

APPENDIX D: Public Meeting Summary

PUBLIC MEETING SUMMARY

SH 121 Proposed Toll Facility
From Dallas North Tollway
To U.S. 75
Collin County, Texas

ELECTRONIC TOLL COLLECTION

CSJs: 0364-04-046 and 0364-04-047

ENVIRONMENTAL

CSJ: 0364-03-067

July 25, 2006
Plano Centre
2000 East Spring Creek Parkway
Plano, Texas 75074

Prepared for:
TEXAS DEPARTMENT OF TRANSPORTATION

October 2006

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1. PUBLIC MEETING SUMMARY AND ANALYSIS

District / County: Dallas District / Collin County

Highway / Limits: State Highway (SH) 121
From the Dallas North Tollway (DNT) to United States
(U.S.) 75

CSJ: 0364-03-067 (Environmental)

Proposed Improvements: The intent of this project is to assess the implementation of tolling on SH 121 from the DNT to U.S. 75. The project distance is approximately 13 miles. No additional right-of-way (ROW), design changes, or changes to the footprint of the roadway would be required for the proposed tolling of SH 121. Although the mainlanes of SH 121 are proposed for tolling, the frontage roads would remain as a non-toll alternative to the proposed toll facility. Other parallel non-tolled local arterial roadways (i.e. Legacy Drive, Lebanon Drive, Hedgcoxe Road, Ridgeview Drive, McDermott Drive, Main Street/FM 3537/FM 720/McKinney Ranch Parkway, and Stacy Road) are considered reasonable alternatives for motorists in the region. Tolling is expected to begin when the mainlanes are opened to traffic.

Purpose and Need: For the previously approved non-toll SH 121 facility, the original need for SH 121 roadway improvements is responsive to considerable on-going growth of commercial and residential development along and near the SH 121 corridor that has and would continue to produce a major travel demand on this transportation system. The original purpose of SH 121 is to improve system linkage and mobility in the area.

The proposed implementation of tolling on SH 121 would support the original need for and purpose of the SH 121 facility by generating revenue for the operation and maintenance of SH 121 as well as funding additional near neighbor/near timeframe policy projects. Under the Regional Transportation Council (RTC) of the North Central Texas Council of Governments (NCTCOG) near neighbor/near timeframe policy, when a previously planned tax supported highway is designated a toll facility, the gas tax funds would be reallocated to projects that serve the same transportation system users, and the newly identified projects would be completed in comparable timeframes. The accelerated construction of additional transportation projects would also further improve system linkage and mobility in the area.

Environmental Document Approval: The proposed project has previously been approved under two Environmental Assessments (EAs) and subsequent Finding of No Significant Impact (FONSI) re-evaluations.

Currently, the previously approved environmental documents are being re-evaluated. The proposed project would research and identify potential changes to the natural, social,

and economic environment that could occur as a result of the proposed toll facility. This Public Meeting was part of these toll studies.

Notices and Articles: The public meeting notice was published in the following newspapers:

Dallas Morning News

Legal Notice June 25, 2006 and July 15, 2006
Display Ad July 21, 2006

Al Dia

Legal Notice June 24, 2006 and July 15, 2006
Display Ad July 21, 2006

Plano Star Courier

Legal Notice June 25, 2006 and July 15, 2006

Allen American

Legal Notice June 22, 2006 and July 13, 2006*

McKinney Messenger

Legal Notice June 25, 2006 and July 16, 2006

Frisco Enterprise

Legal Notice June 23, 2006 and July 14, 2006*

*The Texas Administrative Code (TAC) states that the second notice should be published no more than 10 days nor less than seven before the meeting. This was not possible since the paper is not published often enough. However, the condition that the notice be published in a newspaper of general circulation that is published at least 6 days a week in the county in which the land is situated was met by the other publications.

Public Meeting Date and Place: A Public Meeting was conducted in an Open House format on Tuesday, July 25, 2006. The Public Meeting was held at the Plano Centre located at 2000 East Spring Creek Parkway, Plano, Texas 75074, from 4:00 p.m. to 8:00 p.m.

