank you.

5 MR. MOSELEY: Connie, thank you for your
6 quarter century of service to this agency. TxDOT is
7 better because of your really strong work ethic, and I've
8 heard wonderful things about your being a member of this
9 team. So we wish you the very best. I know Steve will be
10 glad to have you back home so you guys can have some fun
11 in the next twenty-five years, and so we just wish you the
12 very, very best. God bless you and thank you for your
13 service to the State of Texas.

14 MS. BOHUSLAV: Thank you, Commissioner.

15 MR. AUSTIN: Connie, one of our greatest
16 strengths here is our people, and I will say with the
17 tenure that you have had, you've stayed on, you've watched
18 a lot of changes, but you can stay on and participate in
19 those improvements to help make it a better place, and
20 you've certainly done that. Thank you for your service,
21 and we look forward to hopefully seeing you back around.

22 MS. BOHUSLAV: Thank you.

23 MR. UNDERWOOD: Well, Connie, I will miss your
24 smile. There were days when I felt like if I walked by a
25 dog, it would bite me and you'd smile at me. And I really

1 appreciate your professionalism but most important, like I
2 said, your smile, it always picked me up. And I wish you
3 the best and I will miss your smile.

4 MS. BOHUSLAV: Thank you.

5 MR. WILSON: Let's take some pictures.

6 (Pause for presentation and photographs.)

7 MR. HOUGHTON: All right. We are going to
8 proceed with the balance of the agenda, and with your
9 permission and my discretion, I'd like to move item 5b,
10 Phil, on the agenda, we'll take that next.

11 MR. WILSON: Yes, Mr. Chairman.

12 Item 5b is the appointment of one member of the
13 Grand Parkway Association Board of Directors. This item
14 will be presented by Director of Planning Marc Williams.
15 Marc.

16 MR. WILLIAMS: Good morning, Mr. Chairman,
17 commission members, Mr. Wilson. For the record, again my
18 name is Marc Williams, director of Planning for the
19 department.

20 Upon your approval, this minute order appoints
21 Mrs. Elyse Lanier to the Grand Parkway Association Board
22 of Directors. In accordance with the provisions set forth
23 in our Transportation Code, Mrs. Lanier is fully eligible
24 and qualified to serve as a member of the board with a
25 distinguished career of public service, including serving

1 as first lady for the City of Houston and commissioner of
2 the Port of Houston Authority, among many other service
3 activities.

4 The required documentation has been submitted
5 and provided to the department for review and
6 consideration. At this time, staff recommends that Mrs.
7 Elyse Lanier is hereby appointed to serve as a member on
8 the board of the Grand Parkway Association, with a term
9 expiring May 30 of 2019.

10 MR. HOUGHTON: Commissioner Moseley, would you
11 like to have a few words?

12 MR. MOSELEY: Thank you, Chairman.

13 Members, we are indeed privileged that Elyse
14 Lanier would agree to serve in this capacity on the Grand
15 Parkway Association. As Marc was stating, she's been very
16 active in the state, and particularly in the Houston
17 region, a past member of the University of Houston Board
18 of Regents, she's served as a commissioner for the Port of
19 Houston Authority, a member of the Texas Heart Institute
20 Board, the M.D. Anderson Cancer Center Board, Texas
21 Medical Center City Interaction Advisory Group. She was
22 the past chair of the Houston Image Group and has been the
23 recipient of many prestigious awards, including Houston
24 Communicator of the Year Award, Urban Heritage Award,
25 YMCA's Texas Star Award.

1 And so indeed we are fortunate, and thank you,
2 Elyse, for agreeing to serve in this capacity. It's very
3 timely. The Grand Parkway Association is moving to help
4 us with this wonderful completion of a project that,
5 Chairman, I know you'll talk more about this, but we're so
6 pleased to have Chairman Bob Lanier here, who really was a
7 very strong advocate of the Grand Parkway. And so we're
8 pleased, Commissioner Lanier, that you would step forward
9 to serve to fulfill a legacy initiated by your husband.

10 Thank you, Chairman Houghton.

11 MR. HOUGHTON: Thank you, Commissioner Moseley.

12 And yes, I'd like to recognize escorting Elyse
13 Lanier here today is the former chair of the Texas
14 Transportation Commission, Bob Lanier, and former mayor of
15 the fine city of Houston, Texas.

16 And just a few items regarding his background.

17 He joined the Transportation Commission in 1983 and
18 served till 1987. He created the Parkway Association in
19 October of 1984, and succeeded in an permanent increase in
20 the motor fuel tax, so you and Ray Barnhart at the same
21 time increased one at the state level and one at the
22 federal level. And he encouraged the efforts between the
23 public sector and the private sector, donated
24 approximately \$100 million in land to the state during his
25 years with the department.

1 Through his leadership, the commission funded
2 transportation systems for specific industries, bringing
3 new business and additional jobs to Texas. He worked on
4 behalf and brought national accolades for the department,
5 having reduced state roadside litter by 54 percent under
6 his watch. And he hosted the annual Highway
7 Beautification Award in their very garden, I believe.

8 So I want to welcome and I'm honored to welcome
9 the former chair of the commission and the former mayor of
10 the City of Houston, Bob Lanier.

11 (Applause.)

12 MR. HOUGHTON: And Elyse, we'd like to have you
13 come up since you are the one that's taking on a heavy
14 burden now to complete the Grand Parkway. We welcome you
15 and would like to hear from you.

16 MRS. LANIER: Mr. Chairman, I know it's not the
17 way to start, but I think it was a billion, not a hundred
18 million. Is that right?

19 MR. HOUGHTON: Did I say a billion? I'm sorry.
20 A hundred million.

21 MRS. LANIER: Good morning, Chairman Houghton,
22 Commissioners Moseley, Underwood, Austin and Vandergriff.
23 It is such an honor to be asked to serve on the Grand
24 Parkway Association -- Commissioner Moseley, thank you for
25 asking me -- a corporation created by my husband on the

1 day we got married. That morning he said, You want to get
2 married? And I said, Sure. So he left, came to Austin,
3 created the Grand Parkway Association, and we got married
4 that night. So this is actually very, very special to me.

5 I came to every meeting at the Highway
6 Commission -- which it was called a that time -- after
7 that, actually I missed one meeting, and it was a
8 wonderful, wonderful experience. Both of us came to
9 admire and love all of the people at the Highway
10 Department, they became our family. We were together
11 full-time, it was a full-time job, day and night, and I
12 thought highways were the most beautiful things I'd ever
13 seen. I think I was the only wife, other than contractors
14 and engineers, who thought highways were beautiful.

15 Bob had known Mrs. Lady Bird Johnson before we
16 were married, and then on the commission it came time for
17 the landscaping budget, and he laughed because as she's
18 talking about the budget, he said, You can have anything
19 you want, you're so wonderful.

20 I asked her one time if she ever got tired of
21 coming to the Capitol. We were sitting one day in the
22 governor's office. And she said, Oh, no, I'm in such awe,
23 and she said, I've always been, I know I always will be.
24 And that's how I feel about coming to this building. It's
25 such a rich history of our life and fulfillment.

1 Governor Perry, thank you for the good job
2 you've done for the Great State of Texas. And I just want
3 to throw in one thing: please give TxDOT money. Needs
4 maintenance, needs roads. And I hope everybody is
5 listening. This is the time.

6 Thank you very much. Thank you for giving me
7 this opportunity, and I will work very hard.

8 MR. HOUGHTON: Thank you very much.

9 (Applause.)

10 MR. HOUGHTON: We need a motion.

11 MR. MOSELEY: Chairman, I'm pleased to move
12 approval of staff recommendation to receive Elyse Lanier
13 on to the Grand Parkway Association Board.

14 MR. HOUGHTON: Is there a second?

15 MR. AUSTIN: I second.

16 MR. HOUGHTON: All in favor?

17 (A chorus of ayes.)

18 MR. HOUGHTON: Welcome, and now we're going to
19 take a picture, I do believe.

20 (Pause for photographs.)

21 MR. HOUGHTON: The mike is yours, Chairman.

22 MAYOR LANIER: I was so pleased to hear my
23 wife's acceptance speech, I thought it was just a great
24 speech, and I'm pleased for her to have this honor, and
25 glad to serve as her unpaid and sometimes unwilling

1 assistant.

2 I walked in this building the first time thirty
3 years ago, served a chairman of the Highway Commission,
4 was chairman for four years, and then Bob Dedman, he and I
5 swapped out, was chairman for one. And I enjoyed every
6 day of that service and I liked most all the people.
7 There was one fellow that had a hard time understanding
8 the formulas, but it was a great group of people, great
9 opportunity to serve. I commend all of you who serve and
10 I congratulate your wife -- my wife. I wish it was '85
11 again.

12 Thank you.

13 (General laughter and applause.)

14 MR. HOUGHTON: Thank you, Mayor Lanier.

15 We'll move on with the balance of the agenda.
16 Phil, it's all yours.

17 MR. WILSON: Thank you, sir.

18 Next up on the agenda is item 4a, a
19 presentation and discussion of the status of the 2013
20 Unified Transportation Program. At this time we'll defer
21 the discussion due to the current legislative session.

22 Now item 4b is a presentation of TxDOT's
23 preparation for the 2013 hurricane season. This item will
24 be presented by Deputy Executive Director John Barton.
25 John.

1 MR. BARTON: Thank you, Phil. Good morning,
2 Chairman and commissioners. For the record, my name is
3 John Barton, and I have the pleasure of serving you and
4 the citizens of Texas as the deputy executive director and
5 the chief engineer for the department.

6 I was asked to share with you briefly this
7 morning a presentation or update on the department's
8 hurricane preparedness plans. As we all know, June 1
9 marks the beginning of hurricane season here in the United
10 States and it ends on November 30, so we have several
11 months of hurricane potential ahead of us. We're starting
12 off with a bang. As we stand here before you today, in
13 the eastern Pacific a tropical storm has been named,
14 Tropical Depression Barbara. So we already have activity
15 that we are monitoring.

16 And for the citizens of Texas, I think it's
17 important for all of us to remember that we need to have a
18 plan for our safety, for the well-being of our family and
19 our property. We need to practice that plan so as we
20 enter into hurricane season on June 1, it's important that
21 we remind ourselves to do that. And if we live along the
22 Gulf Coast areas that are susceptible to impacts due to
23 tropical storms and hurricanes, we need to make sure that
24 we keep our fuel tanks topped off.

25 As I mentioned, we already have active storms

1 in the forecast from the National Oceanic Association,
2 that there will be thirteen to twenty named storms this
3 hurricane season, and three to six of those are likely to
4 be strong hurricanes. So it looks like we may have an
5 active season ahead of us, and for those of us that live
6 in drought-parched areas of the state, perhaps that's not
7 the worst news that we could hear.

8 Just real briefly wanted to share with you that
9 the department's emergency operations is staffed in a
10 multi-functional, cross-functional organization. It
11 includes representation from not only our districts and
12 regions but also from many of our divisions. Our
13 Maintenance Division takes the lead on coordinating these
14 efforts, but it's supported by the General Services
15 Division, as well as our Traffic Operations and Travel
16 Division, so our IT staff, communications group and our
17 construction staff, and of course, has the support and
18 capable presence, if needed, of the administration.

19 It is a well coordinated activity. We do have
20 plans to take care of whatever issues come about, and it
21 is predicated on an all-hands-on-deck mentality, if you
22 will. Whenever we need to respond to this type of event,
23 everyone within the agency knows that they have a role and
24 responsibility to play.

25 We're part of a larger statewide response.

1 This is an organizational chart that represents the
2 structure of the Texas Division of Emergency Management
3 out of the Department of Public Safety's overall
4 operations management program. It's the State Operations
5 Center, and you can see on the left side of the screen,
6 we're embedded in the infrastructure branch, we are a
7 critical part of any response to any emergencies, but in
8 particular with hurricane and tropical storm related
9 activities as an embedded part of the State Operations
10 Center. We are responsible for managing traffic during
11 evacuations, with the support of law enforcement, both at
12 the state and local level, and then for the reentry and
13 cleanup activities after a storm has passed.

14 The timeline that we use to activate these
15 activities is based on a five-day or 120-hour clock. It's
16 interesting to note that when a storm is 120 hours out
17 from being predicted to make landfall, that five days in
18 advance it is usually out in the middle of the Atlantic
19 Ocean when we have those types of storms coming into the
20 United States. At about seventy-two hours we start our
21 activities in earnest to mobilize forces from around the
22 state into the areas that are anticipated to be impacted,
23 and at that time a storm would typically be east of the
24 Florida peninsula, perhaps into the Caribbean area, so
25 it's still a long ways from making landfall.

1 As we move closer to the predicted landfall,
2 working with the Department of Public Safety, we are
3 managing the evacuation and a decision on whether or not
4 to implement contraflow, which is converting all lanes of
5 a particular facility into an outbound mode away from the
6 Gulf Coast, is made with local law enforcement, local
7 leadership at the county and city level, and the
8 department, and we would start implementing those about a
9 day and a half before anticipated landfall.

10 Leading up to the last moments which is about
11 twelve hours before the storm makes landfall, we would
12 have staff from across the state in areas that aren't
13 anticipated to be impacted by the storm poised and ready
14 to move in to start the recovery effort after a storm has
15 passed. And of course, before that all the residents along
16 the Gulf Coast have been safely evacuated.

17 Safety is, of course, paramount, and after
18 Hurricane Rita, which was the storm that followed
19 Hurricane Katrina back in 2005, we learned a lot of
20 lessons from that particular set of events and have
21 implemented those throughout the recent years. One of
22 those this photograph represents is the evacu-lane. You
23 can see the blue hurricane symbol on the shoulder of this
24 particular roadway. We have devised evacuation routes for
25 all of the coastal areas of Texas which include not only

1 contraflow plans to turn all lanes into outbound lanes,
2 but to implement the use of shoulders as an evacuation
3 lane during these types of storm events.

4 Those plans have been implemented, in place,
5 and they involve coordination with multiple entities, law
6 enforcement, local communities and the State Operations
7 Center. We also meet with them to drill or practice these
8 activities on a recurring basis, and we've hardened our
9 infrastructure in some areas and made improvements to
10 reduce bottlenecks so that evacuations leading away from
11 the Gulf Coast of Texas are more efficient and less
12 impacted during these types of events.

