

TEXAS DEPARTMENT OF TRANSPORTATION

TEXAS STATE RAIL PLAN

PUBLIC HEARING

Room 1A.1
TxDOT Riverside Campus
200 E. Riverside Drive
Austin, Texas

October 6, 2010
1:42 p.m.

BEFORE:

BECKY BLEWETT, TxDOT Office of General Counsel

ALSO PRESENT:

WILLIAM GLAVIN, Director, TxDOT Rail Division

COPY

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P R O C E E D I N G S

1
2 MS. BLEWETT: We're going to get started. I
3 hope everyone can hear me. We will now open this hearing.
4 It is 1:42 in the afternoon, Wednesday, October 6, 2010.

5 My name is Becky Blewett. I'm an attorney with
6 the Texas Department of Transportation. I have been
7 appointed as the presiding officer in this matter. With
8 me is William Glavin, director of the department's rail
9 division. We are here to consider public comment, both
10 written and oral, on the Texas Rail Plan.

11 I will now enter into the record of this
12 hearing Exhibit 1, a copy of Volume 35, Texas Register,
13 Page 8542 from the Texas Register of September 17, 2010
14 which was the published announcement of this proceeding.
15 This exhibit is now in the record.

16 At this time I will go over a few procedures.
17 I'll be receiving comments only. Questions from the floor
18 will not be entertained, nor will any debate be entered
19 into. All interested persons may appear and offer
20 comments either orally or in writing. Written comments
21 will be accepted for the record today or may be submitted
22 to Mr. William Glavin, Director, Rail Division, 118 East
23 Riverside Drive, Austin, Texas 78704. The deadline for
24 receipt of written comments is 5:00 p.m. on November 5,
25 2010.

1 All interested persons wishing to make oral
2 comment or a presentation for the record to be established
3 here today should have registered or may register at any
4 time during this hearing at the table set up outside the
5 door. Interested persons wishing only to submit written
6 comment in the record and not desiring to make oral
7 comments or presentations may submit written comments at
8 that registration table. Every interested person who is
9 registered will be granted an opportunity to present their
10 comments, but I will reserve the right to restrict
11 testimony in terms of time and repetitive comment.
12 Questions of persons making oral comments will be reserved
13 to me as the presiding officer.

14 We have a court reporter transcribing these
15 proceedings and she is seated to my left. If you wish to
16 receive a transcript, you can contact us or you can make
17 arrangements with the court reporter.

18 If you represent a group, I would urge you to
19 appoint a spokesperson for that group rather than have all
20 members of your group get up and repeat the same comments.

21 Finally, once again, if you have not registered
22 to speak, I ask you to do so at this time. That is the
23 only way we will know to call your name.

24 Mr. Glavin will give us some opening comments
25 on the rail plan and what we're here to accomplish today.

1 MR. GLAVIN: Thank you very much, Becky.

2 I'd like to welcome all of you to this public
3 hearing on the State Rail Plan.

4 A little bit about safety before we get
5 started. We have an exit in the back of the room and
6 we've got two side exits over here -- I learned this
7 flying the other day -- and they both lead to exits in
8 either direction after leaving through those doors. We
9 have some cables that are on the floor, specifically up at
10 the podium, they are exposed and they are a tripping
11 hazard, so please recognize that they are there and be
12 very careful when approaching the podium to make any
13 speeches. The emergency number for this location is 9-1-
14 1, and if there is a problem, there's enough cell phones
15 in here that we'll probably have a lot of people calling.

16 Again, I want to welcome you. I am here to
17 listen, but I just want to tell you a few history as to
18 how we got to this point.

19 In 2008, PRIIA, the Passenger Rail Investment
20 and Improvement Act, was passed by the Federal
21 Legislature. It requires states to develop rail plans.
22 In 2009, the Obama Administration announced the passenger
23 rail initiative, a high-speed, intercity passenger rail
24 initiative, that came up with a funding program that had
25 \$8 billion available to it in the first year and then \$2.5

1 billion was available for this year, and there's anyone
2 between \$1 billion to \$1.4 billion available next year,
3 depending on which bill is established. We also have
4 Senate Bill 1382 passed by the Texas Legislature which
5 requires TxDOT to come up with a passenger rail plan for
6 the State of Texas.

7 From a practical standpoint, the day after the
8 awards were announced for the \$8 billion, Karen Rae,
9 deputy administrator of the FRA, came to Texas at a
10 meeting of the Texas Rail Advocates in Dallas and stated:
11 There were eight states with one vision. Those eight
12 states were awarded \$1.25 billion to pursue that vision up
13 in the upper Midwest. There was one state with eight
14 visions, and that state is Texas and we were awarded \$11
15 million out of that \$8 billion. Secretary LaHood has
16 since said on numerous occasions that Texas needs to get
17 its act together. The Texas Rail Plan is the first step
18 in getting that act together.

