



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members
FROM: Linda Thomas, Chair
DATE: Tuesday, June 11, 2019
SUBJECT: **June Board Meeting**

The next meeting of the NET RMA is scheduled as follows:

DATE: Tuesday, June 11, 2019
TIME: 1:30 PM
PLACE: Pine Crest Country Club
214 Club Dr.
Longview, TX 75602
Gregg County

Enclosed please find the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call Bianca Felux at 903.630.7894.

**NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)
BOARD OF DIRECTORS REGULAR MEETING
Pine Crest Country Club
214 Club Dr.
Longview, TX 75602
Gregg County**

1. CALL TO ORDER AND DECLARATION OF QUORUM

Notice of this meeting was posted with the Secretary of State's Office and on the NET RMA website and office on Friday, June 7, 2019.

1:32

2. INVOCATION

Chris Miller provided the invocation.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Linda Thomas introduced Judge Stoudt and thanked him for coming. Judge Stoudt welcomed all to Gregg County. He thanked the NET RMA for their good work and stated connectivity is extremely important in East Texas. Members present: Nate Priefert, Dan Droege, Dave Spurrier, Gary Halbrooks, Linda Thomas, Chris Miller, Barham Fulmer, Mike Thomas, Dr. Jim Harris, Larry Morse, Jason Ray. On the phone: Cory Floyd.

4. OPEN PUBLIC FORUM/COMMENT PERIOD

None.

5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE MAY 14, 2019 BOARD MEETING.

Action Item

Motion to approve: Gary Halbrooks. 2nd: James Harris. Unanimously approved.

6. CHAIR'S REPORT

Linda Thomas

Linda Thomas stated they were thrilled to be in Gregg County and shared some history on the county. Longview is home to the great Texas balloon race that will be taking place at the last weekend of July. The event is breathtaking. On the national stage, infrastructure legislation is pressing forward. There is always a need for creative funding for roads.

7. COMMITTEE REPORTS

A. Executive Committee

Linda Thomas

No report.

B. Personnel Committee

Jason Ray

No report.

C. Construction and Maintenance Committee

Barham Fulmer

No report.

D. Member Outreach Committee

John Cloutier

No report.

E. East Texas Hourglass Committee

Dave Spurrier

Dave Spurrier stated there is a later agenda item that will discuss pertinent information.

F. Investment Committee

Robert Messer

No report.

8. PARTNERSHIP UPDATES

A. East Texas Corridor Council

Linda Thomas

No report.

B. I-69 Alliance Committee

Linda Thomas

Cory Floyd stated that highway funding extension awaits the governor's signature. It would allow for a portion of oil and gas revenue to be used on transportation projects. They anticipate that the governor will sign in short order. The TxDOT UTP will

be released June 26th. They will take close look at it to make sure the I69 is a part of that. I69 has a meeting in July.

C. East Texas Council of Governments

Linda Thomas

No report.

D. Metropolitan Planning Organization/Texas Department of Transportation Updates

Chris Miller

Chris Miller stated that he and Dave Spurrier met with Macy Wyers to make sure that they are kept up to date and involved with the NET RMA and their projects. Chris Miller stated it would be a good idea to have this be a reoccurring item on the agenda to keep the board apprised of what's going on and indicated that it is a good way to keep partners involved. Macy Wyers with the Longview MPO provided a presentation regarding Longview projects within the MPO scope. Phase 1 of Harrison Road is expected to go into construction on April 2020. It will be a widening from 2 to 4 lanes with sidewalks. There will be a center turn lane for a total of 15.1M. FM2206 is another project dealing with widening from 2 to 4 lanes. This will begin in spring of 2020 as well. FM 2275 is another project. The first phase goes from Gilmer Rd. to One Tree Road. It is also a widening with bike lanes, side paths and a sidewalk and expected to being in 2021. Phase 2 of the George Richie road is a widening from 2 to 4 lanes -expected to go into construction at 2022. The widening of state highway 42 will be a widening from 2 to 4 lanes. Loop 485 south of Gladewater is a widening of 2 to 4 lanes and is estimated at 22.7M. The loop around Gladewater is expected to go into construction in 2024 and is a widening and will have a center turn lane. US 271 up to Gregg County line with Uphsur county and will be a widened 4 lane freeway with a flush median. US 271 work: the Atlanta district is working on improvements. They currently have a consultant on board who is working on the alternatives for this project. It is already a 4-lane facility but they will reconstruct with either a flush median or depressed median. They will be taking this to the public within the next year depending on funding. It is currently not funded. TxDOT is working on the widening of I-20 from 4 to 6 lanes. Next meeting for the MPO is July 31st. Linda Thomas thanked Macy Wyers for her presentation and stated that there seems to be a lot of exciting projects going forward.

