



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Linda Thomas, Chair
DATE: January 22, 2013
SUBJECT: **NET RMA REGULAR BOARD MEETING**

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

DATE: Tuesday, January 22, 2013
TIME: 1:30 pm
PLACE: Baymont Inn
410 Hwy 79 S, Henderson
Henderson, TX 75654

Enclosed are the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call me at 903.509.1552.

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)
BOARD OF DIRECTORS REGULAR MEETING
1:30 PM Tuesday, January 22, 2013
Baymont Inn
410 Hwy 79 S
Henderson, TX 75654
PRESIDING: Linda Thomas, CHAIR

1. CALL TO ORDER AND DECLARATION OF QUORUM

Notice of this meeting was posted with the Secretary of State's Office, with the County Clerk in Rusk and Smith Counties, on the NET RMA website, and in the offices of Atkins on January 18, 2013.

A quorum was declared. There were 13 Board Members present. The meeting was called to order by Chair Thomas at 1:30 PM. Chair Thomas thanked Rusk County Board member and NET RMA Treasurer, Andy Vinson, for working out the arrangements for the meeting.

2. INVOCATION

Chair Thomas asked for a moment of silence in lieu of an invocation in memory of Mr. Cassity Jones. Mr. Jones was a longtime business man from Longview that founded the Cassity-Jones businesses.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Board Members

The NET RMA board members that were present introduced themselves and some gave brief welcoming remarks. Board members present at the meeting included: Linda Thomas, Mike Thomas, James Harris, Andy Vinson, Barham Fulmer, Jeff Sandford, Celia Boswell, Walta Cooke, Robert Murray, Dave Spurrier, Tim Vaughn, Jim Stephens and Gary Halbrooks.

Absent board members included: Gaylon White, Keith Honey and Hudson Old.

New Cherokee Board member, Jack Traylor, was present at the meeting but won't be sworn in until the March Board meeting. Mr. Traylor will be replacing Barry Hughes. Chair Thomas introduced him to the Board briefly.

4. REMARKS BY PUBLIC OFFICIALS

Chair Thomas announced that Henderson's mayor, Mrs. Pat Brack, was at the meeting and asked that she give a brief welcome.

Mayor Brack spoke to the Board and to the public that were in attendance welcoming them all to the Rusk County and to the City of Henderson. "Henderson is one of the most dynamic and most historical towns in Texas. I would like to extend an exceptional welcome to the NET RMA, Atkins and TxDOT for coming today and for all that you have done especially TxDOT for all the work you have done for our city's transportation needs." Mayor Brack stated. Mayor Brack took a moment to recognize some other guests that were in the audience: Rusk County Judge Joel Hale, Executive Director of the Henderson Chamber of Commerce Judy Sewell, Jerry Jones State Representative, former City of Henderson Mayor Buzz Fuller and Rick Hanning with Luminant Energy.

Chair Thomas asked if Rusk County Judge Joel Hale had anything he'd like to say. Judge Hale then commented to the audience that he "echoes what Mayor Brack just said" and appreciates everyone coming, enjoy your stay and glad you're here.

5. OPEN PUBLIC FORUM / COMMENT PERIOD

Several members of the Tyler Bike Club along with other cycling aficionados in the community were in attendance at the board meeting to oppose the possible prohibition of cyclists on Toll 49. Nine members of the public stood up and spoke to the Board regarding the issue.

Please see agenda item number 10 for more detailed information on the discussion.

Please find the nine speaker cards attached to the back of this document.

6. APPROVAL OF MINUTES

A. Discussion, Consideration and Approval of Minutes for:

Action Item

- November 6, 2012 NET RMA Regular Board Meeting

Chair Thomas referred the Board to the minutes dated November 6, 2012 from the regular board meeting. The Chair entertained a motion to approve these minutes if there were no edits by the Board.

Board Member and Vice Chairman Gary Halbrooks moved the approval. Board Member Jeff Sandford seconded the motion. The motion carried and the minutes for the November 6, 2012 meeting were approved.