Attendance: The registration attendance totaled ninety-nine (99) members of the public and four elected officials registered at the meeting. Fourteen project staff members from TxDOT and nine project consultants also attended. One representative from the NCTCOG and one representative from the North Texas Tollway Authority (NTTA) also attended.

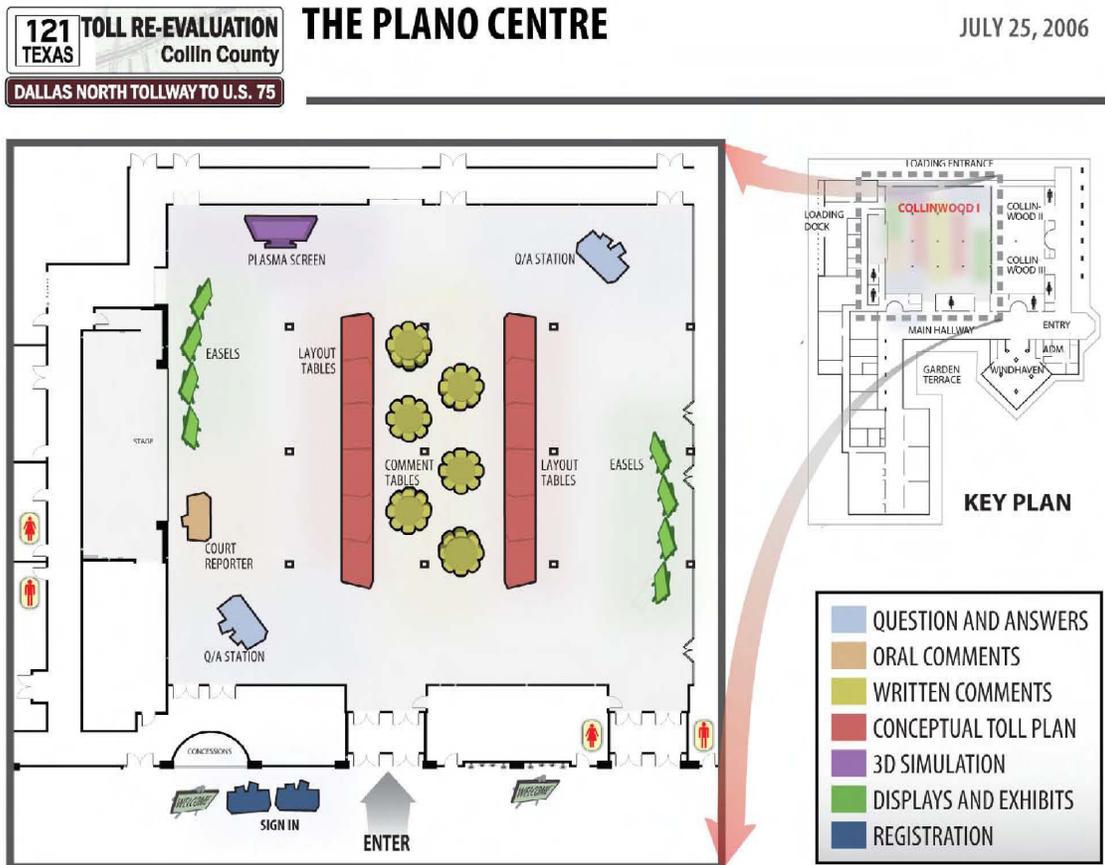
Public Meeting Format & Exhibits: The Public Meeting was held as an Open House so that the public could review all exhibits and have an opportunity to ask questions throughout the course of the evening. As shown on page 1-3, a facility layout was included as a handout distributed at the sign-in tables. Two exhibit boards also contained

the facility layout to direct the public to the information stations available at the Open House.

Two copies of the conceptual toll plan schematic were displayed on layout tables in the center of the room. Two sets of exhibit boards displaying the same information were shown at the Open House. The exhibits boards included a project location map, gantry map, project timeline, TxTag interoperability graphic, and Texas transportation funding challenge information.