9. REVIEW AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS.

Dianne Johnston provided the presentation. It will focus on April 2019. Statement of Net Position: Liabilities & Net Assets – 180M. There was nothing unusual or unexpected for April. For the income statement of revenue and expenses: total operating revenue increased by about 1M. Total operating expenses, the YTD is about 2.15% over the 2018 figure. In the details, the largest variances are still in the same line items. It is in the legal fees, employee salaries and benefits and marketing. In Toll 49 operating expenses, there was an overage of 419k. This is largely due to the bridge repair and other areas that were brought in previous months. The net expense for April 2019 compared to 2018 indicate 412K for the better. For the budget vs. actual, the total revenue is below budget by 12%. The percentage variance for electronic revenue did not change from March. It is still -11%. The video revenue did change by 1%. Total operating expenses for actual is below budget by 4% with no unexpected variances. Toll 49 operating expenses – actual- appears to be over budget but that is due to the I-20 bridge repair. Other income and expense, the net expense is below budget. There have been no unusual variances. The total net income is a deficit of 1.2M. That is more than the budgeted deficit of 788k. That is largely due to the revenue being under budget at the time.

Motion to approve. Larry Morse, 2nd: Jason Ray. Unanimously approved.

10. REPORT ON TOLL 49 TOLLING TRANSACTIONS AND REVENUE.

Chris Miller provided the presentation. May transactions are a little under 40k daily average. Compared to last year, they were a little under 32k so transactions continue to be going up. The month to month comparison shows a significant increase and they are excited about the positive trend. On the 31st of May, transactions were just under 50k and on the 24th of May, they exceeded 50k which is all good news. They are looking forward to the summer months when transactions continue to improve.

11. REPORT ON SEGMENT 6 ENVIRONMENTAL REVIEW STATUS.

Andy Atlas

Andy Atlas provided the presentation. The study area that was presented at the last public workshop was shown. They are currently conducting a feasibility study that will be completed in the fall. They are identifying what needs to be planned for and did some conceptual cross sections. They are identifying route options through the public working group. There were also preliminary environmental studies. Going forward, they will narrow down the routes to 3. To date, they have created a working group filled with representatives from TxDOT, school districts, local MPOs, etc. They have helped work through the process and were able to identify the goals and objectives of the project. On December 11th, they held a public workshop with a large turnout. They also had the public draw routes. On February 27th, they had a working group meeting. They evaluated the routes the public drew. On May 3rd, they had another meeting in preparation for the next public workshop. That was held last week and 159 people showed up. They reviewed the six route options. They will be moving forward from there. The information that has been presented the public includes: environmental constraints map, places they want to avoid (homes, landfills, schools, etc.). The goals and objectives of the project were also laid out.

