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TEXAS DEPARTMENT OF TRANSPORTATION
PUBLIC HEARING
INTERSTATE HIGHWAY 35 EAST
FROM IH 635 TO PRESIDENT GEORGE BUSH TURNPIKE

DALLAS COUNTY, TEXAS

CSJ NOS: 0196-03-138, 0196-03-180 and 0196-03-240

TUESDAY, SEPTEMBER 27, 2011

R.L. TURNER HIGH SCHOOL
1600 SOUTH JOSEY LANE
CARROLLTON, TEXAS 75006

BE IT REMEMBERED THAT on Tuesday, the 27th day of
September, 2011, the above entitled came on for public
hearing at R.L. Turner High School, 1600 South Josey
Lane, Carrollton, Texas, and the following proceedings
were had, to wit:

COPY

A P P E A R A N C E S

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LOCAL PUBLIC OFFICIALS:

- Lisa Sutter, Mayor Pro Tem, City of Carrollton
- Leonard Martin, City Manager, City of Carrollton
- Tom Hammons, Transportation Engineer, City of Carrollton
- D'Juan Harris, Dallas County Planning Department

STATE OFFICIALS:

- Landon Bell for Texas State Representative Burt Solomons

TXDOT STAFF:

- Stan Hall, Tad Dellinger, Mark Pettit, Cecil Saldana,
and Nasser Askari

1 (September 27, 2011; 7:00 p.m.)

2 MR. SAGHIAN: Good evening, ladies and
3 gentlemen. It's now 7:00 p.m., so if you'll be seated
4 we'll begin tonight's public hearing. I'm Moosa Saghian
5 Director of Transportation Planning and Development for
6 Dallas District Office for Texas Department of
7 Transportation. I'm here representing our Dallas
8 District Engineer, Bill Hale.

9 We appreciate your interest in the
10 Interstate Highway 35E South Section improvement
11 project. The IH 35E South Section project extends from
12 IH 635 on the south to the President George Bush
13 Turnpike on the north. We welcome each of you here this
14 evening. Later this evening, you'll be invited to
15 directly participate in the Opportunity For Public
16 Comment portion of this hearing. We want to express our
17 appreciation to R.L. Turner High School for use of this
18 facility this evening.

19 The study area limits for the planned and
20 proposed improvements to the IH 35E South Section are
21 from IH 635 to the President George Bush Turnpike and is
22 total length of approximately 5 miles within Dallas
23 County.

24 Before proceeding further, I would like to
25 introduce members of federal, state and local elected

1 officials who are in attendance tonight or who were able
2 to stop by during the open house: Leonard Martin, City
3 Manager, City of Carrollton; Lisa Sutter, Mayor Pro Tem,
4 City of Carrollton; Landon Bell representing Texas State
5 Representative Burt Solomons. Have I overlooked anyone?
6 We appreciate your attendance, and we thank you for your
7 interest in this project.

8 Now I would like to introduce several
9 members of the Department of Transportation, the
10 consultant team, and representatives from the Cities of
11 Dallas, Carrollton, and Farmers Branch as well as Dallas
12 County and Denton County officials who are present
13 tonight to assist you and answer questions.

14 Tom Hammons, Transportation Engineer, City
15 of Carrollton; D'Juan Harris, Planning with Dallas
16 County. From the Texas Department of Transportation, we
17 have Stan Hall, Tad Dellinger, Mark Pettit, Cecil
18 Saldana, and Nasser Askari.

19 Our specific study team members are: Phil
20 Ullman, and staff from HDR Engineering, Incorporated;
21 responsible for the proposed technical design, and
22 Jennifer Halstead and staff from HNTB who are
23 responsible for the environmental analysis for the
24 proposed project.

25 Also here this evening are representatives

1 for Workforce Solutions for North Central Texas. The
2 Workforce Solution staff is available to answer
3 questions about the services they provide to current
4 employees of businesses adjacent to the IH 35E corridor
5 who may be displaced as a result of the proposed project
6 improvements.

7 These individuals will be available during
8 the recess to answer your particular questions regarding
9 the IH 35E South improvement project from IH 635 to
10 President George Bush Turnpike.

