



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Linda Thomas, Chair
DATE: July 9, 2013
SUBJECT: **NET RMA REGULAR BOARD MEETING**

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

DATE: Tuesday July 9, 2013
TIME: 1:30 pm
PLACE: Texarkana Convention Center
2910 S. Cowhorn Creek Loop
Texarkana, TX 75501

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, July 9, 2013
Texarkana Convention Center
2910 S. Cowhorn Creek Loop, Texarkana, TX 75501
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 Wood and Smith Counties, on the NET RMA website, and in the offices of Atkins on July 5, 2013.

A quorum was declared. There were 11 Board Members present and one via phone. The meeting was called to order by Chair Thomas at 1:35 PM.

2. INVOCATION

Chair Thomas called for Board member and Bowie County representative Robert Murray to give the invocation.

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, James Harris, Barham Fulmer, Hudson Old, Jack Traylor, Gary Halbrooks (via phone), Keith Honey, Gaylon White, Mike Thomas, Celia Boswell, Larry Morse, Jeff Sandford and Robert Murray.

Absent board members included: Tim Vaughn, Walta Cooke, Andy Vinson, Dave Spurrier and Jim Stephens.

4. SWEARING-IN OF NEW BOARD MEMBERS AND REAPPOINTED BOARD MEMBERS

The newly appointed NET RMA Board member, Larry Morse representing Upshur County was sworn in by Municipal Judge Sherry Jackson Hawkins.

5. OPEN PUBLIC FORUM / COMMENT PERIOD

Bowie County Commissioner Tom Whitten of Precinct 2 was present and gave an introduction of himself along with some history of Texarkana and Bowie County.

In attendance was Jerry Sparks, Contract Economic Development Specialist for the City of Texarkana and TexAmericas Center and former Bowie County Judge James Carlow.

There were no other public comments made during the open forum comment period.

6. APPROVAL OF MINUTES

- A. Discussion, Consideration and Approval of Minutes for:
- May 7, 2013 NET RMA Regular Board Meeting

Action Item

Chair Thomas referred the Board to the minutes dated May 7, 2013 from the regular board meeting. The Chair entertained a motion to approve these minutes if there were no edits by the Board.

Board Member Jeff Sandford moved the approval. Board Member Robert Murray seconded the motion. The motion carried and the minutes for the May 7, 2013 meeting were approved.

7. CHAIRMAN'S REPORT

Chair Thomas

- A. Meetings of Interest

- Texas Transportation Commission Meeting: July 25, 2013
- TeamTX: Dates pending

www.txdot.gov

www.team-tx.org

There was not a Chair's report given.

8. TREASURER'S REPORT

Action Item

Tom Fitzgerald

Chair Thomas asked Tom Fitzgerald to give the update to the Board. Mr. Fitzgerald summarized the financial highlights as of May 31, 2013 that was provided in the board documents. Mr. Fitzgerald pointed out that there was a new category on the summary, the revenue account, that was added since the NET RMA was now making money from toll collections that begin back in March.

Board Member Jack Traylor moved the approval. Board Member James Harris seconded the motion. The motion carried.

9. UPDATE ON 83RD TEXAS LEGISLATIVE SESSION AND THE FIRST AND SECOND SPECIAL SESSIONS

Brain Cassidy

Brian Cassidy of Locke Lord gave the Board an update on the 83rd Texas Legislative Session, the first and second special sessions. Mr. Cassidy touched on some transportation related bills from this session that included Comprehensive Development Agreements, toll enforcement remedies, TRZ's, RMA operations and transportation funding bills. His entire summary was provided in the board books. Mr. Cassidy did comment that the amount of money allotted for transportation in the state wasn't near enough.

10. FINANCIAL TEAM PRESENTATION ON REFINANCING OF EXISTING TOLL 49 FINANCIAL OBLIGATIONS; DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON STATE INFRASTRUCTURE BANK LOAN APPLICATION (RESOLUTION 13-18)

Action Item

Everett Owen introduced Mr. Richard Ramirez, Managing Director with First Southwest, who would be discussing the refinancing of the existing Toll 49 financial obligations. Mr. Ramirez made a presentation to the Board highlighting the process of the refinance.