13 One of the most important lessons that we
14 learned from Hurricane Rita was that fuel is the most
15 important thing during an evacuation. If cars run out of
16 fuel, both as they exit an area or as they're trying to
17 reenter an area, or as they're in an area that has been
18 impacted over several weeks, it's critical that they have
19 appropriate amounts of fuel and that we be able to
20 dispatch that fuel safely.

21 So this is just a photograph of the type of
22 equipment that we have either leased or have purchased
23 ourselves so that we can be able to dispatch fuel in a
24 safe and effective manner, and learning from what we
25 experienced in Rita, we are very well prepared and

1 equipped to take care of this responsibility. And as I
2 mentioned, safety is always the most important thing, and
3 this is just one example of how we've done that.

4 I won't go through this list of logistic plan
5 issues, but I did want to show it to point out that in the
6 midst of any event, logistics and how we handle the
7 logistic operations is very important to the success of
8 those activities. And so at the central office our
9 responsibilities are to make sure that we provide for the
10 safety of our team that is responding to the event, that
11 we provide them food, services, make sure that they have
12 places to shower, to sleep, to take care of their
13 necessities, that their base camp is organized and
14 functioning in a way that allows them to know who is doing
15 what, when and where they are, and that we keep track of
16 all of them to make sure that they have their needs taken
17 care of and that they are well protected.

18 It's also critical that we document everything
19 in a very thorough and effective manner so that we can get
20 reimbursement from the emergency funds that are often
21 given to areas that are impacted by these types of storms.

22 And those are the types of leadership responsibilities
23 that the support divisions and offices here in the central
24 headquarters provide to our staff that are out there
25 cleaning the roads the clearing the way and making sure

1 the evacuation is taken care of safely.

2 As I mentioned, what we do is essential. This
3 is a photograph of recovery efforts after Hurricane Ike as
4 we were clearing the path home. Our mission in these
5 types of situations is very clear and our employees
6 understand it: it's to get everyone out of harm's way in
7 a safe and effective manner, to make sure that the path
8 back home is cleared in a safe manner following a storm,
9 and that we're there to support those recovery efforts as
10 communities start to rebuild and clean up and return to
11 some sense of normalcy. And the men and women of this
12 department have done an exceptional job in responding to
13 these events and preparing for potential future events.

14 So I just wanted to close by letting you know
15 that we are prepared for any event, if we should be called
16 upon, and as hurricane season is upon us, we've been
17 practicing and drilling, and I wanted to make sure you
18 were aware that as the leadership of this agency, the men
19 and women that work for you are prepared to respond if
20 we're called upon. Our showcase is later this week,
21 tomorrow, actually, here in Austin, not only with the
22 department but with several emergency management groups
23 from around the state. And of course, we'll be
24 participating in the Gulf Coast Hurricane Conference later
25 this next month in New Orleans where all states along the

1 Gulf Coast of the United States have an opportunity to
2 talk about these things and prepare for them.

3 So with that, Phil, I appreciate the
4 opportunity to brief the commission on the department's
5 response and preparedness for hurricanes, and would be
6 happy to answer any questions if there are any.

7 MR. HOUGHTON: Questions?

8 (No response.)

9 MR. HOUGHTON: None. John, thank you.

10 MR. BARTON: Thank you.

11 MR. WILSON: Item 4c includes an update on the
12 award of funds to continue safe operation of air traffic
13 control towers impacted by recent federal action. This
14 item will be presented by Aviation Division Director Dave
15 Fulton.

16 MR. FULTON: Thanks, Phil. For the record, my
17 name is Dave Fulton, director of TxDOT's Aviation
18 Division. I'm going to do a very brief recap of events
19 following the commission's approval on April 4 of this
20 year for funding to ensure the continuation of fourteen
21 contract air traffic control towers.

22 On April 5, FAA postponed the tower closures
23 planned to begin on April 7 until June 15. Numerous
24 plaintiffs filed legal action asking for a review of FAA's
25 process on closing towers and requested an emergency

1 motion for a stay of FAA's closure plans. All of the
2 cases were consolidated in the Ninth Circuit Federal Court
3 in San Francisco. Between April 9 and April 15, one House
4 bill and two Senate bills were filed in the U.S. Congress
5 to ensure continuation of the contract tower program.

6 On April 21, furlough of FAA air traffic
7 controllers began. Transportation Secretary LaHood and
8 FAA Administrator Huerta announced that delays could be
9 expected. At the busier airports, like Atlanta, delays
10 could be up to three and a half hours. Significant delays
11 did occur.

12 On April 26, Transportation Secretary Ray
13 LaHood, FAA Administrator Huerta, and Senator Jay
14 Rockefeller and other members of Congress held a forty
15 minute meeting after which they told reporters that they
16 were working together on a solution to the nation's
17 aviation woes. Shortly thereafter, Congress grants FAA
18 authority to move \$253 million from the discretionary
19 category of the FAA's airport improvement program to
20 operations to send FAA controllers back to work. Funds
21 necessary to provide contract funding are included by not
22 specified in the legislation.

23 On Friday, May 10, US DOT and FAA announced
24 that the contract towers scheduled to close will remain
25 open for the remainder of the fiscal year. On Wednesday,

1 May 13, at the government's request, the FAA closure
2 decision was vacated and will no longer remain in effect.
3 Should the FAA decide at a later date to make any changes
4 to the contract tower program, the agency will be required
5 to do so through a new decision following the Federal
6 Administrative Procedures Act.

7 On May 16, the Congressional Research Service
8 published a report titled "Proposed Cuts to Air Traffic
9 Control: Considerations for Congress." The report
10 provides a very thorough overview of the contract tower
11 program, it's history and effects on operational
12 efficiency and safety. I received that report late
13 yesterday afternoon and it has been forwarded to each of
14 you.

15 FAA's program authorization extends through
16 fiscal year 2015. Contract funding is included. A
17 minimum appropriation of \$150 million for the contract
18 program for FY '14 will be required to support the
19 program.

20 The new TxDOT funded air traffic control tower
21 under construction in Mesquite is scheduled for completion
22 August 31. The construction was accelerated to comply
23 with a commitment by FAA to provide operational funding if
24 the tower was completed by the end of August. Recent
25 discussions have been held with FAA about funding for this

1 tower for the month of September. FAA's response is there
2 is no funding available for, quote, new towers for the
3 remainder of the fiscal year. If Congress appropriates a
4 minimum of \$150 million for contract towers for next
5 fiscal year, the funding should be adequate to include the
6 Mesquite tower.

7 Two more Texas contract towers, Fort Worth
8 Spinks and Grand Prairie, were previously scheduled to
9 close on September 30. As such, fiscal year 2014 contract
10 tower funding for Texas will be needed for a total of
11 seventeen airports.

12 On May 22, I delivered a presentation on the
13 contract tower issue at the annual conference of the
14 American Association of Airport Executives. There is
15 strong feeling nationwide on the subject of contract
16 towers.

17 Earlier this week I asked the airport managers
18 of those airports with contract towers FAA previously
19 planned to close to provide any information they would
20 like me to share with the commission. In summary, they
21 greatly appreciate the support of the commission and are
22 working with their congressional delegations to ensure
23 future funding for the contract tower program. To quote
24 Scott Smith, director of the Lone Star Executive Airport
25 in Conroe, "It would be hard to express our full

1 appreciation to the commission for its support but feel we
2 can do so by continuing to do everything we can in support
3 of this program."

4 That concludes my report. I'll be glad to try
5 to answer any questions.

6 MR. HOUGHTON: Questions?

7 MR. AUSTIN: I've got a couple. Dave, thank
8 you for this. Let me go back, how many contract towers do
9 we have in the state, roughly. I know there were fourteen
10 that were identified on the list that had funding that was
11 going to be impacted.

12 MR. FULTON: I don't have that with me, I will
13 forward it to you, but Arlington is a contract tower and
14 through the appeals process was reinstated. There's a
15 couple that met either the 150,000 operations or certain
16 level of airline service, but I would guess there are not
17 many more. There's probably somewhere three to five more
18 that weren't affected in this, but I will provide that
19 information to all of you.

20 MR. AUSTIN: So this is still a moving target.

21 MR. FULTON: It is. I believe that there is
22 strong support for this program in the future. I've
23 talked to some people who I think know a lot about this
24 process and their view is FAA probably will not initiate
25 this as a means of meeting the sequester mandates in the

1 future, but that's their opinion.

2 MR. AUSTIN: It is what it is.

3 MR. FULTON: I hope that's true.

4 MR. HOUGHTON: Any other questions of Dave?

5 (No response.)

6 MR. HOUGHTON: Dave, thank you.

7 MR. FULTON: Thank you.

8 MR. WILSON: Next up is item 5a, the
9 appointment of one member to the Port Authority Advisory
10 Committee. This item will be presented by Maritime
11 Division Director Herman Deutsch. Herman.

12 MR. DEUTSCH: Thank you, Phil, Chairman,
13 commissioners. For the record, my name is Herman Deutsch.
14 I have the privilege to serve as director for the
15 Maritime Division.

16 Agenda item 5a requests for the commission to
17 appoint Mr. Roger Gunther, who is the current deputy
18 director of operations for the Port of Houston Authority,
19 to the Port Authority Advisory Committee.

20 State law requires the Texas Transportation
21 Commission to appoint a seven-member Port Authority
22 Advisory Committee to advise the commission and the
23 department on port issues and to provide a forum for the
24 exchange of information between the commission, the
25 department and the committee members representing the

1 Texas port system. The former representative from the PHA
2 has resigned. We have received a nomination from the port
3 director of Houston for Mr. Gunther to fill the vacancy.

4 Staff recommends Mr. Gunther to be appointed to
5 the Port Authority Advisory Committee. His three-year
6 term is set to expire on May 30, 2016 with approval of
7 this minute order.

8 MR. HOUGHTON: Any questions for Herman? Is
9 there a motion?

10 MR. MOSELEY: So moved, Chairman.

11 MR. AUSTIN: Second.

12 MR. HOUGHTON: All in favor?

13 (A chorus of ayes.)

14 MR. DEUTSCH: Thank you.

15 MR. HOUGHTON: Thanks, Herman.

16 MR. WILSON: Next up is item 6, the award of
17 federal and state grant funding for airport improvement
18 projects. Aviation Division Director Dave Fulton will
19 present. Dave.

20 MR. FULTON: Again, my name is Dave Fulton, for
21 the record, director of TxDOT's Aviation Division.

22 This minute order contains a request for grant
23 funding approval for twelve airport improvement projects.

24 The total estimate cost of all requests, as shown in
25 Exhibit A, is approximately \$19.6 million: approximately

1 \$16.3 million in federal funds, \$1.2 million in state
2 funds, and \$2.1 million in local funds.

3 A public hearing was held on April 18. No
4 comments were received. We would recommend approval of
5 this minute order.

6 MR. HOUGHTON: Questions of Dave on this one?
7 Is there a motion?

8 MR. AUSTIN: So moved.

9 MR. UNDERWOOD: Second.

10 MR. HOUGHTON: All in favor?

11 (A chorus of ayes.)

12 MR. FULTON: Thank you.

13 MR. HOUGHTON: Thanks, Dave.

14 MR. WILSON: Now item 7a, the award of
15 transportation development credits to the Cit of Beaumont
16 for the replacement of transit vehicles. This item will
17 be presented by Public Transportation Division Director
18 Eric Gleason. Eric.

19 MR. GLEASON: Good morning. For the record, my
20 name is Eric Gleason, TxDOT's Public Transportation
21 Division director.

22 Agenda item 7a awards 300,000 transportation
23 development credits to Beaumont as match for Congestion
24 Mitigation and Air Quality funds awarded by the MPO to
25 procure three new CNG-powered full-size buses. The new

1 fleet is expected to reduce operating and maintenance
2 expenses by approximately \$77,000 per year. Two of the
3 buses being replaced currently have diesel engines and the
4 CNG fuel technology delivers a significant air quality
5 benefit for the non-attainment area.

6 Staff recommends your approval of this minute
7 order.

8 MR. MOSELEY: So moved.

9 MR. AUSTIN: Second.

10 MR. HOUGHTON: All in favor?

11 (A chorus of ayes.)

12 MR. WILSON: Next is item 7b, the award of
13 federal funds to the South Plains Community Action
14 Association. Eric Gleason will continue with this item.
15 Eric.

16 MR. GLEASON: Thank you.

17 Agenda item 7b awards \$221,000 from a
18 combination of federal and state funds and 28,000
19 transportation development credits to South Plains
20 Community Action Association, assisting in the procurement
21 of three buses to provide commuter service between
22 Plainview and Friona, Texas, following the closure of the
23 Cargill Meat Solutions Corporation plant in Plainview.

24 The department worked with South Plains
25 Community Action Association to reprogram funds from an

1 existing grant to purchase two buses that just after nine
2 days of service were completely full carrying sixty-six
3 passengers. The funding from this award will replace
4 funds used to purchase those first two buses and provide
5 funding for a third. Cargill employees are paying the
6 full cost of this service through a payroll deduction
7 plan.

8 Staff recommends your approval of this minute
9 order.

10 MR. HOUGHTON: Motion?

11 MR. UNDERWOOD: Eric, quick question on this
12 issue, because at one point in time this was not going to
13 take place. Isn't that correct?

14 MR. GLEASON: That's correct.

15 MR. UNDERWOOD: Because the leadership at
16 Plainview felt like they couldn't do that. Isn't that
17 right?

18 MR. GLEASON: That's right.

19 MR. UNDERWOOD: These are larger buses is what
20 they're really going for.

21 MR. GLEASON: That's correct.

22 MR. UNDERWOOD: How many can they carry on the
23 bus?

24 MR. GLEASON: They can carry thirty-two
25 passengers and the driver makes thirty-three.

1 MR. UNDERWOOD: That's where you're getting
2 your sixty-four.

3 MR. GLEASON: That's exactly right.

4 MR. UNDERWOOD: Okay. This is what they had to
5 have to be able to carry the workforce because they lost
6 what, about 2,000 people?