11 We thank those of you who had an
12 opportunity to attend the open house earlier this
13 evening. As you arrived, you were given the opportunity
14 to register your attendance for this hearing. Our
15 registration forms are the 8 1/2 by 11-inch sheets at
16 the front sign-in table, which provide you the
17 opportunity to express your interest in this project and
18 indicate if you would like to make a verbal statement
19 during tonight's Opportunity For Public Comments portion
20 of this hearing. In the event you did not register and
21 would like to, please do so during our upcoming recess.

22 Many of you may have attended previous
23 public hearings conducted by the Texas Department of
24 Transportation. However, for the benefit of those of
25 you who have never attended one, I would like to explain

1 how the Department conducts a public hearing. Following
2 my initial comments, Mr. Phil Ullman will give a
3 detailed presentation concerning the location and design
4 features of the project, and Ms. Jennifer Halstead will
5 follow with the environmental effects for the proposed
6 improvements to IH 35E from IH 635 to the President
7 George Bush Turnpike.

8 Following Ms. Halstead, Mr. Cecil Saldana
9 from our Dallas District Right-of-Way Office will
10 explain the right-of-way acquisition procedures and the
11 relocation assistance program for displaced persons and
12 businesses. At that time, we will recess the hearing
13 for 20 minutes and allow you the opportunity to view the
14 project design currently on display here tonight.

15 During the recess, you are encouraged to
16 ask any questions, which the Department representatives
17 will address and answer. Following the recess, we will
18 reconvene the hearing and ask those persons, who
19 indicated on the registration form that they would like
20 to make a statement, to come forward to our floor
21 microphone and state your name and address for the
22 record, and provide any comments concerning the project.
23 Following the registered speakers, anyone else who did
24 not register will also be given an opportunity for
25 comment.

1 You might be asking; What is the purpose of
2 public hearing? The four essential purposes of public
3 hearing are; One, inform the public of the status of
4 planning on the project and present the recommendations
5 based on the studies performed to date.

6 Two, describe the recommended location and
7 design so that those attending can determine the
8 project's potential to affect their lives and property.

9 Three, provide the public an opportunity to
10 present information and their views at a stage in the
11 planning process when flexibility to respond to comments
12 still exists and before location and design decisions
13 are finalized.

14 Four and finally, to develop a record of
15 public views and participation to accompany
16 recommendations for subsequent decisions.

17 This public hearing is being held in
18 compliance with both federal and state laws. The State
19 is required to certify to the Secretary of
20 Transportation that a public hearing was held concerning
21 the IH 35E Improvement Project from IH 635 to the
22 President George Bush Turnpike. For the official
23 record, a transcript of this hearing will be made. For
24 this reason, we ask that all comments be made from the
25 floor microphone.

1 Following this hearing, the Department will
2 proceed with the preparation of the final environmental
3 documentation. Your statements and comments, whether
4 positive or negative, will be addressed by TxDOT in the
5 project's documentation and will be given full
6 consideration in the preparation of the final
7 recommendation and design for the IH 35E Improvement
8 Project from IH 635 to the President George Bush
9 Turnpike.

10 This public hearing has been convened to
11 discuss the design features and environmental effects of
12 the proposed improvements to IH 35E from IH 635 to
13 President George Bush Turnpike as well as improvements
14 to Dickerson Parkway and Belt Line Road. The total
15 project length is approximately 5 miles. A design
16 schematic has been developed showing typical
17 cross-sections, roadway profiles, and proposed
18 right-of-way boundaries. The proposed IH 35E
19 improvements would require approximately 86.4 acres of
20 proposed right-of-way and 0.4 acre of easements. The
21 proposed reconstruction would result in approximately
22 138 displacements. An Environmental Assessment Document
23 has also been prepared, which analyzes the social,
24 economic and environmental effects of the project.

25 The design schematic and environmental

1 document for IH 35E from IH 635 to President George Bush
2 Turnpike Improvement Project are available for
3 inspection and reproduction at the Texas Department of
4 Transportation Dallas District Office, located at 4777
5 East Highway 80 in Mesquite, Texas 75150; at the City of
6 Dallas City Hall at 1500 Marilla Street, Dallas, Texas
7 75201; City of Carrollton City Hall, 1945 East Jackson
8 Road, Carrollton, Texas 75006; and the City of Farmers
9 Branch City Hall, 13000 William Dodson Parkway, Farmers
10 Branch, Texas 75234. In addition, the design schematic
11 may be viewed on the Internet at
12 www.keepitmovingdallas.com.