Everett Owen, NET RMA Interim Executive Director, along with consultants evaluated the terms of the SIB loan agreement and the Toll Equity Loan Agreement, current market conditions, and traffic volumes on Toll 49 and determined that refinancing of the SIB loan agreement and the Toll Equity Loan Agreement through a new SIB loan would reduce financing costs of the NET RMA on future projects and would create a reduction in the future financing costs placing the NET RMA in a more advantageous position to provide the necessary funds for the financing and development of Segment 4 of Toll 49.

The NET RMA Interim Executive Director and consultants recommend the submission of a new SIB loan application requesting the refinancing of the current SIB loan agreement and the Toll Equity Loan Agreement in order to reduce financing costs of the NET RMA on future projects.

Board member, Mr. Barham Fulmer, questioned the cost of the mentioned million and a half to refinance and asked that Mr. Ramirez verify those numbers before a Board vote was taken on the resolution. Mr. Ramirez returned later in the Board meeting to conclude the conversation and that agenda item with the numbers Mr. Fulmer requested.

Board Member Barham Fulmer moved the approval. Board Member Jack Traylor seconded the motion. The motion carried.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON UPDATE ON BIKE USE Action Item
ON TOLL 49 AND IN THE TOLL 49 CORRIDOR
(RESOLUTION 13-19)**

Mr. Owen started the discussion of the resolution to the Board per the request of Chair Thomas. Chair Thomas had previously stated at the beginning of the meeting that all speakers should keep their comments brief when addressing the Board.

On June 27, 2013, by Minute Order 113621, the Texas Transportation Commission (the "Commission") prohibited bicycles from using the main lanes and adjacent main lane shoulders of TxDOT limited access or controlled access toll projects on the state highway system, finding that it was necessary to do so "in order to protect the safety of the traveling public".

The NET RMA Board of Directors had previously expressed concerns about the safety issues raised by the presence of bicycle traffic on the main lanes and adjacent main lane shoulders of Toll 49, which concerns were the reason for certain of the conditions in Resolution No. 13-09 and intend to seek funding from TxDOT in the form of a state infrastructure bank ("SIB") loan for the development of additional segments of Toll 49. The failure to ban bicycle use on the main lanes and adjacent main lane shoulders of Toll 49 may be viewed as failing to protect the safety of the traveling public, and may therefore preclude the Commission from approving future SIB loan funding for Toll 49.

There were five supporters of the bike community present at the meeting to state their case to the Board. Gordon Betts, Tyler Simpson, Mike Butler, John Adair and Tyler attorney Robert Harble all spoke in front of the Board in favor of keeping cyclists on Toll 49. They all had a main theme in their individual speeches and that was that Toll 49 was the safest place in East Texas to ride and that the cyclists should be allowed to continue riding on the toll way. Tyler Simpson, owner of Simpson Fitness and Adventure Sports, reported that the bike community reached the set goal of raising \$60,000.00 for safety upgrades that they were tasked with doing back at the March 26th NET RMA Board meeting. The monies raised were to go towards striping out a bike lane

and for signage along the 10 mile section of Toll 49 from SH 110 to SH 155. Mr. Simpson also stated that "bikes are a crucial part of transportation" and asked the Board to keep that in mind when making their decision.

Vice Chairman, Gary Halbrooks, made a motion that would allow cyclists' access to the 10 mile section from SH 110 to SH 155 of Toll 49 on Saturdays and Sundays from 6am to 10am until a dedicated bike path could be constructed. Board member Barham Fulmer stated that he personally would like to see the Board carry through on their original deal made with the bike community therefore he didn't support Mr. Halbrooks motion. Board member Celia Boswell questioned the proposed timeframe of the motion on the table in that the daily transaction numbers show that the weekends are the busiest of the week on the toll way so she didn't think it made sense to have the cyclists on the toll way only on the weekends. The motion failed to receive a second and died.