7. CHAIRMAN'S REPORT

Chair Thomas

A. Meetings of Interest

- Texas Transportation Commission Meeting: December 12, 2012, January 31, 2013
And February 28, 2013

www.dot.state.tx.us

- TeamTX – Date Pending

www.team-tx.org

- Texas Transportation Forum: February 17-19, 2013

www.txdot.gov/ttf

Chair Thomas mentioned this forum briefly and asked if anyone was going to it or to Austin for other reasons to make sure to put their transportation hats on while there.

- Toll 49 Celebration: March 2, 2013

8. TREASURER'S REPORT

Andy Vinson

A. Discussion, Consideration and Possible Action on the Treasurer's Report

Action Item

Chair Thomas called upon Board Member and Treasurer, Andy Vinson, to give the Treasurer's Report but Mr. Vinson deferred to Tom Fitzgerald, CPA, to give the report that he himself had prepared.

Mr. Fitzgerald went over the highlights that were provided in the Board books.

Mr. Fitzgerald went over the highlights that were provided in the Board books which were the statement of net assets as for the Quarter Ended December 31, 2012. Cash in the operating account to include NET RMA funds and Rusk County funds, funds at Amegy Bank for the Toll 49 project were \$8, 088,889 at December 31, 2012, notes payable balances on the Toll 49 project included financial assistance agreement, the State Infrastructure Bank loan and the Toll Equity loan, funds advanced year to date under the loan agreements for the Toll 49 Segment 3B were from the State Infrastructure Bank loan and Toll Equity loan, all counties active in the NET RMA have paid their dues totaling \$34,000 and administrative costs for the period were \$105,382 but that number didn't include any legal fees received for December.

The Board didn't have any questions after Mr. Fitzgerald had completed his summary of the financial statements. Mr. Everett Owen did state to the Board that there would be a revised budget to the Board next month. The budget that was previously distributed at the last Board meeting didn't include the last two months of the fiscal year's expenditures so it needed to be updated.

Board Member James Harris moved the approval. Board Member Robert Murray seconded the motion. The motion carried.

9. OPERATIONS REPORT *

Everett Owen

A. Presentation on Tolling Operations

Ron Fagan, Fagan Consulting

A Toll 49 Operations Report was provided to the Board for the first time at this meeting. It contains a brief summary of operations and future reports will contain violations, maintenance and marketing activities related to Toll 49.

Operations

- In October 2012, prior to the opening of Segment 3A, there were 198,297 transactions on Toll 49 or an average of 7,082/day
- In November 2012, after the opening of Segment 3A, there were 303,343 transactions or an average of 10,111/day
- In December 2012, there were 328,406 transactions or an average of 10,947/day
- Tag penetration was 68% tag use in October, 62% in November and 63% in December
- There was no toll revenue received during the report period

Violations

- This will be a discussion of violations and Smith County court activities during the report period

Maintenance

- This will be a discussion of major maintenance activities that have occurred during the report Period and a list of maintenance activities scheduled for the upcoming period

Marketing

- This will be a discussion of major marketing activities that have occurred during the report Period and a list of marketing activities scheduled for the upcoming period

Mr. Ron Fagan, of Fagan Consulting, gave a power point presentation on Electronic Toll Collection. The Interoperability of Tolling Systems in Texas, the systems themselves, testing of the systems and the violation enforcement process were the topics that Mr. Fagan covered during his presentation to the Board.

A copy of the presentation is attached to the back of this document.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO PROHIBIT BICYCLES ON TOLL 49 (RESOLUTION 13-01)

Action Item

Chair Thomas introduced Resolution 13-01.

The Texas Transportation Code provides that a regional mobility authority may prohibit the use of or access to or from a turnpike project by a motor vehicle, bicycle, another classification or type of vehicle, or a pedestrian that would pose a significant danger to both car traffic and cyclists on Toll 49. This Resolution, if approved, would allow the NET RMA to put into place a regulation prohibiting the use of Toll 49 by bicycles, mopeds, motor-driven cycles and electric bicycles.

Chair Thomas then addressed the audience that contained speakers waiting to express their opposition to the proposed cycling ban asking for their cooperation when speaking by keeping their comments to 3-5 minutes and to try and not repeat what other speakers had just stated because of the hefty agenda still left for the meeting. This agenda item was moved to the front of the Board meeting due to the large attendees that have traveled to be at the meeting so they wouldn't have to sit through the majority of a meeting.