13 Highway planning and construction requires
14 close cooperation among all levels of government. The
15 design of IH 35E from IH 635 to President George Bush
16 Turnpike is being developed cooperatively by the Cities
17 of Dallas, Carrollton and Farmers Branch, Dallas County,
18 the State, the Metropolitan Planning Organization, and
19 the Federal Highway Administration. TxDOT has worked
20 closely with these local governments and has previously
21 received input regarding the proposed design. At the
22 conclusion of the major investment study phase of this
23 project, TxDOT held a public meeting on April 3, 2003,
24 to share preliminary design information and
25 environmental analysis.

1 Between the time period when the first
2 public meeting was held in 2003 and 2008, the proposed
3 IH 35E project underwent schematic design modifications,
4 and additional coordination with the adjacent
5 municipalities occurred. TxDOT held over 20 Stakeholder
6 meetings between August of 2008 and August of 2009 where
7 stakeholders had an opportunity to discuss issues on a
8 variety of topics including project financing and
9 construction phasing, managed lanes, and the addition of
10 bicycle and pedestrian features to the proposed project.
11 These meetings were open to the public. Public input
12 was also gathered previously from a public meeting held
13 in November of 2008.

14 At this time, Mr. Phil Ullman will discuss
15 the geometric design features and cost estimates,
16 followed by Ms. Halstead who will be discussing the
17 environmental effects of the proposed project.

18 MR. ULLMAN: Thank you, Mr. Saghian. The
19 presentation tonight will cover the proposed
20 improvements to IH 35E South Section from IH 635 to the
21 President George Bush Turnpike. The proposed
22 improvements would involve reconstruction of the
23 existing IH 35E facility from IH 635 to President George
24 Bush Turnpike; constructing an overpass for the
25 extension of Dickerson Parkway over IH 35E as well as

1 improvements to the portion of Dickerson Parkway; and a
2 grade separation of both Belt Line Road and the IH 35E
3 frontage road from the DART Cotton Belt railroad tracks
4 as well as the Union Pacific and Burlington Northern
5 Santa Fe railroad tracks.

6 Design schematic for this project have been
7 prepared and are available on display in the foyer area
8 outside the auditorium. These schematics depict the
9 horizontal and vertical alignments of the improvements
10 previously mentioned along with existing and proposed
11 right-of-way lines.

12 The 5-mile IH 35E South Segment from IH 635
13 to the President George Bush Turnpike includes proposed
14 improvements consisting of adding mainlanes, adding
15 variable priced tolled HOV/managed lanes in the center
16 median, making frontage roads continuous throughout the
17 length of the project, and integrating bicycle and
18 pedestrian improvements. Existing mainlanes would not
19 be converted into variable tolled HOV/managed lanes.
20 The proposed project would require some improvements to
21 some intersections, and would result in constructing,
22 rebuilding, or upgrading the existing and proposed
23 overpasses, bridges, and interchanges along IH 35E from
24 IH 635 to President George Bush Turnpike. Some of the
25 overpasses, bridges, and interchanges will be developed

1 as stand-alone projects. The proposed IH 35E
2 reconstruction corridor will follow the existing IH 35E
3 alignment but portions of IH 35E will be re-aligned to
4 the west to accommodate the proposed reconstruction
5 while minimizing adverse impacts.

6 Mainlanes on IH 35E from IH 635 to the
7 President George Bush Turnpike will consist of eight
8 12-foot wide lanes, four in each direction, with inside
9 and outside shoulders, and two to four collector
10 distributor lanes, each direction, from north of Sandy
11 Lake Road to north of the George Bush Turnpike
12 interchange. Collector distributors consist of parallel
13 lanes running between the mainlanes and the frontage
14 roads that collect the traffic from closely-spaced
15 entrance ramps and then distribute it onto the facility
16 at a single entrance ramp beyond the congested areas.

17 In the interest of simplification of
18 terminology, the identified variable priced toll
19 HOV/managed lanes will be referred to for the remainder
20 of the public hearing as HOV/managed lanes, or simply
21 managed lanes. It makes it a little easier to say as
22 the term is used many times during the public hearing.
23 The specific reason for the variable priced toll term
24 will be described in more detail later.

25 For the IH 35E facility, two 12-foot wide

1 concurrent flow HOV/managed lanes in each direction with
2 shoulders will be added from IH 635 to the President
3 George Bush Turnpike.