The large goals are: to enhance mobility and accessibility, minimize environmental impact, and support economic development. They also provided conceptual cross sections. There were options with concrete mediums, various sized ROW, etc. At the December public workshop, the public drew over 50 possible routes. They narrowed those down utilizing the 70mph criteria as well as other evaluating criteria which were: travel time, percentage of facilities on new location roadway, number of intersections and state highways, developing a route with desirable curve radius, and the number of first responders and hospitals in the area. Some other key criteria were to avoid affecting the middle of someone's property. They want to avoid that if possible and minimize bisecting properties. They want to minimize flood plain acreage which increases cost and want to keep schools at least a mile away. They have taken public feedback and applied it to their plans moving forward. They added a few more evaluation criteria since narrowing down to 3 route options: construction cost estimates, considered public preference of the route options (surveys, public workshops, and the routes they drew) and average daily traffic. Average daily traffic is key. They want a route that best improves regional mobility and connectivity. The six proposed route options represent the geographic diversity of the options the public drew. They wanted to honor the public feedback and wanted the geographic diversity because they wanted to make sure the routes best addressed the regional mobility need. All start at SH 110 of Segment 5 and extend to US 271. The upcoming public involvement: working group meeting #4 in early fall. They will also identify the routes that will be sent to the Environmental Impact Statement (EIS). They will also be working closely with TxDOT. To date, they have made preliminary design work, and have identified and evaluated routes through public input. Next steps are to identify the three routes, create a feasibility report, create a focus and needs statement, prepare coordination plan, publish notice of intent, and initiate EIS. Elements of EIS are public involvement, environmental documentation and schematic design. There will be a conceptual schematic for the 3 routes going forward. They anticipate completing the feasibility study in the Fall 2019, final schematic submittal in Spring 2022, and in Spring 2022 a record of the decision. Kate Wilder then joined the presentation to highlight the key activities as the EIS wraps up. Project cost and traffic and revenue projections are part of the feasibility study. The schematic designs will include lane configuration, ROW needs, and other intersecting roads that will add traffic. Once that is available, CDM Smith will use that to create traffic and revenue projections. Once that has occurred, they will combine with construction and operating costs to see if the project is feasible. Understanding feasibility is an important step towards moving forward with design and ROW activities. Dr. James Harris asked what the approximate width of the routes going from western to eastern route. Andy Atlas stated that the eastern route is 10 miles, the western route is about 17miles long. Mike Thomas asked how big is the full corridor? Everett Owen stated probably about 5-7 miles.

Brian Allen submitted a speaker card. He thanked Andy Atlas for the public workshops. He wanted to propose a new route. He stated that the two things he hears the most are: the purple, yellow and teal routes are too close to Tyler. So, he proposed another route that takes the route to I-20 and it would be more cost effective. Mike Thomas asked what he meant by cost effectiveness. Brian Allen stated that it seemed to be the shorter route. It would also potentially be less invasive. Larry Morse stated that it would be appealing to motorists because it had a direct route to I-20. Dave Spurrier then stated that as Chair of the ETHG they want to make sure that it completes the entirety of the Hourglass corridor because it is critical to regional mobility.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE USE OF REMAINING CONTINGENCY FUNDS FROM THE TOLL 49 SEGMENT 4 PROJECT. (RESOLUTION 19-15)

Action Item

Chris Miller stated that they do have a memo in the packet with recommendations from Richard Ramirez. The recommendation is that they use those contingency funds to pay future debt service that would otherwise be paid from the revenue. It would be advantageous for any future financial dealings with bonds. There is a 12M reserve that exists with Segment 4 and it needs to get put back into the system somehow. The committee recommended that about 1M of that money go towards Segment 6 environmental work. Dave Spurrier stated that this is an effective way to get this money out of reserve towards NET RMA projects that are appropriate. Gary Halbrooks asked if the preference would be to hold 1M out of the 12M for Segment 6? Everett Owen stated that 1M would stay in Segment 4 for any issues that may pop up and then the rest would be moved to pay debt services. It is possible to move the funds directly to the general fund but that could open up situations where that would look unfavorable. Dave Spurrier stated that it is not pre-paying debt. It is paying that debt when it is due and having those funds ready to do so. It is a technicality to get those funds to the general fund. Barham Fulmer then asked what the difference is between just setting 4M aside for the Segment 6 studies. Dave Spurrier stated that what they are proposing allows for the most flexibility. If revenue projections continue to move forward as they are now, they'll have the funds to pay.

Motion to approve: Dave spurrier, 2nd: Mike Thomas. Unanimously approved.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE A PROCUREMENT FOR TRAFFIC AND REVENUE ENGINEERING SERVICES.