7 MR. GLEASON: Two thousand people were laid off
8 in mid January.

9 MR. UNDERWOOD: Right, lost their jobs. Thank
10 you.

11 MR. HOUGHTON: Other questions? Is there a
12 motion?

13 MR. AUSTIN: So moved.

14 MR. UNDERWOOD: Second.

15 MR. HOUGHTON: All in favor?

16 (A chorus of ayes.)

17 MR. WILSON: Now item 7c, the award of funds
18 for the FY 2013 coordinated call for projects and award
19 transportation development credits. Eric will continue.

20 MR. GLEASON: Agenda item 7c awards \$8.9
21 million from a combination of federal and state funds and
22 over 750,000 transportation development credits to the
23 twelve sub-recipients listed in Exhibit A.

24 Each year the department publishes a single
25 request for proposals for all of its FTA administered

1 competitive programs, including statewide and non-
2 metropolitan planning, rural area discretionary, the rural
3 transportation assistance program and intercity bus
4 program. This year's notice for proposals was published
5 in the *Texas Register* on October 19, 2012. Eligible
6 applicants submitted project proposals in early January.
7 Fifty-two project proposals were received requesting a
8 total of \$48 million with \$9.5 million available for
9 award.

10 Transportation staff reviewed and evaluated all
11 proposals. Follow-up conversations have occurred with all
12 proposers. Sixteen projects are recommended for funding,
13 totaling \$8.9 million. State funds and TDCs are included
14 for match purposes.

15 Exhibit A provides total award amounts by sub-
16 recipient. Several sub-recipients received awards for
17 more than one project. Of the total amount available for
18 award, \$600,000 is being held back, anticipating a need to
19 address intercity travel connections in the Eagle Pass,
20 Del Rio and San Antonio areas.

21 Staff recommends your approval of this minute
22 order.

23 MR. HOUGHTON: Is there questions? A motion?

24 MR. UNDERWOOD: So moved.

25 MR. AUSTIN: Second.

1 MR. HOUGHTON: All in favor?

2 (A chorus of ayes.)

3 MR. WILSON: Item 7d is the award of funds to
4 rural transit districts for FY 2013. Eric.

5 MR. GLEASON: Agenda item 7d awards
6 approximately \$9.5 million in Federal Transit
7 Administration Section 5311 funding to rural transit
8 districts in Texas.

9 Each year, as a part of a formula-based
10 allocation of federal rural program funding, the
11 department distributes a portion of the total available
12 funding to each rural transit district based on its
13 proportional share of revenue miles operated statewide.
14 This year's distribution is the highest total amount
15 distributed since the department began this practice in
16 2009. These funds may be used for any eligible program
17 activity.

18 Staff recommends your approval of this minute
19 order.

20 MR. HOUGHTON: Questions?

21 MR. AUSTIN: I just have one question.

22 MR. HOUGHTON: Go ahead.

23 MR. AUSTIN: Eric, when we say any eligible
24 project, what follow-up do the COGs come back or the
25 transit districts come back and give to you as far as the

1 quality of what they're using the funds for, or is that
2 even something you look at?

3 MR. GLEASON: Well, these funds are usually
4 used for basic operating and capital expenses. And with
5 this particular award, we encourage folks to focus this on
6 their capital program, making sure they're in a state of
7 good repair and have asset maintenance plan in place. So
8 it's pretty routine stuff normally, sir.

9 MR. AUSTIN: Good. Thanks.

10 MR. HOUGHTON: Any other questions? Motion?

11 MR. AUSTIN: So moved.

12 MR. UNDERWOOD: Second.

13 MR. HOUGHTON: All in favor?

14 (A chorus of ayes.)

15 MR. WILSON: Item 7e is the award of fund to
16 rural transit districts for FY 2013. Eric, please
17 continue.

18 MR. GLEASON: Agenda item 7e awards
19 approximately \$354,000 of FTA Section 5311 funding to
20 those rural transit districts negatively impacted by the
21 2010 census results. Approximately half the amount any
22 rural transit district receives as its share of need and
23 performance based federal funding allocations is dependent
24 on its proportional share of the overall population of the
25 rural areas in Texas.

1 The 2010 census set in motion a reallocation of
2 population based funding among all rural transit districts
3 in Texas as certain areas of the state grew at a faster
4 rate than others and increased their relative share of
5 population. Only those rural transit district negatively
6 impacted by the census results are listed in Exhibit A,
7 along with those amounts needed to offset the loss. A
8 similar adjustment was made with state funding last June.

9 Staff recommends your approval of this minute
10 order.

11 MR. HOUGHTON: Questions? Motion?

12 MR. AUSTIN: So moved.

13 MR. UNDERWOOD: Second.

14 MR. HOUGHTON: All in favor?

15 (A chorus of ayes.)

16 MR. WILSON: Now item 7f, the award of funds
17 and transportation development credits to Texoma Area
18 Paratransit System. Eric, please continue.

19 MR. GLEASON: Agenda item 7f awards the
20 remaining balances of Collin County Committee on Aging
21 active contracts listed in Exhibit A to Texoma Area
22 Paratransit System, otherwise known as TAPS.

23 The Collin County Commissioners Court has voted
24 to join the TAPS rural transit district effective July 1,
25 2013. The department is working closely with all

1 interested parties to ensure a smooth transition, and
2 staff recommends your approval of this minute order.

3 MR. HOUGHTON: Any questions? Motion?

4 MR. AUSTIN: So moved.

5 MR. UNDERWOOD: Second.

6 MR. HOUGHTON: All in favor?

7 (A chorus of ayes.)

8 MR. HOUGHTON: Thanks, Eric.

9 MR. GLEASON: Thank you.

10 MR. WILSON: Next up is item 8, the designation
11 of various interstate highways. This item will be
12 presented by Director of Planning Marc Williams.

13 MR. WILLIAMS: Good morning again. Mr.
14 Chairman, commission members and Mr. Wilson, again for the
15 record, my name is Marc Williams, director of Planning for
16 the Texas Department of Transportation. As I go through
17 the presentation of this minute order, we have a brief
18 power point to kind of help illustrate some of the items
19 being presented here today.

20 This minute order authorizes a set of highway
21 segments to be added to what most of you all are aware of
22 is the nationally designated route for Interstate 69 that
23 connects the Texas-Mexico border through the heartland of
24 the United States, all the way through Indiana on to
25 Canada, north of Detroit in the State of Michigan.

1 Our minute order today is being presented to
2 authorize the following set of highway segments that
3 received the required approval from the American
4 Association of State Highway and Transportation Officials
5 and the Federal Highway Administration, as Commissioners
6 Austin and Underwood previously referenced, to be
7 designated on the state highway system concurrent with
8 their existing route number. The designations are as
9 follows:

10 A 3-1/2 mile segment of US 59 from Interstate
11 30 to State Loop 151 in Texarkana to be designated as
12 Interstate I-369. That's show on Exhibit A and is at the
13 top left-hand corner of the exhibit on the screen.

14 A 53.3 mile segment of US 77 from the junction
15 of Business 77 north of Raymondville to the limits of
16 access control just north of the U.S.-Mexico international
17 border crossing complex to be designated as I-69E on
18 Exhibit B in your handout, and that is the red line to the
19 south in South Texas.

20 In addition, a 46.8 mile segment of US 83 from
21 the junction of Showers Road and Palmview which is just to
22 the west of McAllen, to US 77 in Harlingen. It is the
23 blue line on the map, also shown on Exhibit C. This
24 segment which is part of the I-69 system is going to be,
25 however, designated as Interstate 2.

1 And then a 13.5 mile segment of US 281 from the
2 junction of Farm to Market 2818 in Edinburg to US 83 in
3 Pharr to be designated as I-69C. It is shown on Exhibit D
4 and it is the green line in the lower center of the
5 exhibit before you.

6 Before these segments can be added to the
7 interstate highway system, AASHTO must approve the
8 department application to recognize the number of the
9 highway segments as part of the interstate system, and in
10 addition, the Federal Highway Administration must confirm
11 that the highway segments meet the applicable FHWA
12 interstate designation regulations and criteria.

13 Commissioners Austin and Underwood, you all
14 recognize the tremendous amount of effort among staff with
15 the Texas Department of Transportation division office,
16 also with our division FHWA office. Bob Talley and Al
17 Alonzi and that group have spent a lot of time working
18 with our staff to make sure that this application -- which
19 is a pretty complex application with the number of highway
20 segments involved -- successfully made it to headquarters
21 in order to be approved by the administrator. And as of
22 May 24, 2013, TxDOT has received all of the required
23 approvals from both the American Association of State
24 Highway and Transportation Officials and the Federal
25 Highway Administration.

1 One additional item that is included in this
2 minute order is related to the segment of US 77 from I-37
3 in Corpus Christi southward about 6.2 miles to State
4 Highway 44 in Robstown. That is the section up at the top
5 right corner. That was the originally designated section
6 of Interstate 69 here in the State of Texas. Because now
7 we have expanded the system to include those portions that
8 are designated as I-69E and I-69C, the Federal Highway
9 Administration and AASHTO have recommended that that
10 section be redesignated as I-69E to be consistent with the
11 southern portion of the route.

12 As a result, staff recommends approval of these
13 highway segments, as shown on Exhibits A through D and E,
14 to be designated on the state highway system concurrent
15 with their existing route numbering as future additions to
16 the interstate highway system in Texas.

17 Be happy to answer any questions for you.

18 MR. HOUGHTON: Any questions of Marc?

19 MR. AUSTIN: Just a couple of comments. This
20 is a great day and I believe looking at the broader map
21 going up into Indiana and Michigan, since this was
22 designated as a congressional high priority corridor by
23 Congress, Texas now has developed 186 miles that with our
24 action that we can actually drive on, and I think this is
25 tremendous. And I think the other states combined may be

1 a little over 150 miles. But I know Indiana is getting
2 close because they have several more lane miles under
3 construction. But this is significant.

4 This goes back to the work of a lot of people
5 from our advisory committee that's chaired by Judy Hawley,
6 the I-69 Alliance who has worked so closely with them,
7 chaired by Judge John Thompson from Polk County. I
8 believe now we have something in every segment, and
9 looking at the Valley down here in South Texas, you have
10 69 East, 69 Central that we have here, and I know that the
11 folks in Laredo are working hard to work on the west
12 section beginning to come back up. But what a great
13 success listening to the segment committees come up and
14 find local solutions, not a top-down, local solutions
15 coming back up to figure out how they want it to take
16 place in their committee.

17 And if you look back at this map, one of your
18 slides that showed the region right there at the bottom,
19 it is worth noting, it starts in Texas. They may have
20 thought it started up north but it starts in Texas and
21 works its way up. So we're proud to have this. And in
22 the Texas segment coming from Brownsville up to Texarkana,
23 I can truly say it goes from Alpha to Omega. So now we
24 can work with the rest of the country, but from all in
25 Texas, we have segments from the top to bottom.

1 Congratulations. Thank y'all for all your hard
2 work.

3 MR. WILLIAMS: Thank you, sir.

4 MR. UNDERWOOD: One last comment, Marc. The
5 reason why projects like this work is because communities
6 work together. You don't stop at the county line, and
7 that's what's making things like this work. The more that
8 this happens, it makes it so much easier for our staff and
9 for the commission to be able to help, because they were
10 all on the same page and working the same direction. They
11 may have had different ideas at one point in time, but
12 they melded and gelled them together to come up with
13 something. So I want to make sure that they appreciate
14 that.

15 And tell staff thank you very much for all
16 their hard work, please.

17 MR. WILLIAMS: I'll certainly do that.

18 MR. MOSELEY: Chairman, I would just again say
19 this is a wonderful continued development of a very
20 strategic corridor to the state. With a \$1.4 trillion
21 state economy, there's no doubt that I-69 is significant
22 to continuing to provide jobs and grow the total assessed
23 valuation of our state. So my hat's off to Commissioner
24 Austin and all the efforts that have gone into getting us
25 to this point.

1 And thank you, Marc, for this report. This is
2 a dynamic corridor and it clearly ties into international
3 trade with Mexico.

4 MR. HOUGHTON: Any other comments? Motion?

5 MR. AUSTIN: I so move.

6 MR. UNDERWOOD: Second.

7 MR. HOUGHTON: Okay. All in favor?

8 (A chorus of ayes.)

9 MR. HOUGHTON: Got it. Thanks, Marc.

10 MR. WILLIAMS: thank you.

11 MR. WILSON: Moving on to the promulgation of
12 administrative rules, item 9a(1) is the final adoption of
13 amendments to Chapter 2 related to the adoption of new
14 MOUs with the Texas Parks and Wildlife Commission, Texas
15 Historical Commission, and Texas Commission on
16 Environmental Quality. This item will be presented by
17 General Counsel Jeff Graham. Jeff.

18 MR. GRAHAM: Good morning, Chairman,
19 commissioners, Phil.

20 This adoption of this new memorandum of
21 understanding with the Texas Parks and Wildlife
22 Commission, the Texas Historical Commission, and the Texas
23 Commission on Environmental Quality has resulted in the
24 need to reorganize this Chapter 2. Previously the Chapter
25 2 covered all of them, so any change to any of those

1 organizations required a return to this body to change the
2 master provision. By changing the master provision now,
3 it allows any one of these sub-entities to be changed
4 without having to come back and change the entire thing.

5 Specifically up before you today will be the
6 MOU between us and the Parks and Wildlife which Carlos
7 Swonke will be talking about in a minute, but for this
8 purpose we're discussing the change to the master
9 amendment to Section 2.12.

10 Staff recommends that you approve this.

11 MR. HOUGHTON: Questions? Motion?

12 MR. AUSTIN: So moved.

13 MR. HOUGHTON: Second?

14 MR. MOSELEY: Second.

15 MR. HOUGHTON: All in favor?

16 (A chorus of ayes.)