4 The HOV/managed lanes will be separated by
5 a median and a concrete traffic barrier, and will be
6 tolled using variable pricing. Continuous frontage
7 roads will mostly consist of two and three lanes in each
8 direction with 2-foot curb offsets, to the outside, for
9 a maximum width of 38 feet. The frontage roads would
10 include 11-foot-wide inside lanes and a 14-foot-wide
11 outer lane, excluding gutter, to accommodate bicycle
12 travel along the IH 35E corridor. The outer lane would
13 accommodate shared use by bicycles and vehicles. Within
14 the corridor, the proposed sidewalks will be 6 feet wide
15 and will be located along the frontage roads.

16 IH 35E from Interstate 635 to the President
17 George Bush Turnpike is within an urbanized area with
18 few undeveloped areas adjacent to the right-of-way. The
19 existing facility consists of six 12-foot-wide mainlanes
20 with 10-foot-wide shoulders as well as two (interim)
21 concurrent, buffered separated HOV lanes with a posted
22 speed limit of 60 miles per hour. Concrete traffic
23 barriers separate the northbound and southbound traffic
24 lanes. The frontage roads are continuous along the
25 corridor and consist of two 12-foot-wide lanes. There

1 are seven arterial streets and two rail lines that, as
2 an underpass or overpass, cross the existing facility
3 within the project limits.

4 This slide shows a typical roadway section
5 of the proposed roadway improvements to IH 35E that were
6 previously described. The proposed improvements would
7 consist of eight 12-foot-wide lanes, four in each
8 direction, with 10-foot inside and outside shoulders,
9 and two to four collector distributor lanes in each
10 direction from north of Sandy Lake Road to north of the
11 President George Bush Turnpike interchange.

12 Frontage roads would mostly consist of two
13 and three lanes in each direction with 2-foot-wide curb
14 offsets for a maximum width of 38 feet. The frontage
15 roads will be continuous throughout the length of the
16 project and include 11-foot-wide inside lanes and a
17 14-foot-wide outer lane to accommodate bicycle travel
18 along the IH 35E corridor. Two 12-foot-wide concurrent
19 HOV/managed lanes in each direction with 10-foot-wide
20 shoulders are also proposed.

21 In order to accommodate pedestrian travel
22 along IH 35E, the cross roads would include sidewalks.
23 The proposed sidewalks would meet the Americans with
24 Disabilities Act design criteria.

25 The proposed improvements to Dickerson

1 Parkway would consist of constructing an overpass for
2 the extension of Dickerson Parkway over IH 35E and
3 improvements to the existing portion of Dickerson
4 Parkway. The proposed improvements to Dickerson Parkway
5 would provide direct access from IH 35E and the
6 President George Bush Turnpike to the DART North
7 Carrollton Transit Center and to the DART Trinity Mills
8 station associated with the Northwest Corridor expansion
9 or Green Line.

10 The proposed Dickerson Parkway facility
11 would consist of four through lanes in total, two in
12 each direction, and a raised concrete median. The
13 inside lanes would be 12-foot wide, while the eastbound
14 and westbound outside lanes would be 14 feet wide to
15 accommodate the shared use of bicycles and vehicles. A
16 6-foot-wide sidewalk is proposed along both sides of
17 Dickerson Parkway within the proposed project limits.
18 The total length of the Dickerson Parkway improvements
19 and extension, including the overpass, is approximately
20 1 mile. The width of the proposed right-of-way varies
21 from approximately 98 feet to 259 feet.

22 The existing Dickerson Parkway is a
23 two-lane arterial roadway from Mayes Drive to the
24 President George Bush Turnpike on the east side of IH
25 35E. The approximate widths of the existing lanes at

1 Dickerson Parkway are 18-foot-wide and 6-foot-wide
2 sidewalks on both sides of the existing facility. Curbs
3 separate the roadway from the sidewalks along the
4 current thoroughfare.

5 This slide shows a typical roadway section
6 of the proposed roadway improvements Dickerson Parkway
7 that were previously described. The proposed
8 improvements to Dickerson Parkway will consist of
9 constructing an overpass for the extension of Dickerson
10 Parkway over IH 35E and improvements to the existing
11 portion of Dickerson Parkway. The proposed Dickerson
12 Parkway facility will consist of four through lanes in
13 total, two in each direction, and a 16-foot-wide median.