(RESOLUTION 19-16)

Action Item

Chris Miller stated that this is a request to allow the Executive Director to procure traffic and revenue engineering services as CDM Smith's contract runs out on December.

Motion to approve: Mike Thomas. 2nd: James Harris. Unanimously approved.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY FOR PAY BY MAIL RECEIVABLES MANAGEMENT SERVICES OR TO ISSUE A REQUEST FOR PROPOSALS TO PROVIDE SUCH SERVICES.

(RESOLUTION 19-17)

Action Item

Chris Miller stated that the CTRMA, who NET RMA has an ILA with, are currently going through a procurement for services to collect old, outstanding debt. The NET RMA would like to be a part of that and puts them in position to collect more revenue that has not been collected yet. Brian Cassidy stated that they anticipated that the CTRMA would have already acted to select their vendor, but they have not yet. That route is not clearly defined yet so if something delays it, this would give the Executive director flexibility to act. Everett Owen stated that there were 3 submittals. Each had a range of how much they believed they would collect which averaged about 10%. Some of that debt goes back to 2013.

Motion to approve: Dave Spurrier; 2nd: Dan Droege. Unanimously approved.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN APPLICATION FOR A DIRECT ACCESS PERMIT.

(RESOLUTION 19-18)

Action Item

Chris Miller stated that the board created a policy to handle direct access permits and gave the Executive Director the ability to approve that. Gary Halbrooks stated that he needed to abstain from this discussion and left the room. Everett Owen stated that it is not affecting the ROW. When TxDOT purchased the ROW, Toll 49 did not exist. They prevented anyone from getting access on the land onto Toll 49. That control of access has some theoretical value. By granting someone access to Toll 49, they are giving away that control of access which has theoretical value and the board is required to approve anything when value is being given to a third party. Dave Spurrier asked what they are charging the purchaser. Chris Miller stated there is \$2500 fee. Dave Spurrier asked if this would be setting a problematic precedent going forward? Chris Miller stated that he does not anticipate that this would create a negative trickle-down affect going forward. Dave Spurrier asked if this particular access would affect speed or safety? Everett Owen stated no. It follows TxDOT guidelines. Barham asked if this was direct access to Toll 49? Chris Miller stated no; it is a deceleration lane. Dave Spurrier then asked for future requests, if they think there is some value, shouldn't they collect that value? Everett Owen stated that he is unaware of a way to create a fair value. James Harris asked if this creates a precedent. Brian Cassidy stated in a way yes, however, each application would be unique and need reviewing. Mike Thomas asked if they could go to committee to talk about charging for future access? Chris Miller stated that it is in the policy that they can charge a fee. Brian Cassidy stated that it would take an amendment to the policy but it can be done. Dave Spurrier asked for clarification on the current policy. And then asked how many do they anticipate happening in the future? Chris Miller stated it should be minimal. Barham Fulmer stated that this access does not apply to direct access of Toll 49 and that if there are any access lanes, it would fall on the purchaser and not the NET RMA. Dave Spurrier

Motion to approve: Mike Thomas, 2nd: Jason Ray. Abstained: Gary Halbrooks. Unanimously approved.

16. REPORT ON TOLL 49 MAINTENANCE ACTIVITIES.

Mark McClanahan

Chris Miller stated that they have completed one full width mowing cycle. Hardware replacement and repair is going on. Pothole repairs and delineators are a constant item that needs to be replaced. Seal coat contract will begin in July. It will involve a pilot car at that time. The maintenance crew does provide limited roadside assistance like boosting cars and providing gas for stalled vehicles. Jason Ray asked what areas would be seal coated. Everett Owen stated it is the area near 110 and shouldn't take more than a couple of weeks. Dave Spurrier asked if this was planned maintenance? Chris Miller stated yes.