A series of round tables were provided between the layout tables for individuals to gather, review and to discuss the proposed project. Comment boxes were located on these tables for the public to officially submit written comments. A court reporter was also available so that the public could submit verbal comments. A plasma screen looped a 3-dimensional video interpretation of the proposed toll design.

There were also two designated questions and answer stations. Individuals from TxDOT, consulting firms and agencies were present to answer questions.



Comments from Elected / Local Officials: No comments were received from elected or local officials.

Comments from the Public: A total of four citizens made verbal comments at the court reporter station. Twenty-three written comments were also submitted.

Summary of How Comments / Issues Were Addressed: All verbal and written comments and responses are summarized and provided in the next section of this document, *Public Meeting Comment and Response Report*.

2. PUBLIC MEETING COMMENT AND RESPONSE REPORT

Note: The comments that appear in this report may not be the precise words found in the commenter's oral statement or written statements. Please refer to Section 4 for the official verbatim public meeting transcript. Only comments related to the subject project have been responded to in this report.

JULY 25, 2006 - VERBAL COMMENT AND RESPONSE

***Verbal comments are those comments that were given to and recorded by the certified court reporter.*

VERBAL COMMENT #1 – Mr. Trykowski

Mr. Trykowski stated that he is opposed to the current conceptual toll plan.

A) He stated that the section of SH 121 at Custer Road is currently open and the construction has already been funded. He stated that converting this section to a toll road would violate House Bill 2702.

B) He stated that converting the section of road from DNT to Hillcrest Road would put undue burden on the arterial streets of Frisco.

C) He stated that he is opposed to the conceptual toll plan because there are no toll rates on the toll plan.

D) He stated that tolling the section of SH 121 in Frisco would add stress to the already overloaded service streets which would contribute to additional traffic in the area and environmental problems from increased emissions.

E) He stated that he objects to this plan in its entirety when it is already funded and would be open to the public regardless of the tolling decision.

F) He stated that the Comprehensive Development Agreement (CDA) process is flawed because Frisco has no representation on the NCTCOG RTC and because the process does not allow for public input. He feels that the public does not have access to documents or individuals making the decisions.

RESPONSE TO VERBAL COMMENT #1

A) According to HB 2702, TxDOT may consider tolling a state highway or a segment of a non-tolled state highway if the project has not been open to traffic. The mainlanes of SH 121 at Custer have not been open to traffic. During the construction of this intersection, traffic has been temporarily diverted to improve traffic flow. The proposed SH 121 project is in compliance with this policy.

B) The improvements to SH 121 would add an additional non-toll lane in each direction from DNT to US 75, including the DNT to Hillcrest section, providing additional capacity with the construction of six toll lanes. These improvements would increase the mobility and improve traffic flow in Frisco.

C) *The toll rates for SH 121 would be consistent with other toll rates in the region. The toll rates guidelines for SH 121 are the result of public outreach and decisions made by the RTC of the NCTCOG. In April 2006, the RTC agreed on the following business terms for setting the toll rates on SH 121:*

- 1) *Maximum average toll rate in 2010 would be 14.5 cents/mile.*
- 2) *Transit vehicles are exempt from toll charges.*
 - (a) *Initially, there would be a set toll of an average of 14.5 cents/mile for the entire day. After some evaluation has been completed, a set of peak and off-peak tolls are likely to be established to better optimize the facility operations.*

D) *As stated in the Response to Written Comment 1B, the improvements to this facility would increase mobility and traffic flow. An air analysis was conducted for this project and local concentrations of CO are not expected to exceed national standards at any time. No adverse air quality impacts are anticipated from the proposed toll facility.*

E) *Only a portion of the proposed SH 121 improvements are currently funded by gas tax dollars. A majority of the mainlanes from DNT to U.S. 75, including the DNT/U.S. 75 interchange are not currently funded with gas tax money. Tolling would ensure the expedited construction of the mainlanes and interchange.*