14 The inside lanes will be 12-foot wide,
15 while the outside lanes will be 14 feet wide for shared
16 use of bicycles and vehicles. A 6-foot-wide sidewalk is
17 also proposed along Dickerson Parkway. As mentioned,
18 the total length of the Dickerson Parkway improvements
19 and extension, including the overpass, is approximately
20 1 mile.

21 The proposed improvements to the
22 interchange of IH 35E and Belt Line Road include the
23 grade separation of both Belt Line Road and the IH 35E
24 frontage roads from the DART railroad tracks. For this
25 purpose, Belt Line would be rehabilitated for

1 approximately 1/2 mile. As part of the proposed grade
2 separation improvements at Belt Line Road and IH 35E,
3 Belt Line Road will be depressed, or lowered in
4 elevation, approximately 31 feet from its current
5 location.

6 The proposed improvements would consist of
7 six through lanes, three in each direction, separated by
8 a raised concrete median, within a usual proposed
9 right-of-way of 122 feet. The two inside lanes will be
10 11 feet wide, while the eastbound and westbound outside
11 lanes will be 14 feet wide to accommodate the shared use
12 of bicycles and vehicles. A 6-foot-wide sidewalk is
13 proposed along each side of Belt Line Road for
14 pedestrian use within the proposed project limits. The
15 Union Pacific & Burlington Northern Santa Fe Railroad
16 tracks as well as the DART owned Cotton Belt Railroad
17 tracks would cross underneath the IH 35E mainlanes. No
18 increase in roadway capacity is proposed for Belt Line
19 Road.

20 The existing interchange IH 35E and Belt
21 Line Road consists of an underpass -- Belt Line Road
22 going under IH 35E -- with six 12-foot-wide lanes, three
23 in each direction, separated by a median.

24 This slide shows a typical roadway section
25 of the proposed roadway improvements to Belt Line Road

1 at the IH 35E interchange that was previously described.
2 As mentioned, the proposed improvements to the
3 interchange of IH 35E and Belt Line Road would include
4 the grade separation of both Belt Line Road and the
5 IH 35E frontage roads from the Union Pacific &
6 Burlington Northern Santa Fe and the DART owned Cotton
7 Belt railroad tracks. The proposed improvements to the
8 interchange of IH 35E and Belt Line Road would require
9 that Belt Line Road be depressed approximately 31 feet
10 from its current location.

11 The proposed improvements would consist of
12 six through lanes, three in each direction, separated by
13 a 16-foot-wide raised concrete median within a usual
14 proposed right-of-way of 122 feet. The two inside lanes
15 would be 11 feet wide, while the outside lanes would be
16 14 feet wide for the shared use of bicycles and
17 vehicles.

18 The 6-foot-wide sidewalk is proposed for
19 pedestrian use. No increase in capacity is proposed for
20 Belt Line Road. The Union Pacific & Burlington Northern
21 Santa Fe railroad tracks and the DART owned Cotton Belt
22 railroad tracks would cross underneath IH 35E.

23 The term variable priced toll HOV/managed
24 lanes encompasses several types of lane management
25 strategies, including vehicle occupancy and price-based

1 lane or facility management; which means, for example,
2 the managed lanes could be variably priced according to
3 occupancy, time of day, congestion level, etc.

4 The term concurrent indicates travel in the
5 HOV/managed lanes is the same direction as the main
6 lanes of the roadway facility. The HOV/managed lanes
7 would be separated from the mainlanes by 10-foot-wide
8 shoulders and concrete traffic barriers which would
9 replace the interim concurrent HOV lanes that are
10 currently separated by striping. The design speed of
11 the proposed project is 70 miles per hour on the
12 mainlanes, 70 miles per hour on the HOV/managed lanes,
13 50 miles per hour on the collector distributor lanes,
14 40 miles per hour on the frontage roads, 40 miles per
15 hour on the ramps, and 30 miles per hour on cross
16 streets.

17 These HOV/managed lanes would operate as
18 variable priced tolled lanes, which means that users of
19 the IH 35E HOV/managed lanes would be charged a toll
20 which would be collected for both single occupancy and
21 HOV users; currently defined as having two or more
22 occupants. A reduced toll rate, currently half price,
23 would be applied to HOV users during the a.m. and p.m.
24 peak periods. During the off-peak periods, HOVs would
25 pay the same toll as Single Occupancy Vehicles, or SOVs.