19 During the month of May, we held seven
20 stakeholder meetings across the State of Texas. Two
21 hundred and sixty-four people attended those various
22 meetings. Between June and July, TxDOT, with the help of
23 its consultants -- who are here as well, Allan Rutter,
24 representing Cambridge Systematics, standing in the back
25 of the room, and Jolanda Prozzi and her team with the

1 Center for Transportation Research at the University of
2 Texas -- helped us put together a draft that was reviewed
3 by a stakeholder committee.

4 We published that draft to the website on July
5 29 and began a series of public meetings, we held ten of
6 them across the state, to present the plan and to kickoff
7 comment periods. Between the end of the public meetings
8 in August and September 16, we re-edited the draft to
9 incorporate comments that we had gotten at the public
10 meetings and the comments that we had received to that
11 point. On September 17 we froze that draft on the website
12 and posted it at the time that we posted the notice in the
13 Texas Register for this particular meeting. That draft
14 was available to review online, copies were available to
15 review in our office if you didn't want to take a look at
16 it online, or it was available for purchase as well.

17 Today is October 6. We're having a public
18 hearing to hear the comments, and the comment period,
19 again, started August 2 with the first public meeting and
20 will continue on until November 5.

21 The draft will be revised again to consider and
22 recognize the comments received here today, online or
23 written to us. November 11 we will put together a final
24 draft of the State Rail Plan. That is in advance of the
25 commission meeting on November 18, where it will be

1 presented to the commission for their adoption, if they so
2 desire.

3 If they do adopt it, we will publish that plan
4 at that point in time, provide it to the FRA and also to
5 the legislature for their consideration in the next
6 legislative session. That being said, the FRA has been
7 privy to all our drafts as we've been going along and
8 producing them as we've gone through the various meetings,
9 simply because they were under the charge of providing a
10 national rail plan by September 15 -- which they have yet
11 to do -- and we did not want to be excluded from that
12 national rail plan.

13 Interim guidance has been issued by the FRA and
14 final guidance probably will not be coming until February,
15 but the rail plan, as presented by the state, will be
16 grandfathered and if we need to tweak it, we will.

17 The plan that was presented on September 17
18 complies with the Passenger Rail Investment and
19 Improvement Act and meets the FRA, Federal Railroad
20 Administration's interim guidelines for state rail plans.
21 It identifies specific opportunities for freight
22 improvements based on prior studies. It identifies
23 studies necessary to progress passenger improvements based
24 on PRIIA, congressional focus on intercity corridors and
25 high-speed intercity passenger rail funding criteria.

1 Studies that have previously been performed but
2 do not sufficiently address these requirements will be
3 available and will be used in performing the additional
4 studies, so none of that work is throw-away, none of it
5 really has to be redone, it will all be a part of
6 everything else that we're trying to accomplish as we go
7 forward.

8 PRIIA, thus the rail plan, contemplates federal
9 funding and focuses on those requirements to achieve that
10 federal funding. Private investment could necessarily
11 embark on a different course. If private funds are
12 available for various passenger projects, they do not go
13 through this particular process.

14 I have spoken to Karen Rae, the aforementioned
15 deputy administrator of the FRA. This does meet her
16 expectations and puts Texas in line for certain funding
17 streams, but she has said there are no promises, these are
18 competitive grant programs. And she has provided a
19 comment for the record that I'll read into the record
20 later.

21 Thank you. With that, we're ready to start.

22 MS. BLEWETT: Thank you, Mr. Glavin.

23 I'll now start calling the speakers. I'll call
24 you in the order that you signed unless anyone has a need
25 to go early for any reason.

1 Pete LeCody. If you'll please state your name
2 and who you represent.

3 MR. LeCODY: Thank you. Peter LeCody,
4 representing Texas Rail Advocates based in Dallas.

5 First of all, I would like to say that without
6 the State Legislature, the Transportation Commission and
7 TxDOT executives establishing a Rail Division this past
8 year, we wouldn't be here talking about rail. This is a
9 giant step forward, and of course, the rail plan is the
10 key ingredient to start with.

11 It took me about three hours to get here today.
12 I flew down from Dallas-Fort Worth Airport, and by the
13 time you go in through security and take your shoes off
14 and wait for your plane, and if it gets delayed, you wait
15 some more, and then you take a 35-minute flight, and then
16 it takes another hour or hour and a half to get your car
17 and come into downtown Austin, I could have been here by
18 train. And I think that's one of the objects we're
19 looking at, is a little bit more frequent and a little bit
20 faster service between the major cities here in Texas.
21 Wouldn't that be nice.

22 Good to see that TxDOT has seen the light and
23 is thinking multimodal, not just the Highway Department
24 anymore, and I think one of the most important things to
25 take away today is that there is a Rail Division. Ten

1 years ago we wouldn't be having this conversation. We
2 would probably be holding it, if we did, in a phone booth,
3 but as you can see today, there's many people here that
4 are very interested in rail and improvements.

