



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Linda Thomas, Chair
DATE: September 18, 2012
SUBJECT: NET RMA REGULAR BOARD MEETING

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

DATE: Tuesday, September 18, 2012
TIME: 1:30 PM
PLACE: AUSTIN BANK – Conference Room 2nd Floor
200 East Commerce
Jacksonville, TX 75766

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 September 18, 2012
Austin Bank – Conference Room 2nd Floor
200 East Commerce
Jacksonville, TX 75766

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 Cherokee and Smith Counties, on the NET RMA website, on the Toll 49 website and in the offices of Atkins on September 14, 2012.

A quorum was declared. There were 10 Board Members present. The meeting was called to order by Chair Thomas at 1:30 PM.

2. INVOCATION

Chair Thomas asked that everyone present would honor a moment of silence for Bowie County Board member Jeff Sanford and his family. Mr. Sanford's Mother was in the hospital and he was out of town to be with her and the rest of his family. Chair Thomas wanted Mr. Sandford to know that he was being thought of in his time of need.

There was no actual invocation given.

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, Keith Honey, James Harris, Celia Boswell, Mike Thomas, Walta Cooke, Andy Vinson, Barham Fulmer, Robert Murray, Dave Spurrier and Barry Hughes.

Absent Board members included: Jeff Sandford, Hudson Old, Gary Halbrooks, Gaylon White, Tim Vaughn and Jim Stephens.

Chair Thomas gave a personal thanks to Cherokee county Board member Barry Hughes for hosting the board meeting at the home of Austin Bank in Jacksonville and for coordinating the luncheon that was held at Sadler's prior to the meeting as well as Jeff Austin, Jr. and Jeff Austin, III for allowing the Board to have its meeting there at the home of Austin bank. Chair Thomas also thanked Atkins for hosting the luncheon that was held at Sadler's.

4. REMARKS BY PUBLIC OFFICIALS

Cherokee County Judge Chris Davis briefly thanked the NET RMA Board for their work on "our transportation needs because they are so great in Cherokee County as well as all the Board for does to bring transportation dollars."

Chair Thomas did announce that Jeff Austin, III who was present at the meeting was now a public official due to his appointment to the Texas Transportation Commission as a Commissioner.

5. OPEN PUBLIC FORUM / COMMENT PERIOD

There were no public comments made at this meeting.

6. APPROVAL OF MINUTES

- A. Discussion, Consideration and Approval of Minutes for
- July 10, 2012 NET RMA Special Board Meeting

Action Item

Chair Thomas referred the board to the minutes dated July 10, 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 Mike Thomas moved the approval. Board Member Jim Harris seconded the motion. The motion carried and the minutes for the July 10, 2012 meeting were approved.

7. CHAIRMAN'S REPORT

Chair Thomas

- A. I-69 signage in Houston area and I-69 Alliance meeting

Chair Thomas spoke about attending the I-69 Alliance Annual meeting down in Houston. They were celebrating the addition of more signage along former I-59 transforming it to I-69 in turn adding 35 more miles in the Houston and up to the Lufkin Segment Committee area. Soon enough there will be an interstate stretching from the Valley up through Texarkana/Bowie County. Mrs. Thomas also stated that she's spoken to the county judges of Angelina and Nacogdoches counties regarding them joining the NET RMA because she feels they would benefit greatly with the I-69 extension due to the fact that it would go right through the heart of the NET RMA which would include both of those counties.

Jeff Austin, III commented that TxDOT is spending \$68 million on the I-69 corridor.

- B. Texas Good Roads Association presentation -- Longview Chamber of Commerce

The Texas Good Roads Association has made a presentation by Chairman of the House Committee on Transportation, Larry Phillips, entitled "Texas Transportation August 2012" that is circling the State and Mrs. Thomas saw the presentation. Chair Thomas encouraged anyone who has the chance to see the presentation to try and see it as it makes its way around the state.

- C. Discussion of Legislative Issues

Chair Thomas asked if Brian Cassidy, NET RMA counsel with Locke Liddell, would address the Board on the upcoming Legislative session and any significant issues related to transportation. Mr. Cassidy spoke

about the two main topics related to transportation in the upcoming Legislative session beginning January 2013. Those being enhanced toll collections and an increase in SIB Loan limits that may end up having revolving funds. Mr. Cassidy suggested to all the Board members to get their county's list of priority projects updated so they could be addressed.

D. NET RMA TTC appearance -- October 25, 2012

Chair Thomas announced that the NET RMA had been invited to address the Texas Transportation Commission along with the other RMA's within the state in October to update the Commission on the activities of the NET RMA. The NET RMA would make a presentation to the Commission if the invitation is accepted.