Mr. Everett Owen was asked to speak by Chair Thomas giving an overview of the issue to the Board and to the audience. Mr. Owen described the lane widths along with the shoulder widths of Toll 49 as being two 12 foot traffic lanes with an 8 foot shoulder in most places therefore creating a potentially hazardous environment for the cyclists and motorists. Mr. Owen then went over a chart that had estimated traffic counts for Toll 49 once all of the segments have been opened and by 2020 the traffic count is projected to be around 26,050 with a high percentage of that traffic being 18-wheelers. As of now, the traffic count is around 11,000 with 2% being truck traffic. NET RMA Board member and Treasurer, Andy Vinson, did ask Mr. Owen about the trucking traffic during the discussion and was answered. Mr. Vinson also inquired about the possibility of bike lanes being added to the roadway to which Mr. Owen replied yes that would be possible but the NET RMA doesn't possess that kind of money or revenue source to fund that type of project. Board member Jeff Sandford asked if there were other precedents within the state in place to this type of resolution. Mr. Owen replied that yes there were in that all the other RMAs in the state have prohibited cyclists on their roadways.

Mr. Owen then mentioned that starting on Friday the 18th of January the cycling community had started sending emails to the NET RMA voicing their opposition to the proposed cycling ban. Up to noon the day of the meeting on the 22nd the NET RMA had received 30 emails against the ban and four in favor of the ban. The emails that were against the ban all had a similar theme to them, Mr. Owen commented to the Board and audience, in that Toll 49 provides the safest place for them to ride in Tyler and the surrounding area, the low traffic volume, wide shoulders and nice pavement that provides a smooth ride.

Chair Thomas then read the first speaker card for those that had signed up to address the Board. All speaker cards are attached. The following is a brief summary of what was said by each speaker. All speakers at the Board meeting were opposed to the potential ban.

Mr. John Adair of Jacksonville, TX spoke on the fact that the NET RMA is contradicting itself by not continuing to allow cyclists to ride on Toll 49 in that they state their mission is to enhance mobility for the region but by not allowing cycling to occur on their road is ruling out a type of transportation. Forcing cyclists off of Toll 49 will create more of a hazard because they will be riding now on even busier roads. Also, all parties involved need to come up with a way to work together and find a solution that would make the cyclists happy and the NET RMA feel comfortable. Mr. Adair suggested finding hard data prior to deciding one way or the other so the decision is based on real numbers and not just an assumed danger. Mr. Adair offered to provide the Board with a study that was done by the Arizona Highway Department back in 2002 that found that riding on the interstate was no more dangerous than previously thought when they banned cycling on their interstates.

Ms. Sheridan Lewis of Tyler, TX has been a cyclist for a little more than a year and is very thankful for Toll 49. Ms. Lewis spoke about cycling being a good form of accessible exercise and having a roadway that provides a beautiful landscaped makes it easier to want to be healthy by being inspired to go out and ride. Ms. Lewis stated that if cyclists were allowed to remain on Toll 49 it would be a good way for everyone to practice Bikers Rights and become more comfortable with them.

Mr. David Gersch of Tyler, TX spoke on safety issues that were discussed at the beginning of the discussion. Mr. Gersch has been riding Toll 49 for many years and it is the safest place for cyclists to because the low amount of traffic, smooth pavement, limited access and no intersections to worry about. Mr. Gersch has noticed a growth in cycling especially with younger riders strictly because Toll 49 is so safe. Mr. Gersch says that the on and off ramps aren't a safety issue because the cyclists that he rides with all yield to traffic on the ramps and they always look behind them as they approach the ramps and in all situations. Toll 49 also provides access to all the communities south allowing for many potential rides.

Mr. Tyler Simpson of Whitehouse, TX and owner of Simpson's Fitness and Adventure Sports first of all thanked TxDOT and the NET RMA for making Toll 49 a reality. Mr. Simpson then spoke on Toll 49 being a connector for the commuters traveling east and west and would hate to have that safe connector closed, stated that 130 east of Austin allows cyclists, Toll 49 is a very safe road even with the traffic counts rising, would like to see some caution signage placed on the roadway and suggested the Board allow more time so see how cyclists and motorists act together once it is opened to I-20. Mr. Simpson also provided the Board with copies of some letters in support of keeping cyclists on Toll 49 that he had received prior to the meeting per NET RMA Vice Chairman Gary Halbrooks' request.