F) *Not every City in the Dallas-Forth Worth region has a voting member on the RTC. NCTCOG created the RTC to address regional transportation planning policy and activities, to provide guidance for multimodal transportation planning and to assure coordination among transportation modes, local government entities, and planning activities. The RTC is composed of thirty-seven policy leaders and is the single policy group for regional transportation decisions. Thirty-two members are elected city and county officials;9 the other five are appointed and include two TxDOT District Engineers; two transportation authority representatives, and the representative of the North Texas Tollway Authority. The chairman of the RTC is elected from the membership for a term of two years. The individual local governing bodies select their representatives to the RTC. RTC members may also serve on various subcommittees formed on an as-needed basis to respond to specific issues that come before the Council. These members represent the region in the RTC's decision making processes.*

As stated in HB 2702, Subchapter E. Comprehensive Development Agreements, to encourage private entities to submit proposals, the following information is confidential, is not subject to disclosure, inspection, or copying under Chapter 552, Government Code, and is not subject to discovery, subpoena, or other means of legal compulsion for its release until a final contract for a proposed project is entered into:

- *all or part of a proposal that is submitted by a private entity for a comprehensive development agreement, except information provided in HB 2702, Subchapter E, Sections 223.203(b)(1) and (2), unless the private entity consents to the disclosure of the information;*

- *Supplemental information or material submitted by a private entity in connection with a proposal for a comprehensive development agreement, unless the private entity consents to the disclosure of the information or material; and*
- *Information created or collected by the department or its agent during consideration of a proposal for a comprehensive development agreement.*

After the department completes its final ranking of proposals under Section 223.203(h), the final rankings of each proposal under each of the published criteria are not confidential, and may be available for public inspection.

VERBAL COMMENT #2 – Mr. Soulakis

Mr. Soulakis stated that using tolls to pay for highways is not the way to go because of the economy. He stated that the price of gasoline would impact the number of people using the road causing more people to work in alternative ways, such as working from home. He stated that road usage would go down due to the price of gasoline and that the trend that should be looked at is public transportation.

RESPONSE TO VERBAL COMMENT #2

Tolling SH 121 is currently part of the NCTCOG regional plan to improve transportation in the Dallas/Forth Worth region. Public transportation is currently not part of the plan for the SH 121 facility. TxDOT does not have input on the current price of gasoline.

Non-toll frontage roads, three lanes in each direction, as well as other arterial streets and parallel routes would still be available for those motorists who choose not to pay tolls. Having the toll lanes available for those motorists who voluntarily decide to use the toll lanes would in most cases reduce traffic on the existing non-toll frontage roads, making them less congested and safer to travel. The motorists who choose not to utilize the tolled lanes would have a non-toll alternative.

VERBAL COMMENT #3 – Mr. Ahsan

A) Mr. Ahsan stated that he does not support tolling SH 121 because it would cost the taxpayers and their descendants a lot of money.

B) He stated that he does not like the idea that the tolling would be outsourced.

C) He stated that he is concerned about paying a toll when we already pay a gasoline tax, property tax and county tax. He does not know why people still have to pay a toll on DNT and that maintenance expenses should come from taxes that are already being paid.

RESPONSE TO VERBAL COMMENT #3

A) Driving a toll facility would be the motorist's choice and allows them to get to their destination more quickly. Tolls, which are voluntary user fees, would supplement traditional funding to pay for new construction. This provides an opportunity to leverage additional dollars that would benefit the entire region by enabling the implementation of more transportation improvements in a more expeditious timeframe.

B) The privatization of the funding and construction of roadways in the State of Texas was implemented by the citizens of Texas with the approval of Proposition 15 in November of 2001. Proposition 15 permits TxDOT to participate in toll roads built by Regional Mobility Authorities (RMA) or by a private sector company. Participation with the private sector company is accomplished through a CDA.

C) Currently, the state gas tax is being used for maintenance and rehabilitation of existing roadways. Paying to drive on a toll facility is an optional user fee, not an additional tax. Motorists who choose to drive the toll facility and pay the user fee should experience reduced travel time to their destination.

Traditional funding for roads in Texas has come through motor fuel tax. Gas tax dollars are not collected for a specific project, rather they are collected to fund transportation needs nationwide. Only a portion of these funds are returned to the state to fund statewide transportation needs. The state gas tax only pays for 32% of the current state transportation budget, which currently only able to fund maintenance of existing roadways.