E. Texas Transportation Commissioner, Jeff Austin, III who was in attendance at the Board meeting spoke on a few topics of interest that he felt the Board would find relevant:

- TxDOT's bi-annual budget was just released and it is \$20 billion with \$17 billion of that going to repair roadways that were damaged by heavy machinery and vehicles driving across them (many of them are FM roads) during the energy conservation period and also due a drought
- TxDOT has created a new position for a maritime director and is in the hiring process now
- TxDOT has an RFI out now for privatizing maintenance due to an internal overspending in maintenance that was discovered
- Toll revenue and how it is getting collected – "Be tough and up front on toll collections." Commissioner Austin suggested on toll collections. In Smith County alone the open segments of Toll 49 there are right at \$50,000 in uncollected tolls. After adding fees and fines equal close to \$3 million in uncollected tolls
- There is an I-20 study group forming to see what the uses of the corridor are and what the counties/cities need along the corridor. The main goals are to asses safety and how to improve it, adding additional capacity and possibly the addition of rail service

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.

Treasurer Andy Vinson read the financial summary that was in the board books. Mr. Fitzgerald, CPA had prepared the financial highlights from the ten months ended July 31, 2012. They captured cash in the operating account, funds at Amegy Bank for the Toll 49 Project, notes payable balances on Toll 49, funds remaining to be advanced, year to date administrative costs, year to date capitalized project related expenses and finally the total capitalized project related expenditures on Toll 49 Segment 3B.

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

**9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF THE
NET RMA BUDGET FOR FY 2012-2013
(Resolution 12-24)**

Action Item

Chair Thomas asked Project Director, Everett Owen, to explain Resolution 12-24 to the Board.

Mr. Everett Owen explained to the Board the NET RMA's FY 2012-2013 budget. Mr. Owen summarized the budget that was in the Board members packets. The budget encapsulated the following:

- operating expenses and revenues during the final construction phase of Toll 49 from October 1, 2012 to March 31, 2013 totaling \$181, 550
- the construction budget for Toll 49 Segment 3B for the year ended September 30, 2013 with total expenditures equaling \$11, 808,485
- operating expenses and revenues during the initial operation phase of Toll 49 from April 1, 2013 to September 30, 2013 with the excess of revenues being \$1,101,659
- construction budget for Loop 571/Rusk County for the year ended September 30, 2013 totaling \$176,073
- construction budget for Smith County Multi-modal Facility for the year ended September 30, 2013 totaling \$30,000

Board member Keith Honey asked Everett Owen if there was a warranty on CH2M Hill's construction of Segment 3B of Toll 49. Mr. Owen replied that there was indeed a warranty and that it was a 5 year warranty but that did not cover maintenance of the road. Maintenance would still be needed.

Board member and NET RMA Secretary Dave Spurrier asked Mr. Owen what the two issues were during construction that ended up affecting the budget. Mr. Owen replied that they were the stream mitigation credits and the archeology. Mr. Owen also mentioned that on November 19, 2012 there would be a DRB hearing held for the stream mitigation credits. Mr. Spurrier also asked Mr. Owen if the study money for the ETHG was included in the budget as well and if so why? Mr. Owen answered that yes it was included in the budget due to how the loans required all the money to be shown.

Board member Jim Harris asked Mr. Owen what the interest rate was and Mr. Owen replied that it is 4.13% and that it is accruing two million dollars every six months.

Board member and NET RMA Treasurer Andy Vinson asked Mr. Owen if the NET RMA was allowed to bid out the maintenance work for the roadway. Mr. Owen answered that it would not be advantageous to do so because TxDOT does the work so cheaply due to the short distance of the roadway.

Board Member Barham Fulmer moved for the approval. Board Member and Secretary Dave Spurrier seconded the motion. The motion carried.

**10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CHANGE ORDER NO.7
UNDER TOLL 49 DESIGN/BUILD CDA -- SEG 3A TO SEG 3B BASE TRANSITION
(Resolution 12-25)**

Action Item

Chair Thomas asked Project Director, Everett Owen, to explain Resolution 12-25 to the Board.

Mr. Owen explained to the Board that this resolution a result of the interface between the contractors of Segment 3A of Toll 49 and CH2M Hill. The Board will approve Change Order Number 7 that will approve an additional \$7,890.78 to make adjustments as necessary to facilitate the transition between the pavement in Segments 3A and 3B at SH 31 and Toll 49. Since the CDA did not anticipate the need for a modification to accommodate the transition between the two sections the change order is necessary and will afford the cost of the pavement transition.