17 MR. HOUGHTON: Thank you.

18 MR. GRAHAM: Thank you.

19 MR. WILSON: Next is item 9a(2), final adoption
20 of amendments to Chapter 2 related to an MOU with the
21 Texas Parks and Wildlife Department. This item will be
22 presented by Environmental Affairs Division Director
23 Carlos Swonke. Carlos

24 MR. SWONKE: Good morning. Again for the
25 record, my name is Carlos Swonke, director of the

1 Environmental Affairs Division of TxDOT.

2 This agenda item is regarding the revision of
3 the existing MOU between TxDOT and the Texas Parks and
4 Wildlife Department. The revision requires the proposed
5 repeal of Section 2.21 and 2.22 and the simultaneous
6 proposal to adopt new Subchapter G, 2.201 through 2.216.

7 These draft rules were presented to you in
8 January and published in the *Texas Register* for review and
9 public comment on February 15 of this year. A public
10 hearing was held on March 7; the comment period closed on
11 April 3. Two comment letters were received. Changes to
12 the draft rules were made in response to these comments.

13 We send about 300 to 400 environmental
14 documents a year to Parks and Wildlife. As part of the
15 review of the old MOU, we identified some inefficiencies
16 in the coordination process between our two agencies.
17 This minute order aims to address these inefficiencies.

18 For this item we recommend approval.

19 MR. HOUGHTON: Any questions? Motion?

20 MR. AUSTIN: So moved.

21 MR. UNDERWOOD: Second.

22 MR. HOUGHTON: All in favor?

23 (A chorus of ayes.)

24 MR. WILSON: Now item 9a(3), final adoption of
25 amendments to Chapter 5, Finance. This item will be

1 presented by Finance Division Director Brian Ragland.
2 Brian.

3 MR. RAGLAND: Good morning. For the record,
4 I'm Brian Ragland, director of the Finance Division.

5 This minute order makes amendments to the
6 section of the rules dealing with transportation
7 development credits, or TDCs, for short. Two amendments
8 are made here.

9 First, the amount of TDCs available for public
10 transportation projects is clarified to be a total of \$15
11 million per year and not necessarily an additional \$15
12 million per year, which could be interpreted with the
13 current language in the rules.

14 And then second, the proposed amendments allow
15 for the commission to award a lump sum of TDCs for a
16 department program or category of projects. Currently the
17 commission must award TDCs on a project-specific basis.

18 And I'm happy to answer any questions. Staff
19 recommends your approval.

20 MR. HOUGHTON: Questions? Motion?

21 MR. AUSTIN: So moved.

22 MR. HOUGHTON: Is there a second?

23 MR. MOSELEY: Second.

24 MR. HOUGHTON: All in favor?

25 (A chorus of ayes.)

1 MR. RAGLAND: Thank you.

2 MR. WILSON: Next up is item 9a(4), final
3 adoption of amendments to Chapter 9, Contract and Grant
4 Management. This item will be presented by Chief
5 Procurement and Deputy Administrative Officer Lauren
6 Guarduno.

7 MR. GUARDUNO: Thank you, Phil. For the
8 record, my name is Lauren Guarduno and I'm chief
9 procurement and deputy administrative officer.

10 This minute order was presented to you in
11 February for adoption. This is the final adoption on
12 Section 9.4 which is a contract for a pilot program under
13 the contracting for architectural, engineering and
14 surveying services.

15 This new section provides for the executive
16 director or the executive director's designee to authorize
17 the execution of an engineering, architectural or
18 surveying contract that does not comply with the chapter
19 if the procurement was part of a pilot project approved by
20 the commission for the purpose of improving efficiency and
21 fairness in the qualification-based procurement process.

22 We went through the comment period with this
23 proposed rule and received no comments, so staff
24 recommends adoption of this minute order.

25 MR. HOUGHTON: Are there questions? Is there a

1 motion?

2 MR. AUSTIN: So moved.

3 MR. UNDERWOOD: Second.

4 MR. HOUGHTON: All in favor?

5 (A chorus of ayes.)

6 MR. WILSON: Item 9b(1) is proposed adoption of
7 amendments to Chapter 4, Employment Practices. This item
8 will also be presented by Chief Procurement and Deputy
9 Administrative Officer Lauren Guarduno. Lauren.

10 MR. GUARDUNO: Thank you, Phil.

11 The proposed minute order is to existing
12 tuition assistance program that we currently have, the
13 program rules contain unnecessarily detailed internal
14 operating procedures that do not afford the department the
15 sufficient flexibility to administer this program
16 efficiently. The proposed rules that was actually
17 repealing the existing rules and proposing new rules will
18 give basically general rules authorizing the executive
19 director of the department to set employee education
20 policies according to state law.

21 And with that, staff recommends approval of
22 this minute order.

23 MR. HOUGHTON: Questions? Motion?

24 MR. AUSTIN: So moved.

25 MR. UNDERWOOD: Second.

1 MR. HOUGHTON: All in favor?

2 (A chorus of ayes.)

3 MR. WILSON: Next is item 9b(2), proposed
4 amendments to Chapter 5, Finance. This action item will
5 be presented by Chief Financial Officer James Bass.
6 James.

7 MR. BASS: Good morning. For the record, I'm
8 James Bass, chief financial officer at TxDOT.

9 This item proposes amendments to the rules on
10 pass-through financing. The amendments would allow the
11 department to solicit pass-through proposals for highway
12 projects in circumstances other than through a program
13 call by using a two-step procurement process, starting
14 first with a request for qualifications, and then a
15 request for proposals from any qualified proposers. It
16 also allows for the possibility of using a one-step
17 procurement process in which a request for proposals would
18 be issued to pre-qualified proposers, as is allowed for
19 under the commission's CDA rules.

20 The amendments would also allow the department
21 to make payments to the entity from available sources,
22 including project revenues and money in the State Highway
23 Fund in order to reimburse the entity's project-related
24 costs, including financing costs and to possibly pay a
25 return on any investment. In addition, the payment

1 amounts may be adjusted based upon the entity's compliance
2 with performance measures in the pass-through agreement.

3 I'd be happy to answer any questions you may
4 have. If not, staff would recommend your approval to post
5 in the *Texas Register* for public comments.

6 MR. HOUGHTON: Any questions? Motion?

7 MR. AUSTIN: I so move.

8 MR. UNDERWOOD: Second.

9 MR. HOUGHTON: All in favor?

10 (A chorus of ayes.)

11 MR. HOUGHTON: Thank you.

12 MR. BASS: Thank you.

13 MR. WILSON: Now is item 9b(3), proposed
14 amendments to Chapter 9, Contract and Grant Management.
15 This item will be presented by Design Division Director
16 Mark Marek. Mark.

17 MR. MAREK: Good morning. For the record, my
18 name is Mark Marek. I'm the director of the Design
19 Division for TxDOT.

20 This minute order proposes a revision to
21 Section 9.35 pertaining to federally funded contracts for
22 engineering and design-related services.

23 Administrative qualifications is a means of
24 verifying a firm's overhead rate to be true and accurate.

25 Administrative qualifications is typically achieved

1 through a formal audit conducted by a CPA. The Federal
2 Highway Administration is seeking methods of making these
3 relatively expensive required audits less burdensome,
4 particularly as related to small businesses and their cost
5 of participating in the procurement of these federally
6 participating professional services contracts.

7 The FHWA is proposing to conduct a pilot
8 program that will provide a given federally acceptable
9 rate for firms that do not initially have an audited
10 overhead rate, and this rate would be referred to as a
11 safe harbor rate. A total of ten state DOTs are
12 participating in the program, including TxDOT. The
13 revision to Section 9.35 will allow for a safe harbor
14 audited overhead rate, as determined by the FHWA, to be
15 used in these federally participating procurements.

16 Staff recommends approval of this minute order.

17 MR. UNDERWOOD: So moved.

18 MR. HOUGHTON: Is there a second?

19 MR. AUSTIN: Second.

20 MR. HOUGHTON: All in favor?

21 (A chorus of ayes.)

22 MR. HOUGHTON: Thank you, gentlemen.

23 MR. WILSON: Now item 9b(4), proposed
24 amendments to Chapter 28, Oversize/Overweight Vehicles and
25 Loads. This item will be presented by Deputy Executive

1 Director John Barton. John.

2 MR. BARTON: Thank you, Phil. Again for the
3 record, my name is John Barton, deputy executive director
4 for the department.

5 This minute order proposes new rules that would
6 give authority to the Freeport Navigation District to
7 issue permits for the operation of oversize and overweight
8 vehicles on certain roads in Brazoria County. It also
9 establishes the guidelines for the agreement between the
10 Texas Department of Transportation and the navigation
11 district and the requirements for the issuance of these
12 permits. This is a super-heavy route, if you will.

13 We believe that the permitting of vehicles at
14 the Freeport Navigation District route will reduce those
15 loads coming to Freeport from the Port of Houston, and
16 would recommend your approval of this minute order.

17 MR. MOSELEY: So moved, Chairman.

18 MR. AUSTIN: Second.

19 MR. HOUGHTON: Question from Victor.

20 MR. VANDERGRIFF: I understand the procedures
21 in which we get to this point, but I have a question in
22 terms of how do you engage the industry that's affected on
23 an order such as this ahead of time. Is it just strictly
24 through notice, comment for the rules, or is there an
25 active effort prior to?

1 MR. BARTON: Commissioner Vandergriff, the
2 answer to your question is there is an active effort by
3 the Port of Freeport Navigation District prior to doing
4 this. It required legislation, it also required industry
5 commitment to using those routes and the benefits of doing
6 so needed to be demonstrated as the legislature considered
7 the opportunity to provide legal authority to do these
8 things.

9 MR. VANDERGRIFF: Thank you.

10 MR. AUSTIN: I've got a quick question, John.
11 How many other ports? I support this, I think this is
12 needed to be able to move, but how many other ports have
13 this designation to move oversize/overweight vehicles or
14 goods within the ports.

15 MR. BARTON: I believe, to answer your
16 question, Commissioner Austin, there are currently two
17 other active -- or I guess participating ports. One is
18 Port of Brownsville is the one that's been in place and
19 operating longest as the success story the others turn to.
20 Also, Cedar Crossing, which is not directly a port but an
21 industrial development area in Chambers County, has legal
22 authority to do this and has begun the process of standing
23 up their operations as well. And then there's legislation
24 for one additional inland port, if you will, in Hidalgo
25 County that is currently being considered for authority.

1 MR. AUSTIN: So absent legislation, we don't
2 have the authority then to go and be proactive to help our
3 ports move freight. And kind of where I'm leading, this
4 may tie back into the Rail Advisory Committee and I hope
5 these are going to be items that they're looking at and
6 studying. We look at the Panama Canal Task Force that was
7 working a lot with the ports, one of the outcomes that
8 came out is the need for freight, thus MAP-21, here we are
9 looking at freight. This is a significant item that not
10 just those ports that you mentioned are going to
11 ultimately be dealing with, and hopefully we can be
12 proactive to help these things move forward where we can.

13 MR. BARTON: That is correct, Commissioner
14 Austin, and absent this type of legislation for these
15 specific heavy haul roads, if there were movements that
16 wanted to be made, they would have to be done on a load-
17 specific permit request.

18 MR. AUSTIN: Okay. Thank you.

19 MR. HOUGHTON: Any other questions? Is there a
20 motion?

21 MR. MOSELEY: So moved, Chairman.

22 MR. HOUGHTON: Second?

23 MR. AUSTIN: Second.

24 MR. HOUGHTON: All in favor?

25 (A chorus of ayes.)

1 MR. WILSON: Item 10 will be presented by
2 Suzanne Latimer, director of the Office of Compliance and
3 Ethics. She will make her monthly report on the
4 department's compliance and ethics report. Suzanne.

5 MS. LATIMER: Hi. For the record, I am Suzanne
6 Latimer, director of the Office of Compliance and Ethics.

7 The purpose of this report is to provide a
8 summary of information related to complaints and
9 investigations for the month of April 2013, in accordance
10 with Transportation Code 201.452 and 201.454. The Human
11 Resources Division, Office of Civil Rights and the Audit
12 Office notify the Office of Compliance and Ethics when
13 investigations are initiated and completed and the Office
14 of Compliance and Ethics monitors those investigations.
15 All data is compiled by the Office of Compliance and
16 Ethics for reporting purposes.

17 There were twenty-five complaints received
18 during the month of April, twenty-seven complaints were
19 closed during April and allegations were substantiated in
20 one of those investigations. No further action is needed.

21 MR. HOUGHTON: Thank you.

22 MR. WILSON: Moving on to item 11a, approval of
23 the department's determination to exercise its option to
24 develop, finance, construct and operate the I-30 Managed
25 Lanes Project. This item will be presented by Strategic

1 Projects Division Director Ed Pensock. Ed.

2 MR. PENSOCK: Good morning, Chairman,
3 commissioners, Director Wilson. Again for the record, Ed
4 Pensock, director of the Strategic Projects Division.

5 Item 11a approves the department's
6 determination to exercise its option to develop, finance,
7 construct and operate the I-30 Managed Lanes Project from
8 Baird Farm Road in Tarrant County to Interstate I-35E in
9 Dallas County. The minute order also authorizes the I-30
10 project with CONSTRUCT authority. And finally, the minute
11 order authorizes the executive director to take such
12 actions as necessary to carry out the intent of this
13 minute order.

14 On March 20, 2013, the North Texas Tollway
15 Authority Board of Directors elected to waive its option
16 to develop, finance, construct and operate the I-30
17 Managed Lanes Project. TxDOT and the NTTA entered into an
18 agreement effective May 17, 2013 to alter the time limit
19 for the department to exercise its option under
20 Transportation Code 373.053.

21 Proposed upgrades to Interstate 30 include
22 construction of tolled managed lanes from Baird Road in
23 Tarrant County to I-35 in Dallas County. Improvements to
24 this corridor are critical to the region's continued
25 mobility and economic vitality.

1 Staff is here to answer any questions, and we
2 recommend your acceptance of this minute order.

3 MR. HOUGHTON: Any questions?

4 MR. UNDERWOOD: Question, if you'll help me
5 just a little bit, Ed. Basically, this is already funded,
6 is that correct, and moving forward? We're just after the
7 fact accepting primacy.

8 MR. PENSOCK: Yes, sir, Commissioner Underwood,
9 that's exactly right. The project has been under
10 development for quite some time, and in fact, I think it
11 was in the mid 2000s that the department and Federal
12 Highway Administration entered into a managed lane/express
13 lane demonstration project, so it's been built in kind of
14 little bits and pieces along the way.