VERBAL COMMENT #4 – Mr. Kerley

A) Mr. Kerley stated that it sets a dangerous precedent to take a state highway and make it a toll road. He stated that going through a private entity to handle state affairs has not worked well for the Child Welfare Department or managing our ports. He stated that this is an open invitation for graft and corruption and he does not want to see the State of Texas become like the State of Oklahoma.

B) He also stated that we need more water than we do roads and that water is going to be the thing that keeps us from growing.

RESPONSE TO VERBAL COMMENT #4

A) See Response to Verbal Comment #3B.

B) Water needs development is a non-transportation issue and is outside the scope of the proposed SH 121 project.

WRITTEN COMMENT AND RESPONSE

WRITTEN COMMENT #1 – John Classe

A) Mr. Classe stated that it is unfair to pay for non-tolled projects with a toll road. He stated that it places the burden on a few and gives others a free ride.

B) He also stated that toll rates should be set to cover actual construction costs and not be market driven.

RESPONSE TO WRITTEN COMMENT #1

A) SH 121 was previously planned to be constructed as a tax supported highway. The SH 121 project is currently undergoing toll feasibility studies and if it becomes a toll road, the funds that would be released would be committed to projects in the region.

The proposed improvements are needed to handle the present and future traffic demands for this area and would substantially benefit communities in the project area by providing ease of mobility to vital destinations. The proposed toll facility would support the need for the project by generating revenue for the operation and maintenance of SH 121 as well as funding additional projects. The accelerated construction of additional transportation projects would improve system linkage and mobility in the area. The proposed toll is a user fee that people choose to pay, which allows for the entire transportation network to be improved which benefits everyone.

B) The collected tolls are not only needed to pay for the construction of the roadways, but the maintenance of the facility that is why tolls would continue to be collected on the facility. See Response to Verbal Comment #1C.

WRITTEN COMMENT #2 – Edward Schurig

Mr. Schurig stated that the SH 121 toll project leaves residents of Frisco without any direct access to a major non-toll roadway. He is opposed to SH 121 being a toll facility.

RESPONSE TO WRITTEN COMMENT #2

The existing facility is being expanded from a four lane facility to a six-lane toll facility with six non-toll frontage roads (which are currently open to traffic). These six lanes of non-toll frontage roads would continue to function as the roadway does today. These improved frontage roads would continue to service the area in the same manner as the existing facility, thus providing motorists a reasonable alternative to the toll facility. The frontage roads (three lanes in either direction) and parallel non-tolled local arterial roadways (i.e. Legacy Drive, Lebanon Drive, Hedgcoxe Road, Ridgeview Drive, McDermott Drive, Main Street/FM 3537/FM 720/McKinney Ranch Parkway, and Stacy Road) are considered reasonable alternatives for motorists in the region.

WRITTEN COMMENT #3 – Frank Jurotich, Jr.

Mr. Jurotich stated that he is opposed to not having a cash toll facility and feels that sending a bill after the fact implies tracking people's movements and that he feels this is an invasion of his privacy. Mr. Jurotich asked "Beyond this issue, how do you propose collecting from out of state drivers and those who rent a car at the airport?"

RESPONSE TO WRITTEN COMMENT #3

TxDOT would follow the direction of the Texas Transportation Commission (TTC) in regard to the technology that would allow TxDOT to implement ways to incorporate a solution to cash-only customers. Transponders for rental cars are also in development.

WRITTEN COMMENT #4 – Douglas Cargo

Mr. Cargo stated that the TxTAG gantry signs need to be redesigned and that the triangular roof and exposed structure are unattractive.

RESPONSE TO WRITTEN COMMENT #4

The design of the toll gantries is consistent with other designs in the state and nation. The gantries are very similar to large overhead guide signs currently used on non-toll facilities.

WRITTEN COMMENT #5 – Edward Priest

Mr. Priest stated that he is opposed to converting public highways to toll roads. He stated that if this is the only way then funding from Texas should be used not foreign funding.

RESPONSE TO WRITTEN COMMENT #5

See Responses to Verbal Comment #3B.