Board Member Mike Thomas moved for the approval. Board Member Keith Honey seconded the motion. The motion carried.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CHANGE ORDER NO. 6
UNDER TOLL 49 DESIGN/BUILD CDA -- UPGRADE PAVEMENT OF SH 64 AND SH 110 ON TOLL 49
SEGMENT 3B
(Resolution 12-26)**

Action Item

Chair Thomas asked Project Director, Everett Owen, to explain Resolution 12-26 to the Board.

Mr. Owen stated that Change Order Number 6 was similar to Change Order Number 7 except it is for a much higher amount. The amount needed to upgrade the pavement on SH 64 and SH 110 is \$341,324.00. Both roadways are requiring an additional two inches of pavement per TxDOT. Since the CDA did not anticipate the need for this additional asphalt the change order is required in order to pay for the cost of the pavement.

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

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE
WORK AUTHORIZATION FOR GENERAL ENGINEERING CONSULTING SERVICES FOR
FY 2012-2013
(Resolution 12-27)**

Action Item

Chair Thomas asked Project Director, Everett Owen, to explain Resolution 12-27 to the Board.

Mr. Owen stated that the GEC has developed a proposed scope of work and budget the 2012-2013 fiscal year, including work related to program planning and management activities, technical and financial studies, marketing and public information programs, and continued development and maintenance of the NET RMA and Toll 49 Segment 3B websites and a copy of that proposed scope is contained in Work Authorization Number 20.

Mr. Owen then suggested to the Board that the current scope of Work Authorization Number 20 should have under Number 5, Toll 49 Operations and Maintenance, removed and turned into its own separate work authorization changing the amount to \$350,000.00.

Board member and Secretary Dave Spurrier wanted to confirm that the change would not affect the budget and Mr. Owen replied that no it would not affect it.

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

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO MOU WITH SMITH COUNTY CONCERNING TRANSIT GRANT FUNDS (Resolution 12-28)

Action Item

Chair Thomas asked Mike Battles to explain Resolution 12-28 to the Board.

Back in 2009, the NET RMA authorized the Chairman to submit to TxDOT, in partnership with Smith County, a grant proposal for a multimodal center in Tyler, Texas that would serve as a centralized facility for intercity busses, rural and urban transit providers, rail service providers, and other transit providers in Tyler and the surrounding areas.

Smith County and the NET RMA subsequently executed a memorandum of understanding ("MOU") concerning the submission of the grant proposal and management of the grant funding, if received, Smith County and the NET RMA received the requested grant funding and now desire to amend the MOU to address the commitment of matching funds by Smith County and the procurement of architectural services for the project. The Attachment "A" to the MOU allows for the payment, not to exceed, \$30,000.00 to be disbursed for the architectural consultation with the NET RMA is to be paid by County.

Board Member and Treasurer Andy Vinson moved for the approval. Board Member Barham Fulmer seconded the motion. The motion carried.

14. RAIL COMMITTEE REPORT

Celia Boswell

A. Texas - Louisiana Rail Coalition Meeting September 7, 2012

Chair Thomas thanked Celia Boswell for the meeting as well as thanking Barbara Holly, MPO for Tyler, for organizing the meeting and she gave thanks to Tyler Mayor Barbara Bass for being the mc prior to asking Mrs. Boswell to update the Board on the meeting itself.

Board Member and Chair of the Rail Committee gave the Board an update of the T-L Rail Coalition meeting that took place on September 7th at the Rose Garden in Tyler. The mission of the T-L Rail Coalition is to provide enhanced regional capacity, access, and multi-modal connectivity for travelers, encourage economic development through greater mobility, ensure long term air quality, relieve congestion, and improve safety of travel between Dallas/Mesquite and Shreveport/Bossier City. The meeting was well attended by many city, county and state officials from around the region all there to hear how high speed passenger rail service could benefit their areas. Presentations were made by DART's Deputy Executive Director, Jesse Oliver and Texas Transportation Commission Commissioner Jeff Austin, III. TxDOT's Head of the Rail Division, Bill Glavin gave a short talk as well. There were two local TV stations (KETK Region 56 and KLTV 7) present to cover the meeting as well as the Tyler Paper that did a write up.

Mrs. Boswell reminded the Board that the T-L Rail Coalition operates under the NET RMA umbrella and is not the same as the East Texas Corridor Council. The Coalition is pushing for rail along I-20 or a double track with the existing Amtrak that runs along the US 80 corridor. Mrs. Boswell encouraged the Board to "You know all there is to know about this (the NET RMA) but you don't know about this. So take some time to look us up and do some research on us."