15 MR. UNDERWOOD: But basically, the money has
16 already been allocated.

17 MR. PENSOCK: Yes, sir.

18 MR. UNDERWOOD: This is almost a formality,
19 it's something we should have done at the front-end.

20 MR. PENSOCK: The project started before the
21 primacy statutes were in place.

22 MR. UNDERWOOD: Okay, that's why.

23 MR. PENSOCK: And we're trying to do a little
24 bit of bureaucratic cleanup.

25 MR. UNDERWOOD: This is cleanup. Okay. So

1 we're not committing any new money to any project.

2 MR. PENSOCK: Yes, sir, that's correct.

3 MR. MOSELEY: Chairman, I'll second

4 Commissioner Vandergriff's motion.

5 MR. VANDERGRIFF: You obviously beat me to it,
6 so I'll make the motion.

7 MR. HOUGHTON: All in favor?

8 (A chorus of ayes.)

9 MR. WILSON: Item 11b is the approval of the
10 department's determination to exercise its option to
11 develop, finance, construct and operate a portion of the
12 Loop 375 Border Highway West extension, and issue an RFQ
13 for the project. This item will be presented by Strategic
14 Projects Division Director Ed Pensock. Ed.

15 MR. PENSOCK: Again for the record, Ed Pensock,
16 Strategic Projects.

17 Item 11b contemplates the development of Loop
18 375 Border Highway West in El Paso County. This project
19 closes the gap on the southern portion of Loop 375 in El
20 Paso County along the US-Mexico border. It contemplates
21 nine miles of controlled access freeway type facility
22 providing a continuous free flow route through downtown El
23 Paso. This project would provide a viable expressway
24 alternative to Interstate I-10. As you can see on the
25 map, it basically parallels Interstate 10. It would

1 relieve congestion on I-10 and accommodate future work
2 zone traffic for I-10 rehabilitation and reconstruction.

3 Again, it's four-lane controlled access
4 facility on new alignment, it's a green field project.
5 It's limits extend, technically, from Racetrack Drive west
6 of downtown to South Park Street east of downtown, that's
7 just east of US 54, again, for approximately nine miles.
8 The total project cost is estimated at \$790 million for
9 that nine-mile new location facility. Again, a picture of
10 it is up on the screen now.

11 In talking about the Border Highway, really,
12 the discussion needs to focus on Interstate 10, and
13 Interstate 10 through El Paso is the primary principal
14 arterial route for traffic, for trade, for cargo, for
15 trucks. The 2011 traffic counts roughly run from 176,000
16 vehicles per day just east of US 54 on the east side of
17 downtown to up to as much as 248,000 vehicles per day just
18 west of US 54.

19 Again, that traffic volume parallels it to
20 other interstates in the state. Again, on the screen,
21 Interstate 35E in Dallas carries about 265,000 vehicles
22 per day, Interstate 35W in Fort Worth carries
23 approximately 177,000 vehicles per day, Interstate 35 in
24 Austin carries approximately 220,000 vehicles per day. So
25 this segment of Interstate 10 is very, very heavily

1 trafficked.

2 The department anticipates within the next five
3 to seven years having to do major rehabilitation of the
4 pavement of Interstate 10. That I-10 pavement was
5 constructed in the '60s and early 1970s, and it's reached
6 about the end of its useful life. The reconstruction of
7 I-10 will be a significant undertaking because of the fact
8 that it's the principal arterial, the main way to get
9 through the mountains of El Paso.

10 Reconstruction of the facility is anticipated
11 to likely require the closing of at least one lane in each
12 direction. Currently it's three lanes in each direction
13 and rehabilitation of that pavement will likely required
14 narrowing that down to two lanes in each direction, and
15 that will be a significant traffic impact on 200,000-
16 248,000 vehicles per day.

17 The department is currently planning the best
18 strategy for that I-10 rehabilitation. Again, it won't be
19 easy, it will be a complicated, expensive project to
20 rebuild I-10, but again, it's the front door, if you will,
21 to the west side of Texas trade and traffic.

22 Slipping back to focusing again on Loop 375,
23 the project has been in development for quite some time.
24 As early as 1994 the department was doing preliminary
25 engineering studies on I-10, and as an analysis of

1 Interstate 10, Loop 375 was identified as a viable
2 alternative, providing additional east-west capacity.
3 From 1994 to 2007 various project studies were undertaken
4 by the department and Federal Highway Administration,
5 including a multimodal analysis, a major investment study
6 on the corridor to look at the best solutions.

7 In 2007 the current environmental impact study
8 started with the preparation of a draft EIS. The project
9 has gone through various MPO approvals and MPO attention
10 and concurrence over the last few years. In 2012 public
11 hearings were held and the final EIS was crafted. About a
12 month or two ago we signed/approved the final
13 environmental impact statement, and we anticipate a record
14 of decision later in June, within the next few weeks.

15 The action before you today contemplates
16 accepting primacy. Actually, on May 8, 2013, the Camino
17 Real Regional Mobility Authority waived the primary right
18 to develop this project and ceded that primary right back
19 to TxDOT. Therefore, the action in front of you
20 contemplates accepting that waiver of primacy back from
21 the regional mobility authority. Future commission action
22 also will be required to issue a request for
23 qualifications. We will then issue a short list of
24 proposers.

25 Future commission action will be required to

1 determine and designate the project officially actually as
2 a toll-supported facility, if chosen to go that way.
3 Before we could issue any type of request for proposals,
4 we would need your approval and concurrence to go forward
5 with that, and before we could award any type of contract,
6 again, we would need your approval and consideration.

7 Again, the minute order before you contemplates
8 accepting primacy from the Camino Real Regional Mobility
9 Authority and issuance of a request for qualifications.
10 Staff is available to answer any questions.

11 MR. VANDERGRIFF: I know what the project is
12 going to cost. Do you have any anticipation in doing a
13 financial analysis of it as a toll project what type of
14 participation the department would have to put in?

15 MR. PENSOCK: Commissioner Vandergriff, we have
16 started those traffic and revenue studies and feasibility
17 analyses and financial analyses of the project. We've
18 only been able to complete a conceptual or a sketch level
19 traffic and revenue forecast at this time. We're in the
20 process now of doing some on-the-ground origin-destination
21 studies, stated preference surveys, value of time studies,
22 those typical things that go into a traffic and revenue
23 study. At this time with the sketch level traffic and
24 revenue, we're confident that the project will be able to
25 cover its operation and maintenance components. We look

1 to the improved traffic and revenue to see how much of the
2 capital cost the project could potentially offset.

3 MR. VANDERGRIFF: So you haven't made a
4 determination yet about what the department, if any, will
5 have to put into the project.

6 MR. PENSOCK: The exact dollar amount has not
7 been determined, but likely the department will have to
8 authorize funding.

9 MR. VANDERGRIFF: Okay. Thank you.

10 MR. WILSON: Mr. Chairman, I believe staff will
11 make a modified recommendation today on the minute order
12 to have the commission accept primacy and defer the RFQ as
13 we study the new rules you have passed today on pass-
14 through to understand in a more fulsome way to bring the
15 commission an RFQ at the next commission meeting, most
16 likely.

17 MR. VANDERGRIFF: Does that mean we'll have a
18 revised minute order that will strike out some of this
19 language?

20 MR. WILSON: Yes, sir.

21 MR. VANDERGRIFF: Okay.

22 MR. MOSELEY: Chairman, I move to go ahead and
23 accept staff recommendation to amend and accept primacy
24 but defer further action.

25 MR. VANDERGRIFF: I'll second that.

1 MR. HOUGHTON: All in favor?

2 MR. AUSTIN: I still have a couple of comments
3 I'd just like to make. I support this, and just a couple
4 of things just to talk about Interstate 10. This is a
5 major gateway coming in here, and I know with the
6 increase -- I'm going to defer to the Chairman -- you're
7 still seeing increased population coming into the military
8 bases so there's a lot of other traffic. This is
9 important to state, and especially having a relief route.
10 My question, with accepting primacy coming up from the
11 RMA, I believe, if I understand this right, this was also
12 one of the priority projects that was listed by the MPO,
13 by the city, the county, everybody else, they really want
14 to see this done as a relief route.

15 MR. PENSOCK: Yes, sir, Commissioner Austin.
16 Through the environmental analysis process from 2007 to
17 now, the project has received strong support from city,
18 county, MPO, RMA, all parties.

19 MR. AUSTIN: Will go back to your map for just
20 a second showing the region?

21 MR. HOUGHTON: Commissioner Austin, it's also
22 on the CDA list.

23 MR. PENSOCK: Yes, sir, that's correct.

24 MR. AUSTIN: In looking back at this, really I-
25 10, absent some of the roads right now, I-10 is the

1 southern relief route around the town, however, it looks
2 like it goes through El Paso. So there's really no other
3 relief route, should there be a choke point, whether it's
4 weather-related, accident-related, whatever, but
5 especially taking away a lane for construction, or more at
6 times, what are the access roads, are they two lanes or
7 single lane?

8 MR. PENSOCK: There are one- to three-lane
9 access roads for most of I-10. There are a few gaps in
10 those frontage roads, so I wouldn't say they're 100
11 percent.

12 MR. HOUGHTON: There are gaps where the
13 southern relief route will be occurring. I-10 does not
14 have access roads on the western side of the city.

15 MR. AUSTIN: So this will help in addition to.

16 MR. HOUGHTON: This will help to providing
17 access.

18 MR. UNDERWOOD: This makes the complete loop
19 too, doesn't it?

20 MR. HOUGHTON: This will complete the loop
21 around the city.

22 MR. MOSELEY: Chairman, I just wanted to add to
23 Commissioner Austin's point. I know there are a lot of
24 important questions related to financing, but it is
25 interesting on one of the slides to note that you were

1 showing 380,000 northbound trucks moving through the
2 Ysleta-Zaragoza which would feed, ostensibly, into this
3 corridor, and then there's the 340,000 northbound trucks
4 Bridge of the Americas, so there's no doubt this is a
5 significant point of entry. And just as we talked earlier
6 about I-69 as a strategic gateway for trade to shore up
7 our state's economy, it seems like that ought to be the
8 texture and context of this discussion going forward.

9 MR. PENSOCK: Chairman, isn't this the second
10 or third largest inland port in the nation?

11 MR. HOUGHTON: Correct, behind Laredo.

12 Is there any other questions?

13 MR. UNDERWOOD: Just one comment, please. And
14 I appreciate all the work that staff has done and I see
15 the need for the Border Highway. I just want to make sure
16 that everybody understands, if I understand correctly, all
17 we're talking about voting for today is accepting primacy,
18 that's it.

19 MR. MOSELEY: That's my motion, yes, sir.

20 MR. UNDERWOOD: But I also want to make sure
21 that we don't lead local citizens and elected officials
22 into believing that this project is a certainty. And I
23 say this because of our current financial situation, we
24 don't know where we are with the legislature or what our
25 funds are going to be, and my interest, my worry is that

1 we're not addressing our maintenance needs. We're already
2 showing that we need \$1.6 billion. So I just want to make
3 sure that everybody understands that, so thank you very
4 much.

5 MR. PENSOCK: Yes, sir.

6 MR. HOUGHTON: Any other questions? Is there a
7 motion?

8 MR. MOSELEY: Yes, sir.

9 MR. VANDERGRIFF: Motion and a second.

10 MR. HOUGHTON: All in favor?

11 (A chorus of ayes.)

12 MR. WILSON: Next is item 11c, the approval of
13 prohibition of the use of bicycles on limited access and
14 controlled access toll projects. This item will be
15 presented by Toll Operations Division Director Doug
16 Woodall. Doug.

17 MR. WOODALL: Thank you. For the record, Doug
18 Woodall, Toll Operations Division.

19 Transportation Code 545.065 authorizes the
20 commission to prohibit the use of controlled access
21 highways by, among other things, bicycles. Specifically,
22 this minute order prohibits bicycles on department toll
23 facilities and requires the department to erect and
24 maintain regulatory signs concerning the prohibition of
25 bicycles on those toll facilities.

1 Current department toll facilities are managed
2 and designed to have higher operating speeds than are
3 typical on non-tolled state highways. This minute order
4 is necessary in order to protect the safety of the
5 traveling public, including the safety of bicyclists and
6 users of department toll projects.

7 And unless there are comments.

8 MR. HOUGHTON: Comments from the commissioners?

9 MR. AUSTIN: I just have one question. This is
10 a safety issue, and I appreciate you taking a look at
11 this. And there are other entities that do have a policy
12 of that as well, down in Houston with HCTRA, and I believe
13 with NTTA, they already have established policies to do
14 that, and it's really for safety. In fact, I believe some
15 of the roads may have minimum speed limits, and these
16 roads were built for vehicular traffic, to move for
17 safety.

18 I'll go back to my comment I made earlier. I'm
19 a biker, I do like to ride bikes, I don't ride all the
20 time. I do support your recommendation for safety
21 purposes, and this is important that we continue to look
22 at having adequate space. I know many cities have bike
23 lanes, bike paths. Also, looking at other states have
24 dedicated bike paths, and I think that's one of the
25 competitive advantages we can have as a state to look at

1 ideas to work with local partners, enthusiasts, everything
2 to come up with good solutions within right of ways or
3 within other new planned paths to find ways for bicyclists
4 to really have a safer long stretch ways to come out and
5 enjoy the ride for those that are doing it for recreation
6 and those that do it competitively.

7 So I appreciate you bringing forth safety
8 recommendations. That's one of our critical missions
9 here.

10 MR. HOUGHTON: We have one person that would
11 like to speak. Robin Stallings, executive director of
12 Bike Tracks?

13 MR. STALLINGS: Bike Texas.

14 MR. HOUGHTON: Bike Texas. Sorry about that,
15 Robin.

16 MR. STALLINGS: That's okay. Mr. Chairman,
17 commissioners, appreciate you all and appreciate your
18 concern about bicycle safety.