Mr. Mike Butler of Tyler, TX spoke on the importance of the quality of life that cycling provides. Mr. Butler talked about the Tyler 21 Plan and how it touches on different elements of how to better plan for improving Tyler as a whole to attract people and businesses to the area; one of them being transportation possibilities and how all of the potential modes, even cycling, are being asked about with the Tyler 21 Plan. Mr. Butler commented that surveys being conducted about how to improve Tyler/Smith County include biking facilities available, people's interest in them and their importance in the community and that a bike friendly city is a big draw for potential residents and businesses. Toll 49 is the best way to get around from the east to west around Tyler providing the connectivity that Mr. Simpson touched on as well. Mr. Butler encouraged the Board to give the decision more time for now.

Mr. Bob Gaddy of Tyler, TX has been riding for close to 30 years and says that between 50 and 75 percent of his riding occurs on Toll 49. Mr. Gaddy brought up three safety reasons to the Board that should be factors in their decision to continue to allow cyclists on Toll 49: the big, wide shoulders, limited/controlled access and excellent visibility on the road. Mr. Gaddy closed with "Toll 49, in our minds, is probably the ultimate in safety. We don't have a better environment."

Mr. Kent Johnson of Tyler, TX just made the brief comment that there will be more lives saved by continuing to allow cyclists to ride on Toll 49 than if they are forced off and have to make the decision to ride on other, non-safe roads in the area.

Mr. John Fabac of Tyler, TX opened by saying, I'm not getting old, I AM old! I've been riding my bicycle for about 18 years and 10 out of those 18 years I've been fighting cancer and I am still fighting it so I know how precious life can be." Mr. Fabac said that the cyclists won't just hang up their bikes, they will go back out onto the local roads and those are the killers he said, not Toll 49. "Look at your hands and see if there is any color on your hands. I wouldn't want to have that responsibility of that decision putting that many people in harm's way."

Mr. Fritz Fryer of Tyler, TX compared Houston traffic to Tyler traffic saying that Houston has way more congestion than Tyler does and people would ride their bikes there therefore they should be allowed to keep riding on Toll 49 because it doesn't even come close to having a high traffic volume. Mr. Fryer echoed the other's comments that Toll 49 was the safest place for cyclists to ride in the area.

*******TABLED*******

NET RMA Vice Chairman Gary Halbrooks moved to table the action. Board member Jeff Sandford seconded the motion. The motion was tabled for 60 days to allow the NET RMA and cycling community to gather more information and reassess the issue at hand. They will reconvene after the 60 days and a decision will be made at that time to either carry through with the proposed ban or to allow the bikes to ride.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF TOLLING POLICIES, TOLL RATES, AND BUSINESS RULES (RESOLUTION 13-02)

Action Item

Chair Thomas asked that Mr. Everett Owen, Project Director, address the Board regarding Resolution 13-02.

Per the bylaws of the NET RMA it states that the Board will establish toll rates and fees, designate speed limits, establish fines for toll violators and adopt rules and regulations for use of the toll road. The Board approved the adoption of the tolling policies and business rules at the meeting pending two changes that were discussed. There were two changes that the Board recommended be made to the Toll Policies and Road Use.

1. Under section 3.4.1 Annual Toll Rate Escalation the wording was changed to read in the second sentence ".....every year until underlying base rate is \$0.15....." the words for, 5 and years were omitted. The math didn't add up on the escalation rate per NET RMA Secretary Dave Spurrier so the number of years was taken out.
2. Under section 4.7 Prohibited Modes of Transportation the Board recommended that the eighth bullet be struck through since the determination of whether or not cyclists would be allowed on the road or not had not yet be decided.

Board member Barham Fulmer moved for approval. Board Member Robert Murray seconded the motion. The motion carried pending the above changes being made.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL ON AN INTERLOCAL AGREEMENT WITH TXDOT REGARDING MAINTENANCE ON TOLL 49 (RESOLUTION 13-03)

Action Item

Chair Thomas asked that Mr. Everett Owen, Project Director, explain Resolution 13-03 to the Board.