15. TOLL 49 GRAND OPENING AD HOC COMMITTEE REPORT

The Toll 49 Grand Opening Ad Hoc Committee was formed by Chair Thomas to ensure that the event being planned for the opening of Toll 49 specifically Segment 3B was handled properly and so that the Board was involved in the actual planning/advising/deciding along the way. The Committee consists of Linda Thomas, Barham Fulmer and Gary Halbrooks. The Committee is working alongside of the event planning company "Dot the i" and is under the advisement of Atkins Project Director, Mike Battles.

Chair Thomas requested that Ad Hoc Committee member Barham Fulmer to address the Board with a synopsis of what the Committee has been doing the last couple of months.

Mr. Fulmer said the Committee has met twice since its inception back in August and that the planning for the event is in full swing. "It will be a celebration of ALL Toll 49!" Mr. Fulmer said. The Grand Opening is tentatively planned for an early Saturday in March 2013 while trying to work around other events that are already scheduled for around that time. By mid-October CH2M Hill's paving and construction schedule will be far enough along that a more firm date should be able to be set. The Committee is also in the process of getting sponsors and vendors in place as well as finalizing the guest list.

16. PROJECT DIRECTOR'S REPORT (Toll 49)

Everett Owen

Chair Thomas asked Mr. Everett Owen, Project Director for the NET RMA, to discuss Agenda Item 16.

A. NET RMA'S Quarterly Report #5

Mr. Owen stated that there was several construction pictures that could be seen contained in the Quarterly Report. The Quarterly Report #5 is attached for future reference. Mr. Owen stated that there was a page in the Board Book under his Project Director's Report that provided the general status of all active projects that the NET RMA has underway.

B. Toll 49 ETHG Planning Meeting September 5, 2012

Mr. Owen updated the Board on the planning meeting that took place on September 5th. During the meeting it was discussed on how to move forward on the ETHG. Funding, being number one, is needed for the ETHG schematics, Right of Way, design/build, etc. It was suggested that a transportation reinvestment zone (TRIZ) be set up for both Smith and Gregg counties for segments 4, 6 and 7. Then TxDOT would be approached for State Infrastructure Bank loans (SIB) Loans that would then be paid off by the county's TRIZ's.

17. REPORT CONCERNING STATUS OF GEC WORK AUTHORIZATIONS

Mike Battles

Chair Thomas asked Mr. Mike Battles, Project Director of the GEC, to discuss Agenda Item 17.

A. I-20 – Toll 49 Interchange Access Study

Mike Battles stated that at the last NET RMA Board meeting there were going to be I-20 Access Studies starting. Those have since been completed taken place over the last few weeks. Meetings were held between city officials, county officials and developers that hold stake in what effects certain access points to I-20 and Toll 49 will have on their entities. The interview participants are listed below.

Mr. Battles also mentioned that during his meeting with the manager of fleet distribution at Target, he said that Target has 600 trucks a day and 50% of those will be going south on Toll 49 potentially equaling 300-400 trucks per day in toll revenues.

Mr. Battles touched on some other items that the GEC was working on giving the Board an update.

Mr. Battles stated that all the GEC work was current and those items included:

- GEC is continuing the ETHG Feasibility Study and Smith County Multi-Modal Facility (MMF) Feasibility study
- GEC is conducting an I-20 access study. Interviews with Tyler, Lindale, Smith Co., Fair Corp., and Target Distribution Center are complete
- GEC prepared a High Speed Rail presentation and cost estimate for the T-L Rail Coalition meeting on June 21st, and coordinated the special stakeholders meeting with Commissioner Jeff Austin III held on September 7th at the Tyler Rose Garden
- GEC prepared materials for an ETHG planning meeting on September 5th involving Commissioner Jeff Austin III, Smith Co., Gregg Co., and TxDOT key administrative staff
- GEC recently analyzed data and provided information for draft budgets. All other financial studies are complete
- Prepared materials for September 18th 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
- Assisted TxDOT with design and construction coordination for Segment 3A on an as-needed basis
- Coordinated with T-L Rail Coalition re: High Speed Rail planning along 1-20 and assisted with several meetings during the last two months
- Continued posting press releases, board meeting information and traffic notices to both of the web sites for NET RMA and Toll 49
- Assisted with development of draft web page for T-L Rail Coalition

18. ADJOURNMENT

The NET RMA regular board meeting adjourned at 3:05 pm.

Board Member Robert Murray moved the approval. Board Member Mike Thomas seconded the motion. The motion carried and the board meeting was adjourned.

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.

FYI2012 Scheduled Board Meetings / Functions

November 2012
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

Date Pending
TeamTX
Austin, Texas

August 30 and September 27, 2012
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.