1 The Regional Transportation Council, or RTC, is an
2 independent transportation policy body of the
3 Metropolitan Planning Organization and is comprised of
4 elected and appointed officials representing cities,
5 counties, and transportation providers. The Regional
6 Transportation Council adopted this regional managed
7 lane policy, because it provides the ability to:
8 Provide and manage additional capacity in the corridor,
9 increase trip reliability for HOV and transit,
10 potentially improve air quality through encouragement of
11 increased vehicle occupancy and person movements, and
12 generate revenue to construct, operate, and maintain the
13 facility.

14 The Managed Lane Policy, also known as
15 Business Terms for TxDOT-sponsored managed lane
16 facilities, was adopted by the Regional Transportation
17 Council on May 11, 2006.

18 This policy was modified in September
19 of 2006 and September of 2007, and the final policy is
20 detailed in the Environmental Assessment and has been
21 displayed here tonight during the open house.

22 This policy is subject to modification by
23 the Regional Transportation Council. However, this
24 would only occur after an opportunity for public input
25 and comment on any changes to the business terms. This

1 corridor would operate under whatever the terms are at
2 the time the facility opens to the traffic.

3 For this project, dynamic pricing will be
4 implemented according to the regional policy rate in
5 place at the time the facility opens to traffic.

6 Traffic measuring equipment will monitor speed and
7 volume in the managed lanes every minute of the day.
8 Depending on the measurements, the managed lane price
9 would stay the same, increase or decrease by \$0.05
10 amounts no more frequently than every 5 minutes. The
11 price shown on the price sign at the entrance to the
12 managed lanes is what the users will pay even if it
13 changes while traveling on the managed lanes.

14 The price will adjust to seek to maintain
15 an average speed of 50 miles per hour in the managed
16 lanes. The term "dynamic pricing" reflects an ability
17 to respond to current conditions. The price or tolls
18 may vary from the designated times and amounts shown on
19 this slide as previously described.

20 It's important to note that the variable
21 toll rates, or dynamic pricing, allows operators to set
22 market-based toll rates based on corridor demand. These
23 rates could fluctuate at any time throughout the day in
24 response to traffic conditions with no per-mile cap to
25 maintain a minimum average corridor speed of 50 miles

1 per hour. The concept of a cap on the toll rate exists
2 in the form of a soft cap set at the original \$0.75
3 amount while in scheduled mode. Upon initiation of
4 dynamic pricing the maximum charge per lane that can be
5 charged is \$0.75 per mile unless a specific lane density
6 is met. Meaning, if the managed lanes are very
7 congested, a higher toll can be charged until lanes fall
8 below that density threshold, i.e., the term soft cap.
9 This cap is permitted to grow by 2.75% per year to
10 account for some growth in maximum toll rate similar to
11 other toll roads in North Texas.

12 According to this policy, a fixed-fee
13 schedule will be applied during the first six months of
14 operation and dynamic pricing may be applied thereafter.
15 Toll rates will be updated monthly during the fixed-fee
16 schedule phase. In accordance with current policy, the
17 toll rate would not exceed \$0.75 per mile during the
18 first six months of the fixed-fee schedule phase.
19 However, after 180 days, variable tolls will be
20 implemented.

21 A Level 2 Traffic and Toll Revenue Study
22 was conducted for the IH 35E managed lanes between IH
23 635 and U.S. 380 estimated different toll rates per mile
24 and time of day when the dynamic tolling phase begins.

25 According to the study, three potential

1 toll rates that users of the IH 35E managed lanes are
2 likely to be charged, assuming an opening year of 2025,
3 as presented in the Environmental Assessment and
4 include;

5 Morning peak, from 6:30 a.m. to 9:00 a.m.,
6 which may be \$0.85 per mile.

7 Mid-day peak off-peak, from 9:00 a.m. to
8 3:00 p.m., which may be \$0.23 per mile.

9 Evening peak, from 3:00 p.m. to 6:30 p.m.,
10 which may be \$0.85 per mile, and...

11 Late night off-peak, from midnight to
12 5:00 a.m., which may be \$0.15 per mile.

13 As a reminder, the policy does include a
14 reduced toll rate, currently half price, for HOV users,
15 currently two or more occupants, during a.m. and p.m.
16 peak periods; currently defined as weekday periods from
17 6:30 a.m. to 9:00 a.m. and from 3:30 p.m. to 6:30 p.m.,
18 respectively. Again, the dynamic toll rates on the IH
19 35E facility will be established to maintain a minimum
20 average corridor speed of 50 miles per hour. During the
21 dynamic pricing phase, travelers would receive rebates
22 if the average speed drops below 35 miles per hour.
23 However, rebates would not apply if the speed reduction
24 is out of the control of the operator. During the
25 off-peak periods, HOV users would pay the same toll as