17. LEGISLATIVE UPDATE.

C. Brian Cassidy

Brian Cassidy stated that the legislative session has ended. Transportation issues were pretty quiet this time around. On the house side there has been quite a bit of turn over. There was a new chair for the transportation committee who had never been part of the

transportation committee before. The Senate committee largely stayed the same. The result was that there were not a lot of transportation issues. House bill 803 was a transparency bill which makes it so RMAs must present financial information on their websites. It shouldn't change much from what they already do but change the format. A toll collection bill regarding malfunctioning transponders was also passed to make sure customers are notified. It also opened up the possibility to open up customer data information sharing from tag providers. The veteran toll discount program was looked at. There were some stories of veterans that abused the process which then limited the number of veteran plates accounts. There is now a maximum of 2 plates allowed per account that can receive the discount. They extended Prop 1 date by 10 years. On the funding side, what didn't happen was vehicle registration fees. There are 5 counties around the state that are able to add in \$10 to vehicle registration fees to use for transportation projects. It did not go anywhere. There were open meetings and open government bills. The other thing that didn't happen was the CDA bills. Segment 6 and 7 were included in some of those bills. Gary Halbrooks asked if he would consider it a neutral to positive session? Brian Cassidy stated yes. Gary Halbrooks asked how RMAs are looked at now? Brian Cassidy stated that the anti-toll movement has quieted down as RMAs continue to grow and their stories have been positive. The perception is that they are entities that add value. Chris Miller asked if there was any discussion on interim charges? Brian Cassidy stated there may still be charges for toll activity. System financing would perhaps be in there but in a positive sense.

18. EXECUTIVE DIRECTOR'S REPORT.

Chris Miller

A. Member County Updates

Brian Cassidy stated he believes they are maybe 2 months away from having this submitted.

B. Update on Railroad Right-of-Way between Troup and Whitehouse

Chris Miller stated that they did receive a note from Glen Green with the Tyler district saying that they are going to fund it. The ROW is now back in play. His recommendation is that the board needs to determine what they would like to do with this ROW. It's good news that it's back on track. It is their understanding that it is funded in the full amount so they wouldn't need to have involvement from other communities if they needed to. Dave Spurrier asked that they would need to maintain it? What would it cost to maintain it? It is important to get someone working on that. Chris Miller stated they will find out.

C. Budget Adoption Calendar

The next board meeting is scheduled for July 9th. His recommendation is either not hold a board meeting on that date and instead move it to July 16th or not have a meeting in July and let the budget be reviewed by the executive committee at the end of July and the board would have it brought to them at the August board meeting. Gary Halbrooks asked if they know if there are any pressing items that would be on the July agenda? Chris Miller stated that if the CTRMA decides on their ILA and procurement of message boards are the only ones he sees going forward. Gary Halbrooks suggests that they move the remove the July meeting and utilize the Executive Committee meeting. Dave Spurrier asked that they be able to invite board members that are not a part of the executive committee if they would like input.

D. Update on Policing Services Agreement

Chris Miller stated that another item they hoped to place on the agenda regarded an ILA with patrol services on Toll 49. It would be off duty officers that would patrol during certain times in the day. He believes this action item will show up in the August meeting. The idea would be for speed enforcement both for too fast and too slow drivers. This presence would be helpful for drivers. They wouldn't just look at the city of Tyler but perhaps expand to the sheriff's office and constables. He also stated that he has spent some time with other toll authorities in Houston, Georgia, etc. to get an idea of how their operations work. One of the things he would like to consider is the idea of having a roadside assistance program. Not something as elaborate as they have in other jurisdictions but one that would allow for the removal of abandoned vehicles and gas/tire assistance. These impediments create hazards on the road for motorists. There are a few possible options. It would be good to have a physical presence to get the message across that the NET RMA is concerned with motorists' safety. The issues that exist currently are distracted drivers or bad weather conditions. His goal is to bring this back to the board in some form. The goals for this program would be to remove vehicles that cause impediments/hazards and to promote the NET RMA's goodwill. It is important to attend to the drivers' needs. They may also want Brian Cassidy to give an overview of everything an RMA can do beyond tolling. He has been getting requests for RMA involvement for several projects outside of tolling from several counties. It may be useful in future meetings to have an overview in how other RMAs have taken advantage of that. Linda Thomas stated that there was a relationship with DART in early days. Gary Halbrooks stated that they want the NET RMA to be the expert on transportation. It doesn't mean they need to take the lead, but it is support for whatever needs are out there. Dr. Harris asked if there are any numbers, hard counts etc. on how many vehicles are stranded on the road per month/week. Chris Miller stated he does not have that yet but it may be crude numbers as it would involve the maintenance staff to take note. Barham Fulmer stated that there currently is not an 800 number for that assistance. Chris Miller stated that it is clear, if it is structured correctly, it would be a helpful service that would work for when the NET RMA maintenance staff is not there (weekends, etc.) At some point it needs to be taken care of on a 24/7 basis.