5 The rail plan that's being developed is not
6 only for passenger rail but freight rail as well. We have
7 to realize that there are solutions for the future, both
8 to move people and goods. And Mr. Glavin stole my comment
9 that I was going to make about Karen Rae and the visions,
10 but that is very appropriate, that we have to have a
11 single vision and let the Rail Division be that number one
12 vision. Everyone has got to come together and realize we
13 have to speak with one voice.

14 When I talk to legislators in Washington, they
15 say I've heard from 20 or 30 people in the State of Texas
16 asking for rail: I want this, I want that project; what
17 do I do; where do I go? We need to unify our voice, we
18 need the Rail Division, we need the rail plan, and that's
19 what we need to seek. If we want funding, we have to
20 speak with one voice.

21 And not everybody is going to agree on a plan
22 of action, we know that, but we do need the guidance for
23 the future of rail, if we want our railways here in Texas
24 to be not only healthy but profitable, with capacity
25 that's planned for the future. And any passenger rail

1 that's going to be run on any existing infrastructure
2 needs to assure the freight rail their future capacity and
3 also assure the liability that goes along with running
4 passenger rail as well. And that guiding force, again, as
5 I said, needs to be the Rail Division so we can move
6 forward in Texas.

7 Thank you.

8 MS. BLEWETT: Thank you.

9 Michael Morris.

10 MR. MORRIS: Good afternoon. I'm Michael
11 Morris, director of Transportation at the North Central
12 Texas Council of Governments. We're the metropolitan
13 planning organization for the Dallas-Fort Worth region.

14 We have five quick comments that we would like
15 to enter into your hearing today. One is a strong
16 appreciation for the process that you've gone through over
17 the last year. Our region is a big believer in bottom-up
18 approaches and taking grassroots effort out to the
19 communities of the state and working hard through that
20 public involvement process. We very much appreciate that.

21 The second is to underscore the need for the
22 Rail Division, supporting very much what Peter said, its
23 importance, but we shouldn't settle for a Rail Division
24 with probably not enough people and no money. We need a
25 rail division that has real opportunities to partner

1 throughout the state.

2 We're going after competition with other states
3 in either TIGER Grants or TIGER II Grants, and the state
4 is often absent when we submit a Tower 55 grant or
5 something else. And if we believe in what we are doing
6 here today, and I think the people in this room believe
7 that, we definitely need additional revenues to the Rail
8 Division to actually help facilitate not just the planning
9 but now the implementation of these projects.

10 The third, I'd like to reinforce the parts of
11 your plan that are flexible and strategic. As we develop
12 new institutional partnerships in this state, the plan
13 needs to be fluid in the beginning until we can establish
14 how we're going to march forward. Your plan does that, I
15 applaud you for it, we need to keep that flexibility in
16 there -- in my other comments you'll see why -- but that
17 flexibility is important as we move forward at this point
18 in time.

19 The fourth, and I think this flexibility is
20 needed to maximize the revenue to the state. You cannot
21 predict what state will be successful, other states are
22 stubbing their toes on high and higher speed rail. You
23 can't predict what Congress may or may not do. We should
24 all take an oath in here that we're going to all work to
25 maximize revenue to the state and create a statewide

1 partnership to accomplish that.

2 And then the fifth observation is the economy
3 scale of introducing both passenger and freight in the
4 same corridor and bring efficiencies both to goods
5 movement and to higher speed passenger rail. A lot of
6 people are excited about passenger rail, there's a lot of
7 people excited about freight and higher speed freight and
8 just-in-time delivery. There's no reason we can't be
9 working together in this state maximizing both of those
10 disciplines as we move forward.

11 So thank you very much for hosting the hearing
12 and giving us an opportunity to make comments on your
13 plan. Thank you.

14 MS. BLEWETT: Thank you, Mr. Morris.

15 Jim Reed.

16 MR. REED: My name is Jim Reed and I'm chairman
17 of the San Antonio Mobility Coalition, better known as
18 SAMCO, as well as a member of the regional mobility
19 authority, the Alamo RMA.

20 Thank you for having this opportunity to give
21 comments. I agree with Michael, it needs to be a
22 statewide effort, and part of that is what I'm going to
23 address today. We appreciate having a Rail Division
24 finally at TxDOT and the opportunity for those of us
25 interested in rail in coming together in public meetings

1 here as well as the one in San Antonio that you held.
2 SAMCO generally supports. We have 80 members, we're a
3 public-private partnership with the city, the county, the
4 VIA transit and about 75 individual members.

5 With regard to the I-35 corridor between Austin
6 and San Antonio going east to Houston, we encourage the
7 designation for both freight and commuter rail. My
8 friends remind me that rail is a large tent, and so I'm
9 constantly reminded by my friends about that, that
10 includes both freight and commuter and is a high priority
11 as we look toward that, and that's also supported by Bexar
12 County Judge Nelson Wolf very actively, and our Mayor
13 Julian Castro, as well as Representative McClendon in the
14 House and several other elected officials.

15 The I-35 corridor is our backbone. It didn't
16 take me three hours to get here this morning but it took
17 me almost two to drive 90 miles, and so you can see where
18 a lot of time saving and hustle would be drawn there. We
19 support for the reasons of international trade,
20 warehousing, manufacturing, military and tourism which is
21 big in our city.