The NET RMA Board will enter into an ILA with TxDOT stating that they approve the negotiation and execution of the ILA to secure certain maintenance and operational services for Toll 49 through TxDOT for the next six months, the remaining fiscal year, maintaining the existing roadway and 3B once it is opened. The amount is not to exceed \$715, 181.00.

Board member Walta Cooke moved for approval. Board Member Robert Murray seconded the motion. The motion carried.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF AN INTERLOCAL AGREEMENT WITH AND OR SUBMISSION OF AN APPLICATION FOR FINANCIAL ASSISTANCE TO TXDOT REGARDING TOLL COLLECTION SERVICES FOR SEGMENTS 1, 2, 3A, AND 5 OF TOLL 49 (RESOLUTION 13-04)

Action Item

Chair Thomas asked that Mr. Everett Owen, Project Director, explain Resolution 13-04 to the Board.

The NET RMA will enter into an ILA with TxDOT to cover the cost of using their existing toll collection equipment and possibly submitting a Request for Financial Assistance to secure and finance toll collection services for the transferred segments of Toll 49 allowing for the cost of replacing the existing equipment if needed to be covered by the financial help.

Mr. Owen stated that unfortunately the NET RMA won't know what all, if anything, will need to be replaced until everything is up and running after 3B is finally opened so there isn't a way to determine a cost up front. Mr. Owen also commented in response to a Board member's question that the maintenance cost was being factored into the budget going forward but it would have to be adjusted and resubmitted to the Board.

Board member Jim Harris moved for approval. Board Member Mike Thomas seconded the motion. The motion carried.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON GEC WORK AUTHORIZATION NO. 21 FOR TOLL OPERATIONS AND MAINTENANCE OVERSIGHT (RESOLUTION 13-05)

Action item

Chair Thomas asked that Mr. Everett Owen, Project Director, explain Resolution 13-05 to the Board.

Work Authorization No. 21 covers the NET RMA's engineering services for a period of six months after the road opens allowing for the operational expenses of Toll 49.

Board member Jeff Sandford asked when the six months ended and Mr. Owen answered that it would be completed at the end of the fiscal year.

NET RMA Treasurer and Board member Andy Vinson moved for approval. Board Member Jim Stephens seconded the motion. The motion carried.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF AMENDMENT OF THE MOU FOR THE EAST TEXAS REGIONAL TRANSPORTATION PARTNERS (RESOLUTION 13-06)

Action Item

Chair Thomas explained to the Board the need to amend the MOU with the East Texas Regional Transportation Partners (ETRTP) and the NET RMA, Resolution 13-06.

The NET RMA and involved parties desires to amend the MOU to make Gregg County a partner and remove ETCOG because they were found to be applying for some of the same grants that ETRTP was submitting for equaling a conflict of interest as a member of the ETRTP and without a resolution to the problem ETRTP decided to replace ETCOG. Gary Halbrooks, Vice Chairman of the NET RMA, said they felt that since Gregg County would be a better fit anyhow because of their established relationship with the NET RMA.

Mike Battles confirmed that Mr. Tom Mullins is the new Chairman of the Board to the ETRTP.

Board member Celia Boswell asked Mr. Mike Battles does this also include transit for the other counties and between other counties. Mr. Battles replied that there would be four grants and that they would take into consideration the transportation need that is apparent between the counties; getting people to and from the surrounding counties.

Board member Mike Thomas moved for approval. Board Member Tim Vaughn seconded the motion. The motion carried.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO DESIGNATE THE PROJECT DIRECTOR AS INTERIM EXECUTIVE DIRECTOR (RESOLUTION 13-07)

Action Item

Chair Thomas asked that Mrs. Winland Fixley-Winland, counsel with Locke Liddell, explained Resolution 13-07 to the Board.

Mrs. Winland explained to the Board that since the NET RMA will soon be taking over the operation of Toll 49 they would need the services of an Executive Director to oversee the day-to-day operations of the authority and that the bylaws state that the Board designate a person or the Project Director to serve as an Interim Executive Director to perform the duties of the Executive Director during the time that the position is vacant.

Chair Thomas and Board member Mr. Barham Fulmer asked Mrs. Winland if there was financial consideration involved with the designation of Mr. Everett Owen, Project Director, to Interim Executive Director. Mrs. Winland replied that no there wasn't since it is technically just a title change required by the NET RMA bylaws and that no compensation would be given to Mr. Owen.