19 At Bike Texas, we were founded in 1991 and we
20 are experts in bicycle safety. We've reached about two
21 million Texas children with five hours of bike safety,
22 we've trained over 7,000 adults, mostly teachers, that
23 teach about 200,000 children a year. In the last two
24 we've also distributed about two million pieces of bike
25 safety information, all in partnership with TxDOT. I'm

1 the former chair of the TxDOT Bicycle Advisory Committee,
2 and we really cherish and honor our longtime relationship
3 working with TxDOT.

4 There is authority within this same section of
5 Code that local municipalities or local toll authorities
6 can request permission to limit access to these roadways
7 by certain road users, including bicyclists.

8 For example, in Tyler they worked it out where
9 with our local affiliate, Tyler Bicycle Club, agreed,
10 after they had some discussion about bicycle use there --
11 because some people use this for commuting, it's not just
12 a recreational facility, very low traffic counts, and this
13 is on the shoulder, we're not talking about any of the
14 main lanes, so on the shoulder I don't believe there is a
15 minimum speed limit -- they've agreed that they would come
16 up with \$60,000 to help pay for special striping to make
17 it even safer. They've already raised \$55,000 of that.
18 So were you to approve this, this would basically undercut
19 a local agreement that's already been worked out.

20 Also, other toll authorities that we've been
21 happy to work with, Central Texas Regional Mobility
22 Authority, their solution has been more of a carrot
23 approach to get bicyclists off the roadway, they've done
24 it with a side path along 183A and 290A, very appealing
25 and it works really well. They didn't have to force

1 people off that some people don't have that choice, but
2 fortunately, that's worked out pretty well. In San
3 Antonio, the RMA worked out bike lanes along 1604 and they
4 have side paths planned in the future. I could give some
5 other examples, but you get the general idea that this is
6 something that has worked out.

7 I believe this authority has been with this
8 commission since 1995, it's never been exercised. In
9 fact, it may be unprecedented, to use a big statement, in
10 the free world to ban bicycles. For 900 years since the
11 Magna Carta, whether it's a donkey cart or a royal
12 carriage, we've all had a right to the public roadways.
13 And we're not talking about putting a toll on it according
14 to the amount of damage and use that bicycles would cause
15 on this roadway, it seems to be a blanket statement where
16 no matter what the traffic counts are, no matter what the
17 safety is.

18 And typically, just as we would with ports, we
19 were talking about earlier, are we engaging the
20 stakeholders, are they're included, this has been done
21 without considering TxDOT's own -- your, the
22 commissioners' TxDOT Bicycle Advisory Committee, or the
23 stakeholders locally. And so this seems to be that this
24 is a dangerous precedent, it's very sweeping, and is
25 really counter to our love of freedom here in Texas.

1 And so I would want to point out also that many
2 employers in places like Tyler have signed letters
3 supporting uses of bicycles on the roadways, have done a
4 tremendous amount of letters, they've helped come up with
5 some of that funding, because they're concerned about
6 losing the kind of creative, active type of workers that
7 they're trying to attract and appeal that help the economy
8 in cities like Tyler and Austin.

9 And so with that, I would be happy to answer
10 any of your questions, but I would urge you to please
11 reject this item.

12 MR. HOUGHTON: Doug, could you come up, please?
13 I'm going to ask you a question. Have we gone to the MPO
14 and let them know what we're doing?

15 MR. WOODALL: Not to my knowledge, sir.

16 MR. HOUGHTON: Do you think we ought to?

17 MR. WOODALL: We can.

18 MR. HOUGHTON: I think we may want to consider
19 that.

20 MR. WOODALL: Yes, sir.

21 MR. HOUGHTON: I do take some of Robin's
22 comments to heart from the standpoint does this minute
23 order take in account State Highway 130, in other words,
24 the Central Texas system.

25 MR. WOODALL: Yes. It would include the

1 Central Texas Turnpike System, State Highway 255 in Webb
2 County, and State Highway 99, Segment I-2 in Chambers
3 County.

4 MR. HOUGHTON: In Chambers County. Okay.

5 I don't think anybody, Robin, wants to ride on
6 a highway that's 80 to 85 miles an hour. I just think,
7 personally, I think somebody may have a death wish doing
8 that. I'm not familiar with -- I've been on our Loop 1
9 and 45, but I'm, again, not familiar enough with it to say
10 are those safe to have something on the side away from the
11 lanes, like CTRMA has done. I can sympathize with you
12 from the sweeping standpoint, but at the same time, 45 and
13 Loop 1, again, are they something that you'd want to ride
14 on as a rider?

15 MR. STALLINGS: Actually, I think that the
16 legislature has made the point over and over this session
17 that you can't always legislate common sense. It doesn't
18 always make sense for somebody to ride along a roadway, it
19 doesn't always make sense to fix your tire when it's flat
20 but sometimes you don't have a choice, but we don't always
21 outlaw those things, we leave a certain amount up to
22 common sense, and it's pretty standard right now in Texas.

23 But specific examples, on Loop 1, CTRMA is
24 actually putting in additional money to create a side
25 path. And SH 130, we worked with Bob, at the time TxDOT

1 district director, to actually have right of way all along
2 the length of SH 130 to create a side path, but the
3 funding wasn't built in at the time, and so we've looked
4 at funding opportunities along with TxDOT and haven't
5 identified those yet.

6 But to ban before providing an option is very
7 different than looking at it case by case and coming up
8 with a solution, like CTRMA has done, and then actually
9 having an option, and then it turns out you don't
10 necessarily need to ban it if you've provided that option.

11 But we're talking about no end in sight, blanket across
12 the board, banning them all without a plan to come up with
13 accommodating all of the road users it might be
14 appropriate for a given right of way.

15 In Florida, at the Pinellas Tollway, they're
16 pretty proud of the extra income that they derive because
17 they have trail heads so people actually pay a toll to go
18 and then they have a great recreational path along the
19 trail that actually generates a lot of weekend traffic and
20 tolls. So there's way to turn this into something really
21 positive for the toll road system.

22 MR. VANDERGRIFF: Can I ask you a question?
23 What does NTTA do? And I'm almost embarrassed to ask you
24 that question.

25 MR. STALLINGS: Well, not a lot, as far as I

1 know. I'm less up on that. I know that there's some
2 question about bicycle use at the very end of the toll
3 road where it's kind of not quite as much traffic and it's
4 wide, and I don't think it's really resolved there, if
5 you're talking about right there in the Dallas area. I
6 think it's a little bit ambiguous and it should be worked
7 out at the local level.

8 MR. VANDERGRIFF: So bikes are not banned on
9 toll roads?

10 MR. STALLINGS: Well, I know that bikes are not
11 officially banned, to my knowledge. I know that there's
12 some discussion and kind of working it out of how to
13 accommodate bicycles and where is it appropriate. For
14 example, in Tyler there was a section where by all
15 accounts it was agreed that the bikes should be off of a
16 certain section, but they were able to get on and off
17 where they needed to be able to get on and off and that's
18 where the signage and the striping is going to go. So
19 even our local affiliates seem to have worked out a good
20 compromise there.

21 MR. AUSTIN: Mr. Chairman. Robin, I'd like to
22 separate a couple of things that you said. One, I
23 appreciate your passion. We've had opportunity to visit
24 before, and I actually stopped by your Bike Day up here at
25 the Capitol, looked at some of the things, you had a

1 multitude of bikes and great education pieces.

2 I'd like to separate the action that we're
3 taking is related to TxDOT, not the local entities. We're
4 not taking action for NTTA, we're not taking action for
5 HCTRA, we're not taking action for the NET RMA in Tyler.
6 I have been made aware of the action that the NET RMA did
7 and I believe what they did, they said they would agree to
8 study and bring back and consider it if the money was
9 raised to look at a potential bike lane that was there.

10 And I think you and I have had discussions
11 before where -- and correct me if I'm wrong, I believe the
12 NET RMA did offer to use part of their right of way to
13 have a dedicated right of way access point or path within
14 there, going back several years ago, to help create that
15 solution. And I think that's a solution that can be a
16 model throughout the state, and you brought out what 130
17 has done, looking at creating that right of way on 183,
18 rather.

19 And I think that's a great model to look at
20 ways and to have enthusiasts that can help raise money to
21 do that and partner in different ways, what a great model.

22 And I think you're at the epicenter of being able to help
23 create that model to really build a quality of life
24 solution, not just in certain regions but to help work
25 throughout Texas. Because, again, I don't like hearing

1 we're not competitive for Colorado or places like that for
2 the people that really want to get out and work.

3 And I know I've watched, what is it, the
4 Hotter'N Hell 100, other places where they have the big
5 bike races and rides, it's an economic development engine.

6 Just like F1, just like motorcycle rallies, things like
7 that, it's another mode of transportation and want to
8 certainly be sensitive, but we've also got to make those
9 environments safe for those riders as well.

10 But I do appreciate your passion, but I wanted
11 to separate the action we're taking or considering versus
12 what the NET RMA and local entities are doing.

13 MR. STALLINGS: Well, I would support a study
14 to see what about actual injuries and fatalities so that
15 we're doing this based on actual science and engineering
16 rather than maybe just a good feeling that somehow this is
17 going to be better. And so I don't think TxDOT makes a
18 whole lot of its decisions without a pretty thorough
19 study.

20 In the current rural long-range plan, there was
21 thirteen stakeholder meetings around the state and it was
22 everywhere, and it's in the long-range plan that bikes
23 should be accommodated. And so I think that the idea of
24 ban first and then maybe accommodate some day, and by the
25 way, the bicyclists can find the funding to pay for their

1 own facility, when, in fact, I own multiple automobiles
2 and every time I'm not driving one of them but I'm on a
3 bicycle, I'm helping pay for the road that everybody else
4 has to use but I'm not providing congestion for that. And
5 we do that over and over.

6 I'm happy to have the toll sticker on my car, I
7 use the toll roads, I think they're a great facility, but
8 I think this is a little bit of an overreach, that maybe
9 we could work together, maybe send it back to the Bike
10 Advisory Committee, perhaps even wait until after TxDOT
11 has a permanent bike coordinator again. Right now it's in
12 between on that position. This may not have slipped
13 through the cracks had there been a bike coordinator on
14 the job, I'm not sure.

15 But we, since 1991, have been collaborative
16 with TxDOT and were surprised that the day before
17 yesterday we found out about this item, because typically
18 somebody would have reached out to us and we would have
19 been engaged in this. So my request is that if you don't
20 kill it now, at least you postpone it and study it so we
21 can engage appropriate stakeholders within TxDOT and
22 around the state.

23 And thank you. I'm here for any more questions
24 if you have them.

25 MR. HOUGHTON: Doug, come back up again. I am

1 of the mind that 130 is a place not to ride for any
2 reason, but at the same time, I want to be mindful that
3 we're not doing something that the MPO is not aware of,
4 and I think the MPO needs to be aware of what we're
5 considering prior to. If there's some things we can do
6 off the pavement on Loop 1 and 45 or if they can raise the
7 money, then I think that's wonderful, but on the pavement,
8 Jeff, I'm against, I'm with you on that.

9 But to slam the door, as you would say, Robin,
10 I'm not necessarily for that either. I think we need to
11 go the MPO and say here's what we're thinking about. And
12 allow you guys, Robin, to figure out a way off the
13 pavement, figure out a way to build some bike lanes out
14 there on our right of way, if you can, if it's feasible.
15 I don't know if it's feasible.

16 MR. STALLINGS: As a motorist, I'm not usually
17 asked to go out and find the money to pave the road, it's
18 usually worked out because it's part of the common good,
19 and I would think in that spirit we would work out: we
20 have the right of way, how would we build this. And the
21 Transportation Department here isn't just the Highway
22 Department, and really there's all the road users, and
23 it's so consistent with the policies that we would really
24 find a way to accommodate all of the road users, and so
25 we'd want to certainly be part of that solution.

1 I'm not going to commit in advance to build
2 every road with a bake sale any more than it makes sense
3 for us to have the private pilots go out and raise the
4 money to pay for the new air traffic controllers, or to
5 replace them. I think it's a common good.

6 MR. HOUGHTON: Well, I think we're giving you
7 an opportunity, and the MPO may have some funds that may
8 help you. They have those types of funds, congestion
9 mitigation, other types of funds to build bike lanes. I'm
10 offering a reprieve for a period of time that Doug goes to
11 the MPO and says here's what we're considering. And my
12 recommendation is you're not on the pavement because I
13 think it is extremely dangerous, and that we find some
14 ways to find opportunities for bikers to use assets in our
15 right of way.

16 Is that all right with you, Jeff?

17 MR. AUSTIN: Mr. Chairman, I'm perfectly
18 acceptable of that, absolutely. This is something that's
19 not going to go away, but I think as Texas becomes more
20 populat3ed, safety is first and foremost, that's our
21 number mission, and I think every time we get in a car,
22 walk across a street, pedestrian safety, bicycle safety,
23 truck safety.

24 I had the opportunity to visit with one of the
25 gentlemen who is on the Wal-Mart truck safety team,

1 demonstration team, and the whole conversation was safety,
2 safety, safety. And so as we go forward, safety is number
3 one, but we've also got to be able, just like we talked
4 about the overweight/oversize vehicles coming out of the
5 ports with our ships, we've got to be mindful of all
6 constituencies, but there's a time we need to move forward
7 for the safety of the citizens and the traffic of Texas.

8 MR. HOUGHTON: And I agree. And I think if
9 we'll give it some time, Doug, to come back to this
10 commission, I am of the mind, as Commissioner Austin, that
11 it shouldn't be on the pavement, personally, but we should
12 give them an opportunity to find the funds through the
13 MPO -- which they have the funds to do that, it's my
14 understanding.

15 MR. AUSTIN: I think when we say on the
16 pavement, personally I say on the roads that are built as
17 controlled access facilities for higher speeds, that's
18 where I'm going.

19 MR. HOUGHTON: Yes. I consider that on the
20 pavement.

21 MR. UNDERWOOD: So to make sure I understand
22 all the conversation, we're looking at taking the deal and
23 the recommendation is to go back to the MPO and --

24 MR. HOUGHTON: We have not gone to the MPO.

25 MR. UNDERWOOD: Right, I know. But we're

1 talking about taking it off the agenda, go to the MPO, get
2 feedback.