22 Through a separate process, TxDOT is reviewing
23 the whole Interstate 35 corridor and its capacity and what
24 we can do there, not only on rail but for highways, and I
25 think most of feel like we can't pour enough concrete to

1 work our way out of that and we need to look if there are
2 other options for both freight and passenger rail.

3 For a long time, both the city and the county,
4 the chambers and SAMCO have been united in supporting some
5 type of rail, really both passenger and freight rail, out
6 of San Antonio and up the 35 corridor, as well as over to
7 Houston where the Interstate 10 is active. We support the
8 Rail Relocation Fund and hope that the money will be made
9 available to get that started and work down that road, and
10 we pledge on behalf of our community any way we can to
11 support your effort.

12 And again, thank you for having us, and I'll be
13 able to leave written comments with your recorder. Thank
14 you.

15 MS. BLEWETT: Thank you.

16 Charlie DeWeese. Good afternoon. Please state
17 your name and who you represent.

18 MR. DeWEESE: I'm Charlie DeWeese. I'm the
19 rail freight manager for Capital Metro in Austin, Texas.

20 I'm here to deliver about two or three
21 messages. Number one is when we talk about passenger rail
22 and it's an important component of the future, please
23 let's not get hung up on the definition of high-speed rail
24 or very-high-speed or commuter or intercity passenger.
25 Let's worry about passenger rail and implement it and do

1 it the best we can.

2 The second message is as we develop this, if we
3 build new corridors, and I know that we will use existing
4 corridors almost all the time, if we build new corridors,
5 please let's engineer them geometrically for the fastest
6 possible rail, even though it may cost an extra dollar up
7 front.

8 And my third point would be that in the
9 rankings I see that the Houston-Austin ranks sixth, and I
10 frankly think we're more important than that. Thank you.

11 MS. BLEWETT: Thank you.

12 R. Riding. Thank you. He chose not to
13 testify.

14 Andrew Hoekzema. And I apologize if I was
15 nowhere close on your name. Please state your name.

16 MR. HOEKZEMA: My name is Andrew Hoekzema. I
17 work for the Capital Area Council of Governments, however,
18 I'm not here representing them today, I'm just
19 representing myself as a citizen.

20 I'm an air quality planning specialist and my
21 perspective on this comes from both that and having come
22 from the northeast, where we have lots of rail options, to
23 Texas where we have almost none. It was a big jarring to
24 make that move. And prior to this meeting, I went online
25 and checked the times that it would take to go from city

1 to city on the existing Amtrak rail lines. Well, to go
2 from San Antonio to Dallas is about 8-1/2 hours, to go
3 from Austin to Houston is about 8-1/2 hours, to go from
4 Austin to Dallas is about 5 hours. This is a system which
5 is not conducive to passenger service.

6 If you are going to have a passenger rail
7 service that's dynamic and provides real opportunities and
8 real alternatives to taking the road or taking air travel,
9 it needs to be comparable service in terms of timing,
10 reliability and cost, and the way it's currently
11 configured is simply inadequate for it.

12 Another thing I wanted to point out is that
13 with many areas of the state now likely to be non-
14 attainment for the new ozone standard, there will be
15 additional congestion mitigation for air quality funds
16 available to many areas around the state, and I would
17 strongly encourage TxDOT to look at that as another
18 potential source for funding for these types of projects.

19 The other thing is I'd like to make sure that
20 we keep in mind that we don't look at it necessarily from
21 just a business point of view in terms of how much revenue
22 are we taking in from ticket sales or things like that but
23 think of it as a public good for the future. Texas is
24 growing very quickly and the longer you postpone providing
25 real alternatives in terms of rail, the harder it will be

1 to go back later. Anybody who has been to Los Angeles and
2 seen the efforts in terms of developing rail out there,
3 you can clearly see the implications for waiting too long.

4 So again, I'd just encourage you to think about
5 this from the perspective of providing a real and viable
6 alternative that will provide a more dynamic
7 transportation system. Thanks.

8 MS. BLEWETT: Thank you.

9 Dennis Kearns.

10 MR. KEARNS: Good afternoon. My name is Dennis
11 Kearns. I'm an attorney with the BNSF Railway Company
12 which is headquartered in Fort Worth, Texas.

13 The State Rail Plan is more than an inventory
14 of rail infrastructure, it includes a blueprint for
15 managing that infrastructure, defines the strategy
16 necessary to meet the future of passenger and freight
17 railroad needs of the state, it defines, forecasts and
18 trends in the transportation industry as a whole and
19 analyzes the transportation network in terms of efficiency
20 and economy.

21 BNSF Railway has provided an inventory of our
22 facilities, it has consulted with the Rail Division and
23 their consultants on projects which we have in queue,
24 including Tower 55 and re-configurations to the Houston
25 terminal which are all very important, future trends,

1 whether they involve capacity improvements, and possible
2 shared right of way use for passenger rail.