19. ADJOURNMENT

3:18 adjourned. A board meeting will not occur on July 9th. August 13th will be next meeting.

EXECUTIVE SESSION - PURSUANT TO CHAPTER 551, SUBCHAPTER D, TEXAS GOVERNMENT CODE, IF ANY

- **At any time during the meeting of the NET RMA Board of Directors, the Board may meet in executive session for consultation concerning matters under Chapter 551 of the Texas Government Code, including:**
 - A. Section 551.071. Consultation with Attorney—Consultation with and advice from legal counsel concerning pending/contemplated litigation, settlement offers and negotiations, ongoing disputes and potential disputes, and other legal issues.**
 - B. Section 551.072. Deliberation Regarding Real Property—Discussion of real property purchase, exchange, lease, license, gift, donation, and/or negotiated settlement, including property to be acquired for right-of-way.**
 - C. Section 551.074. Personnel Matters—Deliberation concerning the appointment, employment, reassignment, evaluation, duties, discipline, and/or dismissal of personnel.**

Tentatively Scheduled NET RMA Board Meetings:

June 11, 2019 – Pinecrest Country Club, Gregg County

Non-Scheduled Meetings / Functions - Where a Quorum could be Present, but No RMA Business would be conducted:

June 27, 2019 – Texas Transportation Commission meeting

PARTICIPATION BY TELEPHONE CONFERENCE CALL:

One or more members of the Board may participate in this meeting through a telephone conference call, as authorized by Section 370.262, Texas Transportation Code. Under that law, each part of the telephone conference call meeting that by law must be open to the public shall be audible to the public at the meeting location. During the meeting, the identification of each party shall be clearly stated prior to speaking, and the meeting shall be documented by written minutes. On conclusion of the meeting, the written minutes of the meeting will be made available to the public.

COURTESY RULES

Thank you for your presence. The NET RMA appreciates your interest. If you wish to address the RMA on any agenda item, Public Participation Forms will be available before the meeting. These forms must be filled out and turned in to the RMA Chair or Secretary *prior* to the time the agenda item in question is addressed by the RMA.

You must be recognized by the Chair. (NOTE: Items will not necessarily be presented in the order they are posted.)

OPEN COMMENT PERIOD

At the conclusion of all other agenda items, the Board will allow an open comment period, **not to exceed one hour**, to receive public comment on any other matter that is under the jurisdiction of the Board. Public comment that does not relate to a specific agenda item must be made during the open comment period.

Each speaker will be allowed a **maximum of three (3) minutes**. Speakers must be signed up prior to the beginning of the open comment period. For subjects that are not otherwise part of the agenda for the meeting, Board members may neither comment nor question speakers during the open comment period, but may request the Chair, or a recognized committee, to investigate the subject further. No action will be taken on matters that are not part of the agenda for the meeting.

NOTE

Enumerated agenda items are assigned for ease of reference only, and will not necessarily be considered by the Board in that particular order. The Chair may rearrange the order in which agenda items are considered.

Presenters with audiovisual needs are requested to contact NET RMA at 903.630.7894 at least two working days prior to the meeting.

ACCESSIBILITY STATEMENT FOR DISABLED PERSONS

This meeting site is accessible to disabled persons as follows: wheelchair ramp at the main entrance. If any special assistance or accommodations are needed in order to attend this RMA meeting, please contact NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate arrangements can be made.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for person who are deaf or hearing impaired, and readers of large print or Braille, are requested to contact NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate

arrangements can be made.