3 MR. HOUGHTON: We're going to defer it.

4 MR. UNDERWOOD: Till we come back from the MPO.

5 MR. HOUGHTON: Get feedback and if they can
6 come up with the funds to build in our right of way, if
7 it's safe, if the engineers and the people think it's
8 safe, then we'll reconsider that kind of a program.

9 MR. UNDERWOOD: Right. Thank you.

10 I've got one question for my fellow
11 commissioners. Have any of you gentlemen on the
12 commission seen a person on a bicycle hit by a car?

13 MR. AUSTIN: Yes.

14 MR. HOUGHTON: I have.

15 MR. UNDERWOOD: I've seen two.

16 MR. HOUGHTON: And to be honest, Commissioner
17 Underwood, it wasn't on a controlled access facility, it
18 was on a city street.

19 MR. UNDERWOOD: My case it was on a loop.

20 MR. HOUGHTON: Well, it happens all the time,
21 but that doesn't mean it's right.

22 MR. UNDERWOOD: No, I'm not saying it's right.

23 MR. HOUGHTON: Is that all right with you, Jeff

24 MR. AUSTIN: Oh, absolutely.

25 MR. HOUGHTON: So Doug, bring it back, go to

1 the MPO, tell them what we're thinking. Robin, there's
2 funds there, and I'm not trying to push you off, but they
3 have the funds they can dedicate in this region, as you
4 well know.

5 MR. STALLINGS: This was statewide, I believe,
6 or are we talking about reducing this to just the single
7 region here?

8 MR. HOUGHTON: Well, this is on our toll roads,
9 our controlled access toll roads.

10 MR. STALLINGS: Only here, though, so you're
11 not counting like in Dallas.

12 MR. AUSTIN: Again, the action that was
13 presented here by the staff was only on TxDOT operated
14 facilities. Again, that's why I wanted to separate what
15 we're considering is not NTTA, is not HCTRA, is not the
16 NET RMA, not Cameron County RMA, not Grayson, any of the
17 other toll facilities.

18 MR. STALLINGS: I misunderstood. The other
19 agenda item where 130, that TxDOT was taking on something
20 up in North Texas as toll road.

21 MR. HOUGHTON: No, 30. That's Interstate 30.

22 MR. STALLINGS: Interstate 30.

23 MR. HOUGHTON: You can't ride on interstate
24 highways. You know that.

25 MR. STALLINGS: They have access roads.

1 MR. HOUGHTON: Access roads. Right. You can
2 ride on those.

3 MR. STALLINGS: And by the way, thank you so
4 much, I really appreciate this. I'll suggest now that
5 Interstate 69, that we consider putting a side path on it
6 from the beginning while the vehicles are all out there
7 and all the earth movers are there, like we could have
8 done SH 130 for a fraction of the cost of trying to go
9 back and rebuild it now. And all bridges, right now
10 there's a bridge across the Colorado on SH 130 that would
11 be very difficult to get across because we didn't plan
12 that from the beginning.

13 So thank you so much.

14 MR. HOUGHTON: All right. Thank you. Thanks,
15 Doug, appreciate it.

16 MR. WILSON: The next items are the award of
17 contracts for maintenance and department building
18 construction and highway construction contracts. Darren
19 Hazlett, Construction Division deputy director, will
20 present these minute orders. Darren, item 12a.

21 MR. HAZLETT: Good morning. For the record,
22 I'm Darren Hazlett, deputy director of the Construction
23 Division.

24 Item 12a is for the consideration of the award
25 or rejection of Highway Maintenance and Department

1 Building Construction contracts let on May 7 and 8 of
2 2013. We present twenty-six projects today. The average
3 number of bids per project was 4.58; the low bid value was
4 \$27,658,724.11; and we had an overall overrun of 4.51
5 percent.

6 Staff recommends award of all maintenance
7 projects with the exception of the following three
8 projects:

9 Eastland County project number RMC-625463001.
10 The project received three bids. The low bid on the
11 project was 65.7 percent, or \$300,513.50 over the
12 engineer's estimate. The project is for mill and inlay
13 work on an as-call/as-needed basis at various locations.
14 The district feels that this low bid amount is not
15 reasonable. In addition, they do not have the funding
16 available to cover the overage. The district would like
17 the opportunity to redesign the project. Therefore, we
18 are recommending that this project be rejected and relet
19 at a later date.

20 Van Zandt County project number RMC-625521001.
21 The project received three bids. The low bid on the
22 project was 47.19 percent, or \$254,812 over the engineer's
23 estimate. This project is for district-wide nova-chip
24 callout work with a 10,000 square foot minimum per callout
25 work order. The district feels that the low bid amount is

1 not reasonable and would like the opportunity to redesign
2 the project to a site-specific project. Therefore, we are
3 recommending that this project be rejected and relet at a
4 later date.

5 Willacy County project number CBC-470401149.
6 The project received two bids. The low bid on the project
7 was 38.16 percent, or \$324,367 over the engineer's
8 estimate. This project is for the construction of the
9 Raymondville maintenance facility. The Maintenance
10 Division feels that the low bid amount is unreasonable and
11 would like to redesign the project. Therefore, we are
12 recommending that this project be rejected and relet at a
13 later date.

14 MR. HOUGHTON: Any questions? I have a
15 question. Is the grand total of the maintenance projects
16 \$27 million?

17 MR. HAZLETT: \$27 million for this letting.

18 MR. HOUGHTON: For this month. Okay. Any
19 questions?

20 MR. MOSELEY: So moved, Chairman.

21 MR. AUSTIN: Second.

22 MR. HOUGHTON: All in favor?

23 (A chorus of ayes.)

24 MR. WILSON: That brings us to item 13 --

25 MR. HAZLETT: Excuse me.

1 MR. WILSON: Sorry, Darren, I apologize, 12b.

2 MR. HAZLETT: Item 12b is for the consideration
3 of the award or rejection of Highway and Transportation
4 Enhancement Building Construction contracts let on May 7
5 and 8 of 2013. We present seventy-three projects today.
6 The average number of bids per project was 4.51; the low
7 bid value was \$350,920,573.73; the awards are split as
8 eight projects in Mobility totaling \$183,874,279.28, and
9 sixty-five projects in Preservation totaling
10 \$167,046,294.45; we had an overall underrun of .55
11 percent.

12 Staff recommends award of all construction
13 projects. And I wanted to make a note that the current
14 HCI is 216.34.

15 MR. AUSTIN: I have one comment. Underrun of
16 .55 percent. That's a much lower number than what we've
17 had in the past.

18 MR. HAZLETT: That is correct.

19 MR. HOUGHTON: They're tightening up.

20 MR. AUSTIN: They're tightening up.

21 MR. HOUGHTON: Hold up -- oh, I'm sorry. Any
22 questions regarding these? I notice, Commissioner
23 Moseley, that Harris County, Houston area did very well in
24 this letting.

25 MR. MOSELEY: I so move, Chairman.

1 MR. HOUGHTON: \$162 million worth, and that's
2 most of it US 290. Is there a second?

3 MR. AUSTIN: I second.

4 MR. HOUGHTON: All in favor?

5 (A chorus of ayes.)

6 MR. HAZLETT: Thank you.

7 MR. WILSON: That brings us to item 13, eminent
8 domain proceedings, Right of Way Division Director John
9 Campbell will present this minute order.

10 MR. CAMPBELL: Good morning. For the record,
11 my name is John Campbell, director of the Right of Way
12 Division.

13 I'd like to present for your consideration item
14 13 which authorizes the filing of condemnation proceedings
15 necessary to progress the acquisition of twenty-three non-
16 controlled and six controlled access parcels by exercise
17 of eminent domain, for a total of twenty-nine this month.

18 Staff recommends approval of the minute order,
19 and Commissioner Vandergriff, I understand it is your
20 honor to take the special form of that motion.

21 MR. VANDERGRIFF: It is indeed my honor. I
22 have to tell you that my first interaction with the Texas
23 Department of Transportation years ago, except for the
24 vehicle divisions, was that I did a lot of condemnation
25 proceedings, and I had the pleasure of working with then

1 Suzanne Latimer and her staff at the Attorney General's
2 Office. In fact, every single one of you come up with the
3 name, if you're at a state address, with the name Cabot
4 Wendland [phonetic]. He was the lead attorney that I
5 dealt with, he was the first person within state
6 government I stuck in to my mobile phone, and the state
7 number, when you dial me on it, he comes up every time.

8 I got on NTTA's board, and as an abundance of
9 precaution, gave up the condemnation practice that I had,
10 and then when I got off NTTA's board, I said to my wife,
11 Kristin: Well, honey, at least I can do condemnation work
12 again. So that lasted all of about sixty days, but now
13 I'm able to say I can make motions on condemnation.

14 So I would move that the Texas Transportation
15 Commission authorize the Texas Department of
16 Transportation to use the power of eminent domain to
17 acquire the properties described in the minute order set
18 forth in the agenda for the current month for the
19 construction, reconstruction, maintenance, widening,
20 straightening or extending the highway facilities listed
21 in the minute order as part of the state highway system,
22 and that the first record vote applies to all units of
23 property to be condemned.

24 MR. MOSELEY: Chairman, I will second
25 Commissioner Vandergriff's well stated motion.

1 MR. HOUGHTON: Gladly. Huh?

2 MR. MOSELEY: Yes.

3 MR. HOUGHTON: All in favor?

4 (A chorus of ayes.)

5 MR. HOUGHTON: There you go, John.

6 MR. CAMPBELL: Thank you.

7 MR. WILSON: Next up is item 14, the approval
8 of funding for the 2014 Highway Safety Plan. This item
9 will be presented by Traffic Operations Division Director
10 Carol Rawson. Carol.

11 MS. RAWSON: Good morning. For the record, I'm
12 Carol Rawson, the director of the Traffic Operations
13 Division.

14 The minute order before you seeks the approval
15 of the FY 2014 Highway Safety Plan. The Highway Safety
16 Plan is designed to help to reduce the number and the
17 severity of traffic crashes, injuries and fatalities on
18 our highways throughout Texas through education, training
19 and enforcement efforts. So we have an engineering piece
20 and this is the other piece that works along with our
21 three Es. And all of us knowing that safety is the most
22 important goal of TxDOT, the Highway Safety Plan and the
23 Safety Program helps to implement this goal.

24 I guess as all of us know, MAP-21 was passed in
25 July of this year, and MAP-21 still had the continuance of

1 our Traffic Safety Program. The Traffic Safety Program,
2 the biggest change is that it's designed to help reduce
3 the crashes, it has to be driven by our crash data, same
4 as the way we've always done this, MAP-21 does allow this.

5 A big piece of this for this year is we're coming
6 earlier. Along with it, MAP-21 is saying that instead of
7 submitting our Highway Safety Plan on October 1 of the
8 year, we have to now submit it by July 1, and instead of
9 submitting along the way, we submit it all in one gigantic
10 application. So the program that we are laying out before
11 is in compliance with all the requirements of MAP-21.

12 Like I said, how do we start, how do we drive,
13 how do we look, and how do we figure out where do we put
14 all these efforts is we have to look at our crash data.
15 And this is the latest as it's coming in. We know that
16 for 2012 we had an 11 percent increase in fatalities on
17 our roadways in Texas. We're up to 3,399, which is very
18 disappointing. A lot of efforts, a lot of people moving
19 into this.

20 Some interesting things to note, though, just
21 to try to point out to show you where we're going to focus
22 and how we're going to go about, is we've also seen a
23 large amount of multiple fatality crashes that happened
24 within 2012. And the reasons, not knowing all of them,
25 but we know that we had one crash that had fifteen

1 fatalities -- very unusual. We had one crash that had
2 nine fatalities. But probably, in my mind, some of those
3 things are circumstances that happen.

4 The one that seems to be the most disturbing is
5 the large increase of four fatalities, and that was up to
6 twelve. There were twelve different incidents that
7 happened with four people that were killed, five different
8 crashes that had five fatalities. That's a large amount
9 of people to be killed in one event, so something that we
10 need to be focusing on.

11 Another interesting, I guess, fact along with
12 it that will help us to focus and you can see where we're
13 going with this is that 55 percent of our fatalities are
14 in rural Texas. Fifty-five percent is a large amount,
15 that's 1,888 people lost their life in a location that is
16 population less than 5,000. So something to focus on
17 along with that.

18 Those rural fatalities are single vehicle run
19 off the road. So where does that lead us? That's narrow
20 roadways. And I know that's a lot of the efforts that are
21 underway that I know Mr. Barton and a lot of our districts
22 have been working on and getting and expanding those
23 roadways along with it.

24 The way that we go about coming up with the
25 Highway Safety Program, it's not just us sitting here

1 thinking, we go out in January of the year with a request
2 for proposals, and the proposals lay out the areas that we
3 want to focus on or at least to see proposals that come
4 back from any non-profit type of organization, any type of
5 state agency, or any other kind of public agency as a
6 whole. But the one area that we have to focus on which is
7 the largest piece of a lot of our problems is our alcohol-
8 related fatalities. We did see an increase, once again,
9 along with our fatalities of alcohol-related fatalities up
10 to 1,160, and this is 34 percent of our total fatalities.

11 Alcohol is a hard piece that we have to work
12 on. We, for the fourth year in a row, are in the top ten
13 states for alcohol-related fatality rate. We are number
14 seven in the nation. We have a large alcohol problem
15 within our state, and that's why you see within our
16 Highway Safety Program we have a very large amount of
17 projects and programs that are focused on this: 165
18 projects, close to \$44 million will be in FY '14 to do
19 this.

20 The projects kind of go from a standpoint of
21 education, and an interesting piece of it, education. You
22 know our Drink, Drive, Go to Jail, we know our football,
23 Pass the Keys, we know there's a lot of efforts, Hispanic
24 program that deals specifically with our Spanish speaker.
25 Because it is such a wide range of programs, you will see

1 a wide range of education campaigns that are going to be
2 out there, still continuing throughout this year.

3 Training is another interesting piece because
4 there's a lot of pieces of it that we go out and you
5 wouldn't think that TxDOT would be a part of this. We
6 train police officers how to do field sobriety tests; we
7 train police officers how to do Breathalyzer, that portion
8 of the test; we're training them how to do the blood
9 warrants that are along with it.