3 We would urge, in considering our submission,
4 very careful attention be paid to our commuter rail
5 principles. BNSF is a leader in the freight railroad
6 industry and cooperating with state rail agencies as well
7 as local and regional governments in planning, cooperating
8 and collaborating on passenger rail projects.

9 Bill, we've come a long way. Bill and I were
10 talking earlier. In 2005 when we laid out the Rail Plan,
11 there were probably about five of us in the room. There
12 are a lot more people here today. In my 34-year career
13 with the railroad industry, starting in Chicago as a young
14 attorney, I had the misfortune of participating in the
15 bankruptcy proceedings of the Chicago Rock Island &
16 Pacific, the Chicago Milwaukee St. Paul & Pacific, and
17 those were indeed very gloomy days in the railroad
18 industry. Things have changed.

19 And I think in Texas, a good harbinger of the
20 change is the fact that we now have a Rail Division, and
21 under Mr. Glavin and the very capable colleagues that
22 assist him in that division. We are grateful the work
23 that we are doing currently with Cambridge Systematics,
24 the Center for Transportation Research, all good partners
25 as we advance on this State Rail Plan.

1 Our company will be filing more detailed
2 written comments prior to the deadline. It is our hope
3 the Texas State Rail Plan will open an enlightened era of
4 rail planning, for the economic well-being of Texas and
5 our nation depends on it. Thank you.

6 MS. BLEWETT: Thank you.

7 Kari Banta.

8 MS. BANTA: My name is Kari Banta and I
9 represent the Sierra Club. I just want to make a brief
10 message.

11 We see the draft plan as a good first step by
12 TxDOT and the Texas Rail Division to move forward to a
13 more comprehensive, energy efficient and rational
14 transportation system that would benefit the public more
15 than our current system. We look forward to working with
16 TxDOT and the Rail Division and other public officials to
17 expand our state's transportation options and to do so in
18 a timely manner more cognizant of the state's current
19 financial situation. It's time to be creative and build
20 the public support for rail that will help it advance more
21 quickly.

22 Thanks.

23 MS. BLEWETT: Thank you.

24 Mr. Glavin, you had a response that you were
25 asked to read.

1 MR. GLAVIN: This is remarks by Karen Rae,
2 Deputy Administrator, Federal Railroad Administration,
3 submitted for the record, Public Hearing, Texas Rail Plan,
4 Texas Department of Transportation, October 6, 2010.

5 "Thank you for the opportunity to submit
6 comments regarding the Texas Rail Plan. In the last
7 several months, the Federal Railroad Administration has
8 worked very closely with the Texas Department of
9 Transportation to guide the development of the Texas Rail
10 Plan. This has been a collaborative effort, involving not
11 only our two agencies but also the many stakeholders
12 within the state who contributed their time and labor to
13 develop this comprehensive and thorough rail plan
14 addressing both freight and passenger needs in Texas.

15 "TxDOT's vision for the development of freight
16 and passenger rail within the State of Texas is consistent
17 with the national vision as laid out in both the High-
18 speed Rail Strategic Plan and the recently released
19 National Rail Plan Progress Report. The vision to develop
20 passenger rail, not as independent projects between
21 discreet city pairs but as corridors that not only connect
22 those cities but reach beyond with a vision of integrating
23 into a national network, is forward thinking and holds
24 great promise.

25 "We look forward to our continued work with the

1 Texas Department of Transportation on this important
2 initiative."

3 MS. BLEWETT: Thank you, Mr. Glavin.

4 Dick Kallerman.

5 MR. KALLERMAN: Thank you. I'm with the Austin
6 Sierra Club, and we've been working for many years to
7 connect with San Antonio to Austin, and also not to forget
8 that we've been working for many years to get passenger
9 rail within the city, urban rail too.

10 We are very pleased with the efforts by TxDOT
11 to put together a rail plan. Two of our major efforts in
12 the Sierra Club, one is the environment, and of course,
13 rail moves passengers and moves freight at lower energy
14 requirements, and certainly that looks right in our favor.
15 And also social justice. Everybody should be able to move
16 from place to place with costing too much, and automobiles
17 are, in fact, quite expensive. You can move passengers
18 much cheaper by rail.

19 Here in Austin you look at great cities,
20 Dallas, San Antonio, Houston, difficult to get to by car.
21 If there is rail, that certainly would be a great amount
22 of traffic out of the way. And with that, the rail
23 triangle connecting all these very huge cities, really,
24 compared to other cities in the country, it's just a
25 natural for that kind of rail.

1 But Capital Metro had a remark that I thought
2 was quite good. The gentleman from Capital Metro said
3 let's not get hung up on high-speed rail like France or
4 Germany; pretty fast or just plain fast would be certainly
5 acceptable to us all.

6 Also, another thing that I noticed, Mr. Morris
7 from Dallas mentioned in one of his five points that the
8 lining up money is certainly going to be an important
9 item. In fact, I would suggest that it's probably the
10 most important item in the Texas Department of
11 Transportation's efforts.