WRITTEN COMMENT #6 – Olan Barnes

Mr. Barnes stated that if SH 121 is tolled, then the excess revenue should go to the City of Frisco and not the Dallas region.

RESPONSE TO WRITTEN COMMENT #6

See Response to Written Comment #1A. Additionally, the distribution of excess revenue is a decision carried out by the RTC.

WRITTEN COMMENT #7 – Doloris Lajoie

Ms. Lajoie stated that she is opposed to more toll roads and feels that toll rates should be set at actual cost and that profit should not be included.

RESPONSE TO WRITTEN COMMENT #7

See Response to Verbal Comment #1C.

WRITTEN COMMENT #8 – Robert Ward

Mr. Ward stated that the two constitutional amendments that gave TxDOT the right to create toll roads were passed using information that misled voters. He stated that the correct solution is to pass another amendment to correct these two amendments.

RESPONSE TO WRITTEN COMMENT #8

Comment noted.

WRITTEN COMMENT #9 – Jan Schmidt-Ahsan

Ms. Schmidt-Ahsan stated that she is opposed to tolling on SH 121.

RESPONSE TO WRITTEN COMMENT #9

Comment noted.

WRITTEN COMMENT #10 – Citizen of Collin County (no name was provided)

A) This citizen stated that a full interchange at DNT & SH 121 is needed and the interchange at Ohio is not good.

B) This citizen stated opposition to the tolling of SH 121 and does not want private construction.

RESPONSE TO WRITTEN COMMENT #10

A) A separate study is being prepared for the interchange at the DNT and SH 121. The interchange at Ohio is being evaluated under a separate re-evaluation.

B) See Response to Verbal Comment #3B.

WRITTEN COMMENT #11 – May Slater

Ms. Slater stated that she is concerned about the effect of on-going construction on existing traffic flows.

RESPONSE TO WRITTEN COMMENT #11

TxDOT and local cities work in cooperation to maximize the flow of traffic during construction. This is temporary and the benefits on the improved facility would ultimately improve traffic flow in the area.

WRITTEN COMMENT #12 – Joe Schumacher

Mr. Schumacher attached an editorial comment that appeared in both the Dallas Morning News and the Plano Star Courier on Friday, January 20, 2006. He stated that Plano would be surrounded by toll roads. He indicated that he would have no objection to tolls on new roads, but we have paid gas taxes for SH 121 for years and that is not fair or ethical.

RESPONSE TO WRITTEN COMMENT #12

See Response to Verbal Comment #3C and Written Comment #1A.

WRITTEN COMMENT #13 – George Morris

Mr. Morris stated that NTTA would be the best agency to administer the tolls on SH 121 and not a 3rd party.

RESPONSE TO WRITTEN COMMENT #13

The NTTA and TxDOT have an agreement for the protocol and implementation of future regional toll facilities. The agreement would result in seamless planning, funding, construction and operation of toll and managed facilities in the region. This agreement is a result of the regional partnership requested by the RTC of the NCTCOG. The NTTA and TxDOT commit to support the CDA delivery by TxDOT of SH 121 in accordance with CDA Memorandum of Understanding (MOU) executed by those parties. The NTTA is not making a proposal as a public sector competitor.

TxDOT acknowledges the convenience for North Texas toll road users to have consistent and seamless toll collection and customer services on all tolled projects on the NCTCOGs plan. For that reason, the NTTA and TxDOT agree that NTTA shall be the provider for toll collection services (for those projects on which the NTTA has chosen not to offer a public sector competitor or compete as a potential developer) for the first five years of a CDA contract, after which time a CDA developer and NTTA will be free to negotiate mutually acceptable terms. In the event negotiations fail, the CDA developer may choose another alternative. Toll collection services are defined as back office, clearinghouse and customer services.

WRITTEN COMMENT #14 – Lezlie Hall

Ms. Hall stated that she approves of the SH 121 project and that it would be an asset to the City of Plano, Texas.

RESPONSE TO WRITTEN COMMENT #14

Comment noted.