1 Single Occupancy Vehicles. Users of the tolled
2 HOV/managed lanes would be notified of the toll rate
3 before entering the designated lanes by an electronic
4 message board. Clearly posted overhead signage would
5 designate the lane that the driver should use to enter
6 and exit the facility. Mainlanes and frontage roads,
7 including the proposed added capacity, would remain as
8 non-tolled options for all users.

9 According to the Draft Level 2 Traffic and
10 Toll Revenue Study conducted for the IH 35E managed
11 lanes between IH 635 and U.S. 380, the average travel
12 distance per household that would use the proposed
13 HOV/managed lanes on IH 35E from IH 635 to President
14 George Bush Turnpike would be 4 1/2 miles out of the
15 total 5-mile section. This would equate to 9 miles for
16 a round trip.

17 TxDOT estimates that HOV/managed lane use
18 would average 2 1/2 trips per week for the morning peak,
19 and evening peak scenarios at an annual cost ranging
20 from \$215 to \$995 per year. Trips on the proposed IH
21 35E HOV/managed lanes during the off-peak hour scenarios
22 would average two trips per week at an annual cost of
23 \$140 per year within the proposed project limits.

24 The existing right-of-way width for this
25 stretch of IH 35E varies from approximately 250 to

1 300 feet. The proposed project would be constructed
2 within a proposed right-of-way width which varies from
3 approximately 380 feet to 556 feet. The proposed IH 35E
4 improvements would require approximately 86.4 acres of
5 proposed right-of-way and approximately 0.4 acre of
6 proposed easement. The proposed construction of IH 35E
7 will result in approximately 138 displacements.

8 Utilities such as water lines, sewer lines,
9 gas lines, and other underground and overhead utilities
10 may require adjustments. The adjustment and relocation
11 of any utilities will be handled so that no substantial
12 interruptions will take place while these adjustments
13 are being made. Currently, the total estimated cost of
14 the project is approximately \$831 million.

15 Now, Ms. Jennifer Halstead will discuss an
16 overview of the environmental evaluation of the project.

17 MS. HALSTEAD: Thank you, Mr. Ullman.
18 Ladies and gentlemen, an Environmental Assessment
19 Document has been prepared for this project. The
20 Environmental Assessment has been written to document
21 the environmental analyses performed for this proposed
22 project and is in accordance with the National
23 Environmental Policy Act, also known as NEPA. The
24 environmental analyses are necessary to identify the
25 potential effects and to avoid and minimize effects to

1 the human and natural environments. The Environmental
2 Assessment Document describes the need and purpose for
3 the project, the description of the alternatives
4 considered, the affected environment and environmental
5 consequences, and the recommendations of the preferred
6 alternative. The environmental document covered the
7 following topics:

8 Need and purpose.

9 Project design; including traffic, typical sections
10 and profile

11 Right-of-way

12 Project cost and funding

13 Displacements and relocations

14 Waters of the U.S. and Wetlands

15 Lakes, rivers, and streams

16 Water quality

17 Floodplains

18 Regional and community growth

19 Socio-economic impacts

20 Community cohesion and environmental justice

21 Public facilities and services

22 Parkland

23 Threatened and endangered species and wildlife

24 habitat

25 Historical and archeological sites

- 1 Aesthetic considerations
- 2 Topography and soils
- 3 Land use
- 4 Air quality assessment
- 5 Traffic noise assessment
- 6 Hazardous materials
- 7 Construction impacts
- 8 Indirect and cumulative impacts

9 This document was approved for further
10 processing by the Department's Environmental Affairs
11 Division in Austin and by the Federal Highway
12 Administration, and has been coordinated with other
13 public agencies. The Environmental Assessment for this
14 project is available here tonight for your review.

15 And now I will share some specifics from the
16 Environmental Assessment. The proposed project will
17 require approximately 380 to 556 feet of new
18 right-of-way to construct this project. The
19 right-of-way acquisition will result in approximately
20 138 displacements.