12 We look upon the rest already in the world,
13 Greece, Britain, Spain, we're all going to be there
14 because we're the biggest in this country, we're the
15 biggest debtor on the world, so it's soon coming to the
16 United States and coming to Texas too. Texas is \$21
17 billion in the hole.

18 The other thing is EQUAL [phonetic] is going to
19 come, maybe a lot sooner than we expect, although nobody
20 really likes to talk much about it because it's kind of a
21 downer.

22 So those two things, if nothing else, means
23 that the first thing we want to think about is where the
24 money is going to come from, and once that's lined up,
25 gosh, let's get rail on the ground.

1 Thank you very much.

2 MS. BLEWETT: Thank you.

3 Is there anyone else who would like to testify?

4 If you'll please state your name and who you represent.

5 MR. MILLOY: I'm Ross Milloy. I'm president of
6 the Austin-San Antonio Corridor Council, and today I'm
7 speaking also on behalf of the Lone Star Rail District.

8 I wanted to commend TxDOT for commencing work
9 on the statewide Rail Plan. It's clear to us that we
10 can't have a comprehensive solution to Texas's
11 transportation issues unless we include both freight and
12 passenger rail improvements as part of that solution.

13 Here in our corridor we face a particular
14 problem in that our population is going to double in the
15 next 20 years, and we're also facing the challenges of
16 NAFTA. Right now about 80 percent of Mexico's trade with
17 the U.S. and Canada passes through Texas, 75 percent of
18 that is going by truck up Interstate 35. That, by the
19 way, is about \$900 billion in trade.

20 The Federal Highway Administration some years
21 ago did a study of I-35 from Mexico to Canada and what
22 they found was that the highest vehicle counts, the most
23 congestion, the slowest average speed per mile, the lowest
24 levels of service, and them most accidents and fatalities
25 all occurred in the Austin-San Antonio corridor.

1 So we would propose and encourage TxDOT to
2 support the Lone Star Project which helps solve some of
3 the freight issues and the passenger issues along this
4 corridor.

5 We would propose moving Union Pacific's through
6 freight into a new corridor and re-purposing their
7 existing line and rails for moving passengers. We think
8 that would draw some freight off of I-35 and provide
9 additional freight movement capacity, it would improve
10 safety, and it would provide nearly \$60 billion in
11 economic development benefits, new tax revenues and cost
12 savings.

13 We'd also encourage TxDOT, on behalf of the
14 whole state, to speed up your planning process as much as
15 you can. We've got this really once-in-a-lifetime
16 opportunity at the federal level with a lot of dollars
17 being laid out and we want to make sure that Texas can
18 take advantage of that. We believe our future prosperity
19 depends upon it.

20 Thank you.

21 MS. BLEWETT: Thank you.

22 Is there anyone else who wishes to testify?

23 (No response.)

24 MS. BLEWETT: No one have indicated they are
25 here for such a purpose, I'll declare this hearing

1 adjourned. Thank you.

2 (Whereupon, at 2:17 p.m., the hearing was

3 concluded.)

C E R T I F I C A T E

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IN RE: Texas State Rail Plan public hearing

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LOCATION: Austin, Texas

5

DATE: October 6, 2010

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I do hereby certify that the foregoing pages, numbers 1 through 28, 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.

Nancy H. King
(Transcriber)

10/11/2010
(Date)

On the Record Reporting
3307 Northland, Suite 315
Austin, Texas 78731

seq.). Sections 135(a) and (e) require the state to develop its long-range plan to provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the state and an integral part of an intermodal transportation system for the United States, taking into consideration the concerns of affected local officials, Indian tribal governments, and Federal land management agencies. Section 135(f) requires the state to develop a SLRTP for all areas of the state in cooperation with the designated metropolitan planning organizations and, with respect to non-metropolitan areas, in consultation with affected local officials, and further requires an opportunity for participation by interested parties.

A copy of the proposed SLRTP will be available for review, at the time the notice of hearing is published, at each of the department's district offices, at the department's Transportation Planning and Programming Division offices located in Building 118, Second Floor, 118 East Riverside Drive, Austin, Texas, and on the department's website at:

www.txdot.gov

Persons wishing to review the SLRTP may do so online or contact the Transportation Planning and Programming Division at (512) 486-5036.

Persons wishing to speak at the hearing may register in advance by notifying Peggy Thurin, Transportation Planning and Programming Division, at (512) 486-5036 not later than Thursday, September 30, 2010, or they may register at the hearing location beginning at 9:00 a.m. on the day of the hearing. Speakers will be taken in the order registered. Any interested person may appear and offer comments or testimony, either orally or in writing; however, questioning of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any persons with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content. Groups, organizations, or associations should be represented by only one speaker. Speakers are requested to refrain from repeating previously presented testimony. Persons with disabilities who have special communication or accommodation needs or who plan to attend the hearing may contact the Government and Public Affairs Division, at 125 East 11th Street, Austin, Texas 78701-2483, (512) 463-9957. Requests should be made no later than three days prior to the hearing. Every reasonable effort will be made to accommodate the needs.