WRITTEN COMMENT #15 – John D. Gourley

Mr. Gourley wrote a letter on behalf of the owners of land located at the southwest corner of SH 121/U.S. 75 intersection. He stated that these owners are concerned with the modification of this interchange due to the encroachment on their land. A previous letter on the subject dated October 17, 2005 was also submitted.

RESPONSE TO WRITTEN COMMENT #15

The acquisition of property at the SH 121/U.S. 75 intersection is beyond the scope of this toll re-evaluation. No property would be acquired as part of the proposed toll facility.

WRITTEN COMMENT #16 – Norma Thies

Ms. Thies wrote a letter stating her opinion that an American company should build this roadway and that the State should use NTTA if at all possible. If the tolls are implemented the money should not go toward building road in other areas of the state. Toll should be collected from everyone, including out-of-state drivers, not just people with a toll tag. She stated that she is opposed to a private company administering the tolls and that the elected officials are not serving the people as they were elected to.

RESPONSE TO WRITTEN COMMENT #16

See Responses to Verbal Comment #3B and Written Comments #1A and #13.

WRITTEN COMMENT #17 – Robert Clark

Mr. Clark wrote a letter on behalf of McKinney Chamber of Commerce Board of Directors. He states that the McKinney Chamber of Commerce supports the SH 121 toll facility in order to allocate funds for other Collin County projects. The Chamber supports a competitive process for construction and management of toll rates, using a local self-elected process to replace future members of the Board of Directors for the toll facility, increases in tolls based on cost to repay the debt of the SH 121 project, and excess funds should remain in Collin County.

RESPONSE TO WRITTEN COMMENT #17

Comment noted.

WRITTEN COMMENT #18 – James A. Mason

Mr. Mason faxed a letter stating that NTTA should manage SH 121 tolling in order to maintain toll rates consistent with the Dallas area, service roads should be free and that TxDOT should not view SH 121 as a revenue source for anything other than the maintenance of SH 121.

RESPONSE TO WRITTEN COMMENT #18

See Responses to Verbal Comments #1C and #2, and Written Comment #13.

WRITTEN COMMENT #19 – Hubert Adkins

Mr. Adkins wrote a letter stating that he is opposed to tolling because he is on a fixed income and does not feel he would be able to afford the annual cost of the toll road for his day to day activities.

RESPONSE TO WRITTEN COMMENT #19

See Response to Written Comment #2.

WRITTEN COMMENT #20 – Shelly Felton

Ms. Shelton stated that she is opposed to the toll road and commented that it is double taxation without representation.

RESPONSE TO WRITTEN COMMENT #20

See Response to Verbal Comment #3C.

WRITTEN COMMENT #21 – Mike Soulakis

Mr. Soulakis wrote a letter stating that a toll road does not follow the trend of the economy. He stated that because of increasing gas prices, more people would find ways to drive less and that with baby-boomers retiring there would be fewer people on the road. He stated that the tolls are a tax that hit lower income people harder.

RESPONSE TO WRITTEN COMMENT #21

Non-toll facilities (local arterials and frontage road lanes) would continue to be available to all travelers. As stated in the Socio-economic Impacts sections of the proposed project's environmental documents, no minority or low-income populations were identified that would be adversely impacted as a result of the implementation of the proposed project. The evaluations in the environmental documents addressed the requirements of Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations; EO 13166, Improving Access to Services for Limited English Proficiency (LEP); Title VI, Civil Rights Act of 1964; Civil Rights Restoration Act of 1987; and the Federal Aid Highway Act of 1970. The environmental documents remain available for review at the TxDOT Dallas District office located at 4777 E. U.S. 80, Mesquite, Texas 75150.

WRITTEN COMMENT #22 – Amy Manuel

Ms. Manuel handed out flyers stating that she is running for County Commissioner and that she is opposed to tolling SH 121.

RESPONSE TO WRITTEN COMMENT #22

Political flyer is included in this Public Meeting record.

WRITTEN COMMENT #23 – Bill Baumbach

Mr. Baumbach handed out flyers stating that he is running for Collin County Commissioners Court, Precinct 2 and that he is opposed to tolling SH 121.

RESPONSE TO WRITTEN COMMENT #23

Political flyer is included in this Public Meeting record.