10 Another part of it is we're figuring out you
11 have to peel every onion, the onion of the alcohol
12 problem. You also have to teach the judges how to do the
13 judiciary portion of this and how to work with the
14 prosecutors in order to prosecute it correctly. So we
15 have grants in all of these areas. The judiciary piece,
16 the program that we have is leading the nation. We're the
17 only state that's doing this and they're trying to
18 implement this throughout the nation.

19 And then, of course, enforcement. A very large
20 piece of this is our law enforcement and our TABC
21 partnerships that will be part of our alcohol-related
22 piece of this.

23 Motorcycles. It was good news but not the best
24 because we this is the one area that we did have a
25 decrease. We had a 5 percent decrease, we went down from

1 491 deaths to 467 deaths. Still not good enough, because
2 when you think about this, our motorcycle fatalities are
3 15 percent of our overall fatalities but they're only 2
4 percent of the traffic mix. Texas ranks number one in the
5 nation for motorcycle fatalities, still a very sad piece
6 and still have a lot of work to be done with this. We
7 certainly are going to focus on this piece of it.

8 Interesting fact of this that 55 percent of the
9 motorists that were killed didn't have their helmets on,
10 and we know that's a part of it too. That comes with the
11 training portion. We have a training component that's
12 part of this that we have trainers out there that show
13 people how to ride a motorcycle and talk about protective
14 information and protective gear along with it. We will
15 continue with the Share the Road, Look Twice for
16 Motorcycles. That has been a very successful campaign,
17 and we've got it ready and geared to go for 2014.

18 Pedestrians and bicyclists. An alarming piece
19 of this is we're seeing an increase in pedestrian
20 fatalities. We went from 425 to 481. And know this is
21 something coming from our partners, we're all trying to
22 figure out not only with engineering solutions but with
23 education solutions that go along with it. A lot of these
24 pedestrians you think oh, they're in cities, it's downtown
25 Austin. It's people walking across the interstate. I

1 mean, how do you tell a person you can't run across I-35
2 that's six lanes when they're driving as fast as they're
3 driving.

4 So it's a different and more of a challenge,
5 but certainly one that we're up for. We do have a focus
6 still working with our cycling community for any kind of
7 training that we can do along with it, and we'll continue
8 the effort to bring these numbers down.

9 The piece that still baffles me, because I look
10 at all the fatalities that come in, I look at the crash
11 reports, and the very first thing that I do when I look at
12 a crash report is I look to see if the person had their
13 seatbelt on. And so many times, the saddest stories and
14 the ones that break my heart are how many people, 979,
15 which is a gigantic percentage of our fatalities is
16 because a person didn't have their seatbelt on.

17 And we all know that crashes can occur and they
18 can be severe and things do happen, but the easiest thing
19 that we can do, the one thing that will even give you a
20 fighting chance is if you have your seatbelt on.

21 And this is where our Click It or Ticket
22 program is going to continue. We just finished this up,
23 we've been working for the month of May. Our seatbelt
24 usage in the years that we've been working, when we
25 started was at 76 percent, we're now sitting at 94

1 percent, we're hoping for even a better number this year
2 that the surveys are out and we're going to be looking to
3 see that. The estimate is that we've saved over 3,600
4 lives and prevented over 50,000 injuries because of Click
5 It or Ticket. It's just simple.

6 When you kind of peel this onion back about the
7 unrestrained, who doesn't buckle up, who is it, it's
8 passengers in pickup trucks, people in rural Texas,
9 teenagers. And I know rural Texas, you think: Oh, I'm in
10 a pickup truck and I'm only running from here to here, I
11 don't need my seatbelt. All of these areas. We also
12 noticed, too, from our evidence is that a lot of people
13 don't wear their seatbelts at night. I guess some of it
14 is very sad stories coming out of children sitting in the
15 backseat sleeping. Well, what does the child do? They're
16 sliding over, they take that seatbelt off. That's the
17 worst thing a parent can do if you take your seatbelt off,
18 and it's also a dangerous time to drive at night. That
19 part of it is a focus that goes along with it.

20 So all of those things are all that number that
21 we're going to continue, that last 6 percent, that last
22 push to get everybody to buckle and get done.

23 As I told you, what do we call it, the three
24 Es, safety. We can engineer. I can engineer the best
25 road out there, I can engineer the safest road out there,

1 I can put you wide shoulders, lanes, I can put all the
2 devices out there along with it. I can get out and I can
3 educate you and tell you to put your seatbelt on and try
4 to do that portion.

5 But when it all comes down to it, there's a
6 piece of it that you need an enforcement piece and that's
7 part of our Highway Safety Plan and our Traffic Safety
8 Program, and that's where we have a cooperation of many,
9 many police agencies, not only the Department of Public
10 Safety, but we have a large amount of what we call
11 selective traffic enforcement programs. This focuses on
12 speeding; this focuses on intersection violations, those
13 are people running red lights, that portion; definitely
14 focusing on the alcohol piece; safety belt violations; and
15 of course, looking out for our children along with it.

16 Just a few numbers. I don't know that I've
17 ever actually told you some of these, but I had some
18 interesting numbers that came up to me. In 2012 -- these
19 are just our STEP agencies, these are the agencies that we
20 work for and I guess what you pay for along with it -- we
21 issued over 57,000 seatbelt citations. That's pretty
22 good. That also tells you how many people don't have
23 their seatbelt on along with it. Of that portion, 10,000
24 of those were for children that weren't in child seats.
25 So money well spent to get to that.

1 From a commercial motor vehicle, we know we're
2 all focused on a lot of trucks. Our economy is booming,
3 we're going, we're doing a lot of stuff here in Texas.
4 We've issued close to 12,000 tickets on a commercial motor
5 vehicle basis, so they're looking at trucks too along with
6 it, we're trying to focus on that.

7 Speed, this is an interesting thing. Even
8 though we've raised the speed limits, we issued 210,000
9 speeding tickets in the State of Texas. Texans like to
10 drive fast. And for impaired driving, they arrested 9,000
11 people for driving while intoxicated.

12 So money all good spent, all money that's going
13 to go towards 2014 to do the good piece of it too.

14 Along with this, I know I get questioned a lot:
15 Well, Carol, how can you tell is your program working?
16 The fatality numbers aren't the only thing that we're
17 looking at. We certainly know that nighttime, we have to
18 go out there and figure out what's going and why people
19 aren't putting their seatbelt on. There's a piece of that
20 that will study that within the plan that we've put before
21 you.

22 Occupant, Click It or Ticket, we always measure
23 before, we measure before the enforcement effort comes
24 through in May and we measure afterwards. That gives us a
25 good reflection of how well it did.

1 Number four, that mobile communications,
2 there's a big question about distracted driving right now
3 and people using their cell phones. Never before have we
4 done any type of survey of exactly how many people are on
5 their cell phones. I know I do a personal survey every
6 day whenever I drive. I'm a geek, I'm a safety geek. I
7 used to count how many people were on the phone; well, now
8 I count how many people aren't on the phone because it's
9 an easier way to do it.

10 This last survey was the very first year that
11 we did it. We found out at any time when you're driving
12 down the road, at least one in ten drivers is either
13 texting or talking on the phone. I think it's higher.
14 It's hard to figure this piece out but it's all data that
15 will help us to crack that nut to figure out what to do
16 next.

17 And the last one is that attitudes, and this is
18 a survey that's done just to make sure that our programs
19 are reaching the people they're needing to, all part of
20 the program before you.

21 As we come down, the Highway Safety Program,
22 what is proposed for 2014 is budget of \$100.2 million.
23 That's 358 different traffic safety projects that go
24 across all the different areas. A piece and a portion of
25 that, of course, our largest piece is the federal funding,

1 which is \$5.1- that comes from our National Highway
2 Traffic Safety Administration, of which the Highway Safety
3 Plan goes and gets. Local match, the \$40.7-, that's the
4 pieces that the locals bring to us to help us match that
5 one to one. The feds want us to have that participation.
6 And the \$8 million that the state is putting forth. But
7 approval of the Highway Safety Plan allows us to implement
8 the program and helps us to save lives.

9 So I'm available for any questions that you may
10 have, and if not, staff recommends approval.

11 MR. AUSTIN: I just have one question. What a
12 great presentation. I appreciate the data. It's somber
13 to see some of the statistics. But it's interesting, a
14 couple of slides back when you first started showing all
15 of the fatalities and all of the accidents, there was a
16 period of time when I first looked at it and said, Wow,
17 what's happening with population growth? But even with
18 great population growth two or three years ago, the
19 accident rates were still coming and the fatalities were
20 still coming down. What was happening, what was the
21 education campaign, what was going on back then where we
22 could continue that downward trend or at least keep it
23 flat, now we're starting to uptick.

24 But it would be interesting to come back and
25 look at an overlay just how does that compare with the

1 overall population growth in Texas, and that's something
2 that's out of our control. But all this said, we have to
3 continue educating, but as we continue to grow, hopefully
4 we can keep those numbers flat and maybe get them to go
5 down.

6 MS. RAWSON: Exactly. With Mr. Barton we've
7 been working hard on trying to figure this out, and I know
8 we've been plotting different things and trying to figure
9 out what's the magic number. The safety program, which is
10 amazing, when we plotted that and showed the fatalities, I
11 think our safety program is what's keeping it from going
12 off the top. Because of the growth that's happening in
13 our state and everything, we did have an increase but I
14 think it would have even been larger.

15 We know just in the shale areas, we're watching
16 in the Eagle Ford Shale areas, a 40 percent increase in
17 fatalities, the Permian Basin, a 24 percent increase in
18 fatalities. That's some of those rural numbers. All of
19 those things that we're trying to figure out how do you
20 get ahead of it and how do you fix that portion, and I
21 think it's a full court press, you've got to do a little
22 bit of everything.

23 MR. AUSTIN: Well, it starts with the efforts
24 that are taking place internally, and than y'all.

25 MS. RAWSON: Thank you.

1 MR. HOUGHTON: And Carol, my sincerest
2 appreciation and thank you, because it takes a champion on
3 any type of project to grab it, take it, and you're that
4 champion when it's this agency, and I'm appreciative of
5 that and I know the rest of the commissioners are too.

6 With that, this is an action item. Is there a
7 motion?

8 MR. MOSELEY: Chairman, I move to approve. And
9 would just add it seems like as we message through our own
10 banners, there might be a strategic ability to take these
11 points. I know we're doing some of that already with
12 Click It or Ticket. And then also, Chairman, to look at
13 what we can do to team up with the billboard community and
14 see what they might want to do in the way of giving and
15 donating space to help enhance some of the motorist
16 awareness on these issues. But I do move approval,
17 Chairman.

18 MR. HOUGHTON: Is there a second?

19 MR. AUSTIN: I'll second.

20 MR. HOUGHTON: All in favor?

21 (A chorus of ayes.)

22 MS. RAWSON: Thank you.

23 MR. HOUGHTON: Before we get to the routine
24 items, I want to go back to the construction lettings.
25 Marc, would you come up for a minute, please? I meant to

1 address it at that time. I notice that Houston area had a
2 huge letting mainly because of US 290. One of the things
3 that you have mentioned and talked about, would you
4 consider US 290 new mobility, maintenance or
5 reconstruction, or all of the above?

6 MR. WILLIAMS: It's all of the above.

7 MR. HOUGHTON: All of the above.

8 MR. WILLIAMS: Yes, sir.

9 MR. HOUGHTON: How much of our dollars are
10 spent on rehabilitation and maintenance?

11 MR. WILLIAMS: It changes year by year, but
12 when you look at the amount of rehabilitation and
13 maintenance and replacement, which is often the case when
14 we're talking about a widening of a transportation
15 facility, sometimes it's about two-thirds of our total
16 spend goes toward those types of activities. That's about
17 where we're trending over the last couple of years.

18 MR. HOUGHTON: So about 66 percent.

19 MR. WILLIAMS: Yes, about 66 percent.
20 Historically we've always put more into maintaining our
21 highway system, replacing, rehabilitating it, than adding
22 to it.

23 MR. HOUGHTON: An then a third is new mobility,
24 exclusively new mobility.

25 MR. WILLIAMS: That would be adding capacity,

1 yes, sir.

2 MR. HOUGHTON: Adding capacity. Okay. And I
3 think we'll have a dialogue on this in future commission
4 meetings. Thank you.

5 MR. WILLIAMS: Thank you.

6 MR. HOUGHTON: Okay. Routine minute orders.

7 MR. WILSON: Item 15 contains the routine
8 minute orders, including donations to the department,
9 right of way dispositions and donations, highway
10 designations, release of access, redesignation of access,
11 reports and speed zones.

12 MR. HOUGHTON: Is there a motion to accept the
13 routine minute orders?

14 MR. AUSTIN: So moved.

15 MR. HOUGHTON: Second? No second?

16 MR. VANDERGRIFF: Second.

17 MR. HOUGHTON: Okay. All in favor?

18 (A chorus of ayes.)

19 MR. HOUGHTON: I thought we were going to sit
20 here for a while.

21 MR. WILSON: Controversial topics.

22 (General laughter.)

23 MR. HOUGHTON: Did I say all in favor?

24 MR. WILSON: Yes, sir. This concludes the
25 action items on today's agenda, so Chairman, I will hand

1 the meeting back to you.

2 MR. HOUGHTON: All right. This concludes all
3 items on the agenda. Is there anything in open session,
4 anybody sign up? No. And we don't need to go into
5 executive session.

6 Is there the most privileged motion?

7 MR. MOSELEY: So moved, Chairman.

8 MR. AUSTIN: Second.

9 MR. HOUGHTON: All in favor?

10 (A chorus of ayes.)

11 MR. HOUGHTON: And we're adjourned at 11:32:06
12 Central Daylight Time.

13 (Whereupon, at 11:32 a.m., the meeting was
14 concluded.)

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MEETING OF: Texas Transportation Commission

LOCATION: Austin, Texas

DATE: May 30, 2013

I do hereby certify that the foregoing pages, numbers 1 through 125125, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Texas Department of Transportation.

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(Date)

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