Further information on the SLRTP may be obtained from Peggy Thurin, Transportation Planning and Programming Division, 118 East Riverside Drive, Austin, Texas, 78704, (512) 486-5036. Interested parties who are unable to attend the hearing may submit written comments to James L. Randall, P.E., Director, Transportation Planning and Programming Division, 118 East Riverside Drive, Austin, Texas, 78704. In order to be considered, all written comments must be received at the Transportation Planning and Programming office by Monday, November 1, 2010 at 4:00 p.m.

TRD-201005233

Leonard Reese

Associate General Counsel

Texas Department of Transportation

Filed: September 8, 2010



Public Hearing Notice - Texas Rail Plan

The Texas Department of Transportation (department) will hold a public hearing on Wednesday, October 6, 2010, at 1:30 p.m. at the Texas

Department of Transportation, 200 East Riverside Drive, Auditorium 1A-1, Austin, Texas to receive public comments on the Texas Rail Plan. The Texas Rail Plan serves as a policy document that establishes a state vision and objectives for freight and passenger rail service in the state. The plan includes details about the current state of passenger and freight rail as well as establishes a short and long-range investment program which will guide improvements and expansion of the state rail transportation system.

A copy of the Texas Rail Plan will be available for review, at the time this notice of hearing is published, at the department's Rail Division offices located in Building 118, Second Floor, 118 East Riverside Drive, Austin, Texas, and on the department's website at: www.txdot.gov (keywords: rail plan). Persons wishing to review the Texas Rail Plan may do so online or contact the Rail Division at (512) 486-5230.

Persons wishing to speak at the hearing may register at the hearing location beginning at 1:00 p.m. on the day of the hearing. Speakers will be allowed three minutes each, and will be taken in the order registered. Any interested person may appear and offer comments or testimony, either orally or in writing; however, questioning of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any persons with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content. Groups, organizations, or associations should be represented by only one speaker. Speakers are requested to refrain from repeating previously presented testimony. Persons with disabilities who have special communication or accommodation needs or who plan to attend the hearing may contact the Government and Public Affairs Division, at 125 East 11th Street, Austin, Texas 78701-2483, (512) 463-9957. Requests should be made no later than three days prior to the hearing. Every reasonable effort will be made to accommodate the needs.

Further information on the Texas Rail Plan may be obtained from Jennifer Moczygemba, Rail Division, 118 East Riverside Drive, Austin, Texas 78704, (512) 486-5127. Written comments on the Texas Rail Plan may be submitted to William E. Glavin, Director, Rail Division, 118 East Riverside Drive, Austin, Texas 78704. Comments may also be submitted on-line at www.txdot.gov (keywords: rail plan). The deadline for receipt of comments is 5:00 p.m. on Friday, November 5, 2010.

TRD-201005234

Leonard Reese

Associate General Counsel

Texas Department of Transportation

Filed: September 8, 2010



Stephen F. Austin State University

Notice of Consultant Contract Award

In compliance with the provisions of Chapter 2254, Subchapter B, Texas Government Code, Stephen F. Austin State University furnishes this notice of contract award to University's contract with URS Corporation, 10550 Richmond Avenue, Suite 155, Houston, Texas 77042. The contract is not to exceed \$50,052. The original contract availability notice was published in the June 4, 2010, issue of the *Texas Register* (35 TexReg 4765).

No documents, films, recording, or reports of intangible results will be required to be presented by the outside consultant. Services are provided on an as-needed basis.

For further information, please contact Diana Boubel, Director of Procurement, at (936) 468-4037.

Statement of Ross Milloy
President
The Austin-San Antonio Corridor Council
On behalf of Lone Star Rail Project

I commend TxDOT for commencing work on a statewide rail plan. It is clear to us that we cannot have a comprehensive solution to Texas transportation issues unless we include both freight and passenger rail improvements as part of that solution.

And we face some serious transportation challenges in the Austin-San Antonio Corridor: as with the rest of the Texas Triangle from San Antonio-to-Houston-to-Dallas, our population will double over the next 20 years. But we also face the added challenge of crucial NAFTA traffic – worth over \$900 billion in trade last year and fueling millions of US jobs. 80% of Mexico's trade with the US and Canada passes through Texas, and 75% of that goes by truck up Interstate 35 through our Corridor.

A Federal Highway Administration study in the last 1990's demonstrated that over the entire 1700-mile length of I-35 from Mexico to Canada the highest vehicle counts, the most congestion, the slowest average speed per mile, the lowest levels of service, and the most accidents and fatalities were in the Austin-San Antonio Corridor.

We would encourage TxDOT to support the Lone Star Rail project, which would relocate freight from the Union Pacific rail line paralleling I-35 at its most congested points and re-propose the existing UP rail line to carry passengers between Austin and San Antonio. Making Union Pacific more efficient would move more freight from our congested highway to rail, provide additional freight movement capacity, improve safety, and provide nearly \$60 billion in economic development benefits, new tax revenues, and cost savings.