The board then engaged in further discussion among themselves, and with Mr. Owen and Mr. Cassidy, about the implications of either rescinding their previous resolution due to safety concerns, traffic volumes that have exceeded projections and possible impacts on future financing from TxDOT. Mr. Halbrooks moved that the previous adoption of Resolution No. 13-09, dated March 26, 2013 be rescinded, and that a regulation prohibiting the use of Toll 49 by bicycles, mopeds, motor-driven cycles, and electric bicycles as defined by the TTC be adopted. Mr. Traylor seconded the motion. After further discussion a roll call vote was conducted, with the result being 7 votes in favor of the motion (Morse, M. Thomas, Honey, Traylor, Murray, L. Thomas, and Halbrooks) and 6 opposed (Harris, Boswell, Sandford, Fulmer, Old, White). The motion passed.

Mr. Owen indicated that appropriate signage reflecting prohibition of cyclists on the Toll 49 main lanes and adjacent shoulders would be installed, and that law enforcement would be notified of the policy prohibiting bicycles from using the main lanes and shoulders.

Mr. Owen also indicated that the NET RMA will continue to work with the bicycle community to identify a safe location and source of funding for a possible shared use path that can be used by bicycles and which is separated from the Toll 49 main lanes and main lane shoulders.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION FOR A WORK AUTHORIZATION Action Item FOR AN ENVIRONMENTAL STUDY FOR A POSSIBLE BICYCLE OR SHARED USE PATH IN TOLL 49 CORRIDOR (RESOLUTION 13-20)

Mr. Owen explained the resolution to the Board per the request of Chair Thomas.

Since the NET RMA is committed to working with the bicycle community to develop a possible bicycle or shared use path in the Toll 49 corridor so NET RMA's Interim Executive Director, working with TxDOT, identified the need for an environmental study for a possible bicycle or shared use path in the Toll 49 corridor.

On March 26, 2013, the NET RMA Board of Directors approved the selection of Atkins North America to serve as one of the general engineering consultants ("GEC") to the NET RMA and authorized the Chairman to execute an agreement with Atkins for the provision of general consulting civil engineering services. The GEC to the NET RMA has developed a proposed scope of services, Work Authorization No. 1.0, for environmental studies for a possible bicycle or shared use path in the Toll 49 corridor.

Board member, Mr. Barham Fulmer, requested that Resolution 13-20 be amended to include the work authorization only move forward if the funding is secured somewhere else and no NET RMA funds would be used for the environmental study of the possible bike or shared use path.

Board Member Barham Fulmer moved the approval. Board Member Mike Thomas seconded the motion. The motion carried.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON REQUEST TO SMITH COUNTY TO ACCESS TxDOT'S COUNTY ASSISTANCE PROGRAM FOR DEVELOPMENT OF A POSSIBLE BICYCLE OR SHARED USE PATH IN TOLL 49 CORRIDOR (RESOLUTION 13-21) Action Item

Mr. Owen explained the resolution to the Board per the request of Chair Thomas.

In its desire to work with the bicycling community, the NET RMA is moving towards the development of a possible bicycle or shared use path in the Toll 49 corridor extending from FM 2493 to US 69; and along with consultants and working with TxDOT, they have identified TxDOT's County Assistance Program as a useful tool to assist in the development of a possible bicycle or shared use path.

The NET RMA requests that Smith County take the actions necessary to access TxDOT's County Assistance Program for development of a possible bicycle or shared use path in the Toll 49 corridor extending from FM 2493 to US 69 and that the Interim Executive Director and consultants are directed to work with Smith County on the development of a possible bicycle or shared use path.