Chair Thomas then asked how long the designation would stay in place. Mrs. Winland responded to Chair Thomas with that it would remain in place until someone else is hired.

NET RMA Vice Chairman Gary Halbrooks moved for approval. Board Member and NET RMA Secretary

Dave Spurrier seconded the motion. The motion carried.

17. RAIL COMMITTEE REPORT

Celia Boswell

Chair Thomas asked that Mrs. Celia Boswell, Chair of the Rail Committee, give an update to the Board.

Mrs. Boswell stated that the Committee was still planning their next steps one of which includes a future meeting with city officials in Shreveport/Bossier City, Louisiana regarding the T-L Rail Coalition and its plan and purpose for providing a high speed passenger rail connecting Dallas and the Shreveport/Bossier City area.

18. TOLL 49 GRAND OPENING AD HOC COMMITTEE REPORT

Barham Fulmer

Chair Thomas asked that Mr. Barham Fulmer give the update to the Board.

Mr. Fulmer addressed the Board saying that the Committee was formulating plans for the Toll 49 Celebration in that the date of March 2 was getting more firm as the construction is finishing up on the Project. The time is still set for 10 AM and the location has been finalized as well. It will take place just south of the Bridge at I-20 and Toll 49 on the east side of the road.

Mr. Fulmer mentioned that the 'Save the Date' cards did go out and hoped all of the Board members received theirs and have it on their calendars.

Mr. Fulmer told the Board about the sponsorships that had been received by the time of the meeting and those were Atkins, CH2M Hill and Locke Lord totaling \$25,000 in contributions.

Billboards have been designed, the magazine ads for BSCENE and IN are in print and radio commercials for KTBB, KNUE and KISX have all been designed and are ready to be aired.

Mr. Randy Hopmann, Tyler TxDOT District Engineer, asked Mr. Fulmer if there would be a toll rate chart available. Mr. Fulmer answered that there would be a toll rate chart available at the Celebration, placed in "take-a-way" bags possibly for the attendees, it will go out with the toll bills and on the NET RMA and Toll 49 web sites. Mr. Hopmann also questioned how the TxTAG would be promoted now since they weren't available at Brookshires any longer and if the TxTAG wagon would be at the Celebration for attendees to get their tags.

19. LEGISLATIVE UPDATE

Mrs. Winland Fixley Winland

Mrs. Winland Winland updated the Board on legislative issues. She reported that the 83rd legislative session convened on January 8, 2013. The membership of the Senate Transportation Committee was recently announced, with Sen. Nichols as the committee chair. House Committee appointments will likely be announced later in January or in early February.

Prefiling of bills started off relatively slow—as of January 7, only 534 bills had been filed compared to 87 in 2011 and 1,058 in 2009 for that same time period. Bill filing will likely pick up as we approach the March 8 bill filing deadline. So far the filed legislation of interest to regional mobility authorities includes measures to eliminate the Department of Public Safety diversions of the gas tax, make regional mobility authorities subject to the sunset review process, and create additional requirements related to the eminent domain process. There have also been bills filed that would amend the definition of "emergency vehicle" and could therefore impact what vehicles a regional mobility authority must exempt from payment of tolls.

In response to questions from the Board, Mrs. Winland reported that legislation concerning transportation reinvestment zones has not yet been filed, and that any such legislation would likely involve relatively minor clarifications to the existing transportation reinvestment zone legislation. Mrs. Winland informed the Board that Locke Lord will continue to monitor legislative activities and provided the Board with a chart summarizing the bills of interest filed to date.

20. PROJECT DIRECTOR'S REPORT (Toll 49)

Everett Owen

Mr. Everett Owen's report was short due to all of the information he spoke about in the rest of the meeting prior. He mentioned that the three RFQs were sent out on January 11th and are due by February 11th. The RFQs included the reselection of the general engineering consultants, the legal representation and financial advisory to the NET RMA. Mr. Owen briefly stated that the NET RMA's Quarterly Report #7 was in the Board books behind his report for their review.

21. REPORT CONCERNING STATUS OF GEC WORK AUTHORIZATIONS

Mike Battles

Chair Thomas asked Mr. Mike Battles, Project Director of the GEC, to discuss Agenda Item 21.