We also encourage TxDOT to speed up their development process for the statewide rail plan and prioritize projects quickly so that we do not lose out – as a state – on the billions of dollars that are being made available at the Federal level for new rail transportation projects. This may be our best opportunity in a generation to improve the Texas transportation network using Federal dollars, and the future economic prosperity of our state depends upon it.

Thank you.



SAN ANTONIO MOBILITY COALITION, INC.

Transportation Solutions for an Improved Quality of Life

13526 George Rd. Suite 107 • San Antonio, TX 78230 • (210) 688-4407 • (210) 688-4507 Fax
www.samcoinc.org

October 6, 2010

Texas Rail Plan
c/o William E. Glavin
Director, Rail Division
Texas Department of Transportation
118 East Riverside Drive
Austin, TX 78704

Re: Texas Rail Plan – October 6 Public Hearing

Dear Mr. Glavin:

On behalf of the San Antonio Mobility Coalition, Inc. (SAMCo) representing more than 80 public and private sector entities in the San Antonio area that partner together to promote transportation improvements for our community and region, I would like to offer the following comments regarding the draft Texas Rail Plan.

- 1) First, we want to commend and thank TxDOT officials for the recent establishment of a rail division, for efforts to update the statewide rail plan, and for hosting one of your public meetings in San Antonio.
- 2) SAMCo generally supports investments in freight rail and commuter rail in our state and region in order to provide congestion relief, increase freight capacity, reduce truck traffic, improve air quality and safety, and enhance the Texas economy.
- 3) With regard to the I-35 corridor between Austin and San Antonio, we encourage the designation of freight and commuter rail improvements (Lone Star Rail) along this corridor as high priorities for inclusion in TxDOT's final draft rail plan. These projects have the strong support of Bexar County Judge Nelson Wolff, San Antonio Mayor Julian Castro, and many other elected officials from our region.

GOVERNMENTAL: Bexar County • City of San Antonio • VIA Metropolitan Transit • PATRON HNTB Corporation • Jacobs • UNV Engineering Inc • Pope-Dawson Engineers Inc • SWBC • USAA • Williams Brothers Construction Company Inc • ADVOCATE AECOM • Arias & Associates • Bain Medina Bain, Inc • Bradewell & Guillam, LLP • Broadway Bank • Cemex Inc • CH2M HILL • Civil Engineering Consultants • Clark Construction of Texas Ltd • Cox, Smith & Matthews Inc • CP&T Inc • Dannenbaum Engineering • Flasher Equipment • Half Associates Inc • HDR Engineering Inc • HOLT CAT • Hult-Boilers Inc • Locke Lord Bissell & Liddell LLP • Lockwood Andrews & Newnam Inc • Martin Manetta Materials Southwest • Pate Engineers Inc • PB&S • PU RIVERA Associates Inc • Rapa-Kistner Consultants Inc • Unitech Consulting Engineers • Union Pacific Railroad • URS Corporation • Vickrey & Associates • Vulcan Materials • Wells Fargo Bank • Wilbur Smith Associates • Zachry Construction Corporation • ASSOCIATE: AACOG • AGC of Texas • Alamo PMA • CPS Energy • Free Trade Alliance of San Antonio • Medical Center Alliance • North San Antonio Chamber of Commerce • Port Authority of San Antonio • Real Estate Council of San Antonio • San Antonio Council of Engineering Companies • San Antonio Hispanic Chamber of Commerce • The Greater San Antonio Chamber of Commerce • Witte Museum • **GENERAL:** 22 additional entities

- 4) The I-35 corridor is essentially the backbone of the central and south Texas economy, supporting international trade, warehousing and manufacturing, military missions, and tourism.
- 5) Through a separate process, TxDOT is also reviewing the I-35 Corridor and its future capacity needs. All indications from this ongoing study are that international trade and truck traffic along the I-35 corridor will continue exponential growth and that there will be a need for additional lanes or lane-equivalents along the entire corridor in order to avoid Level F congestion levels in future years. Freight rail improvements along this corridor would serve to significantly reduce existing and anticipated truck traffic.
- 6) For many years, Bexar County, the City of San Antonio, the Bexar/San Antonio MPO, local chambers of commerce, and SAMCo have advocated for rail improvements along this corridor both for the economic benefits mentioned above, but also in order to improve safety by moving hazardous cargos away from crowded urban environments.
- 7) SAMCo and the public and private partners mentioned above have also supported capitalization of the Texas Rail Relocation & Improvement Fund in order to provide an adequate and predictable funding source for rail improvements in our state. Without such a fund to use as matching dollars, our state is at a severe disadvantage in competing for federal dollars.

Thank you for your efforts on behalf of the State of Texas and for the opportunity to provide input on your proposed plan.

Sincerely,



Jim Reed, Chairman
San Antonio Mobility Coalition, Inc.