Board Member Robert Murray moved the approval. Board Member Jeff Sandford seconded the motion. The motion carried. This was after an initial motion by James Harris and second by Jeff Sandford to table the resolution was withdrawn.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON REQUEST TO SMITH COUNTY TO ESTABLISH A TRANSPORTATION REINVESTMENT ZONE TO SUPPORT DEVELOPMENT OF SEGMENTS 4 AND 6 OF TOLL 49 (RESOLUTION 13-22) Action Item

Mr. Owen explained the resolution to the Board per the request of Chair Thomas.

A Transportation Reinvestment Zone ("TRZ") is a beneficial tool that can provide locally generated funding to support development of needed transportation infrastructure projects and was created in 2007.

Since the NET RMA has expressed its interest in pursuing the development of additional segments of Toll 49 and the Interim Executive Director along with consultants and working with TxDOT, identified the formation of a TRZ in Smith County as a means to help support the financing of the development and construction of Segment 4 and certain pre-development work on Segment 6.

The NET RMA requested that Smith County create a TRZ to support the financing of development and other work associated with Segments 4 and 6 of Toll 49 and that the Interim Executive Director and consultants are directed to work with Smith County to support the formation of a TRZ.

Board Member James Harris moved the approval. Board Member Jack Traylor seconded the motion. The motion carried.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON REQUESTS TO GREGG AND UPSHUR COUNTIES TO ESTABLISH TRANSPORTATION REINVESTMENT ZONES TO SUPPORT THE DEVELOPMENT OF SEGMENT 7 OF TOLL 49 (RESOLUTION 13-23) **Action Item**

Mr. Owen explained the resolution to the Board per the request of Chair Thomas.

The NET RMA Interim Executive Director along with consultants and working with TxDOT, have identified the formation of two separate TRZs in Gregg County and Upshur County as a means to help support the financing of certain development costs associated with Segment 7, the "starter section" which would either be a 2 mile or 4 mile stretch depending on which route it takes.

The NET RMA requested that Gregg County and Upshur County each create a TRZ to support the financing of development and other work associated with Segment 7 of Toll 49 and that Everett Owen and consultants are directed to work with Gregg County and Upshur County to support the formation of the TRZs.

Board Member Robert Murray moved the approval. Board Member Keith Honey seconded the motion. The motion carried.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON REVISIONS TO TOLLING POLICY TO IMPLEMENT THE VETERAN'S DISCOUNT PROGRAM (RESOLUTION 13-24) **Action Item**

Mr. Owen explained the resolution to the Board per the request of Chair Thomas.

Mr. Owen gave a brief history of what had been going on in regards to the disabled veterans and how TxDOT was handling it when they were in charge of Toll 49. The Board was given an updated policy in their board books pertaining to the proposed resolution for exemption of tolls to qualified disabled veterans. The policy states that the NET RMA is willing to work with qualified disabled veterans in that they are asked to contact MSB to have their tolls waived and they will also place their license plate in a database of toll exempt vehicles so no further invoices will be generated. However, if the vehicle has a toll tag, associated with an account in good standing, the toll will be automatically charged to the account. The NET RMA does not currently have a means to adjust that process and will not be able to provide credit for those transactions.

Before the Board took the vote for the resolution they all agreed it was "just the right thing to do."

Board Member Barham Fulmer moved the approval. Board Member Robert Murray seconded the motion. The motion carried.

17. RAIL COMMITTEE REPORT Celia Boswell

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

Mrs. Boswell informed the Board that there was a draft MOU in their board books between the NET RMA and the cities of Shreveport and Bossier City, Louisiana. The MOU proposes that all parties involved have agreed to engage in efforts to promote and advance passenger rail service in the northeast Texas region and northwest Louisiana region. However, since city officials in Shreveport/Bossier City had not yet reviewed the MOU or signed off on a final version, the NET RMA Board, per Mrs. Boswell's suggestion, decided to table the resolution until a later date.

18. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITIES OF SHREVEPORT AND BOSSIER CITY CONCERNING PASSENGER RAIL SERVICE (RESOLUTION 13-25)** **Action Item**

*******Tabled*******

Board Member Mike Thomas moved the approval for the resolution to be tabled. Board Member James Harris seconded the motion. The motion carried.

19. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION FOR A WORK AUTHORIZATION FOR ENVIRONMENTAL STUDIES FOR TOLL 49, SEGMENT 7 (RESOLUTION 13-26)** **Action Item**

Chair Thomas asked that Everett Owen explain the resolution to the Board.

Mr. Owen stated simply that with the adoption of this resolution it would be essentially replacing Rodriguez Transportation Group (RTG) with Reynolds, Smith & Hills (RS&H) for their general consulting civil engineering services. It would also accelerate the environmental studies needed for Segment 7 of the East Texas Hourglass within the Toll 49 system with the approval of Work Authorization Number 2. With this work authorization, RS&H will be given up to \$900,000.00 to complete environmental activities related to gaining approval of the toll feasible project.

Board Member Robert Murray moved the approval. Board Member Keith Honey seconded the motion. The motion carried.

20. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION FOR A WORK AUTHORIZATION FOR GENERAL SERVICES WORK (RESOLUTION 13-27)** **Action Item**

Chair Thomas asked that Everett Owen explain the resolution to the Board.

Mr. Owen explained that this was the approval for Work Authorization No. 1 in the amount of \$30,000.00 for the GEC, RS&H, to provide services for the NET RMA and Interim Executive Director to include but not be limited to program management, website development and public involvement activities.

Board Member Robert Murray moved the approval. Board Member Keith Honey seconded the motion. The motion carried.

21. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION FOR A WORK AUTHORIZATION TO CONDUCT A SPEED STUDY ON TOLL 49 FOR THE PURPOSE OF ESTABLISHING MAXIMUM AND MINIMUM SPEED LIMITS (RESOLUTION 13-28)** **Action Item**

*******Tabled*******

**22. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE NET RMA
2012 AUDIT PERFORMED BY PROTHRO, WILHELMI AND COMPANY PRESENTED
BY THE AUDIT COMMITTEE
(RESOLUTION 13-29)**

Action Item

Chair Thomas asked that Walter Wilhelmi of Prothro, Wilhelmi and Company present the 2012 Audit findings to the Board.

Mr. Wilhelmi was pleased to announce that the 2012 audit was a very good one and that there were no issues found with any of the financial statements. There were also no audit adjustments done he stated as he was discussing the highlights. The entire 2012 audit was given to the Board in their packets for their thorough review.

Board Member Keith Honey moved the approval. Board Member James Harris seconded the motion. The motion carried.

23. EXECUTIVE DIRECTOR'S REPORT
- TOLL TRANSACTIONS ON TOLL 49
- OPERATIONS REPORT
- QUARTERLY REPORT #9

Everett Owen

Everett Owen discussed for the Board's benefit, about how the toll collections flow from the transactions to MSB and back to the NET RMA via the revenue account with the financial trustee. It is a very specialized process and doesn't actually get given directly to the NET RMA; everything has to go through the Trustee.

Mr. Owen pointed out that the NET RMA's Quarterly Report #9 was in the board books for the Board to review.

Board member Hudson Old took a few minutes to discuss the county's priority projects and why they are so important to the NET RMA. It is a very powerful tool that TxDOT has given the NET RMA to give money for county projects. He thanked Mr. Harris and Mr. White for turning in their county's list. He asked that the other Board members get theirs turned in to him as soon as possible.

24. ADJOURNMENT

Chair Thomas adjourned the NET RMA regular board meeting at 4:45 pm.

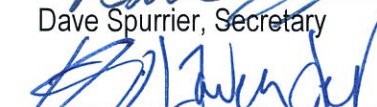
Board member Robert Murray moved to adjourn the meeting. Board member Mike Thomas seconded the motion. The motion carried.



Linda Thomas, Chair



Dave Spurrier, Secretary



Erin Lavender

**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

**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

September 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

Date Pending
TeamTX
Austin, Texas

July 25, 2013, August 29, 2013 and September 26, 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.