The following is a brief summary of general GEC activities and accomplishments since the last Board meeting in November 6, 2012:

- GEC is continuing the ETHG Feasibility Study. Currently doing traffic modeling and segment cost estimates
- GEC is continuing the I-20 access study. Currently analyzing proposed developments, associated traffic movements and access needs
- GEC completed the Final Smith County Multi-Modal Facility Site Feasibility Study, dated January 2013. GEC is now evaluating MMF-related grant applications submitted by ETCOG
- All financial studies are complete
- Gathering materials and data for the 2012 Audit
- Prepared materials for January 22, 2013 Board Meeting
- Maintained the Compliance and Oversight data bases and notified Board Members of needed actions, if any
- Monitored traffic volumes and potential revenue for Toll 49 and prepared summary reports
- Continued support and materials development for the T-L Rail Coalition
- Supported Public Outreach / Education Committee efforts
- Web Site www.netrma.org and www.toll49.org updated periodically as needed
- Continued posting press releases, board meeting info and traffic notices to the www.netrma.org and www.toll49.org websites
- Posted the information page for the T-L Rail Coalition on the NET RMA web page

22. ADJOURNMENT

Before Chair Thomas adjourned the meeting, she asked if anyone had else had other comments that they'd like to make first.

Mr. Randy Hopmann, P.E. district engineer for the Tyler TxDOT district, mentioned quickly that TxDOT was holding a public meeting, which is part of the formal process, to provide information regarding the transfer of Toll 49 to the NET RMA from TxDOT's control. The meeting will be held on February 5, 2013 at TxDOT's district office on 2709 West Front Street, Tyler, TX 75702 at 6 PM. Mr. Hopmann asked for some representation of the NET RMA to be there for the meeting and stated he would be sending a formal request to Chair Thomas inviting the NET RMA to the meeting.

Mrs. Donna Adams, AVP, National Transportation Pursuits Manager for Atkins, gave a brief introduction to the Board and audience simply stating, ".....I applauded your successes."

The NET RMA regular Board meeting adjourned at 3:45 pm.

**BOARD BOOK APPENDIX -
COMPLIANCE AND OVERSIGHT**

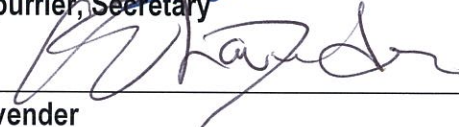
- A. OPEN RECORDS SPREADSHEET
- B. SURETY BOND SPREADSHEET
- C. CONFLICT OF INTEREST SPREADSHEET
- D. TERM EXPIRATION SPREADSHEET
- E. TEC FILING SPREADSHEET



Linda Thomas, Chair



Dave Spurrier, Secretary



Erin Lavender

**EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE,
CHAPTER 551, IF ANY**

- A. **Section 551.071. Consultation with Attorney—**Consultation with, and advice from legal counsel concerning pending/contemplated litigation, settlement offers and negotiations, and other legal issues.
- B. **Section 551.074. Personnel Matters—**Deliberation concerning the designation, reassignment, evaluation, compensation, and duties of personnel.
- C. **Section 551.072. Deliberation Regarding Real Property—**Discussion of real property purchase, exchange, lease, donation, including property to be acquired for right-of-way.

FY 2013 Scheduled Board Meetings / Functions

March 2013
NET RMA Board Meeting
TBA

Budget Workshop

TBD

Non-Scheduled Meetings / Functions - Where a Quorum Could be Present, but No RMA Business Would be Conducted

March 2, 2013 Toll 49 Celebration
Tyler, TX

Date Pending
TeamTX
Austin, Texas

January 31, 2013, February 28, 2013 and March 28, 2013
Texas Transportation Commission Meeting
Austin, Texas

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 Chairman 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 direct the Chairman, 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 Chairman may rearrange the order in which agenda items are considered.

Presenters with audiovisual needs are requested to contact Erin Lavender at (903) 509-1552 ext. 448-1229, 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 Erin Lavender at (903) 509-1552 ext. 448-1229, in advance so accommodations 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 Erin Lavender at (903) 509-1552 ext. 448-1229, at least two working days prior to the meeting so that appropriate arrangements can be made.