21 The project is located within the Federal
22 Emergency Management Agency (FEMA) designated 100-year
23 floodplain of Rawhide Creek, Cooks Branch, Hutton
24 Branch, Furneaux Creek, and the Elm Fork Trinity River.
25 The hydraulic design for this project would be in

1 accordance with the current FHWA and TxDOT design
2 policies. The facility would permit the conveyance of
3 the 100-year flood, without causing significant damage
4 to the facility, stream, or other property. The
5 proposed project would not increase the base flood
6 elevation to a level that would violate applicable
7 floodplain regulations and ordinances. Two Wetlands,
8 totaling approximately 0.55 acre, and 13 water features,
9 totaling approximately 5.04 acres, are located within
10 the proposed right-of-way and are considered potentially
11 jurisdictional. Approximately 1.68 acres of Waters of
12 the U.S., including Wetlands, would be permanently
13 impacted and approximately 0.38 acres would be
14 temporarily impacted by the proposed project. The
15 proposed project would result in the placement of
16 temporary or permanent dredge or fill material into
17 these jurisdictional features and would require a
18 Section 404 U.S. Army Corp of Engineers permit.

19 It is estimated that 111 commercial entities,
20 24 vacant buildings and, three places of worship would
21 require relocation. A total of approximately 2,427
22 employees would be potentially impacted by the
23 displacement of the 111 anticipated commercial entities.
24 An Employment Opportunities Impact Assessment technical
25 report was prepared as part of the Environmental

1 Assessment and is included in Appendix H. This report
2 assessed whether any adverse effects would be caused by
3 the implementation of the proposed IH 35E improvements
4 given the current economic climate and the potential
5 effects to existing employment opportunities if the
6 businesses anticipated to be displaced by the proposed
7 IH 35E reconstruction cannot successfully re-establish.

8 While uncertainty exists in predicting the
9 outcome of re-establishment within close proximity to
10 the businesses' original locations, and it is unknown
11 which of the business owners would choose or be able to
12 continue operation, sites with suitable zoning and in
13 close proximity are currently available in the
14 Employment Opportunities Impact Assessment study area.
15 Loss of key employees may occur if the businesses are
16 displaced and employees are not willing to travel in
17 order to remain employed.

18 This could affect the business' ability to
19 re-establish itself at the new location. However, the
20 severity of this type of employment impact varies with
21 the type of business, the distance to and attractiveness
22 of the relocation site, as well as the employees'
23 interest in continued employment with that business

24 There appear to be future employment
25 opportunities of varying skill requirement intensities

1 identified within the Employment Opportunities Impact
2 Assessment study area detailed in Appendix H of the
3 Environmental Assessment report based on information
4 provided by the North Central Texas Council of
5 Government's Development Monitoring database, DART and
6 DCTA regional rail expansions, as well as interviews
7 with stakeholders including local chambers of commerce
8 and economic development representatives within the
9 study area. The addition of new businesses would create
10 additional employment opportunities throughout the study
11 area and may present an opportunity to absorb permanent
12 employment effects that could result from the proposed
13 IH 35E improvements within the affected municipalities.

14 Although the Cities of Carrollton and Farmers
15 Branch are not developing formal initiatives or plans to
16 mitigate the impacts of business displacements as a
17 result of the proposed IH 35E reconstruction from IH 635
18 to President George Bush Turnpike, representatives of
19 both cities have expressed the willingness to assist all
20 potentially affected employers if it is practical and
21 feasible to do so. In addition, the City of Farmers
22 Branch is developing a Comprehensive Plan update for the
23 central area of the City that considers the economic
24 impact of the potential displacements as well as the
25 potential for redevelopment along the corridor. The

1 area targeted by the plan update is the City's central
2 area that would also extend westward to approximately
3 150 feet west of the IH 35E right-of-way to include all
4 property adjacent to the IH 35E corridor through the
5 City. Overall, the plan will allow the City to
6 establish economic amenities along the IH 35E corridor
7 that more closely suit its goals and would ultimately
8 lead to more private investment and corresponding
9 employment opportunities in Farmers Branch.

10 Representatives from the Workforce Solutions
11 for North Central Texas are here tonight, and the agency
12 will be proactive in assisting any employees that would
13 be affected as a result of the displacements associated
14 with the proposed reconstruction of IH 35E. As
15 presented in Appendix H of the Environmental Assessment,
16 Workforce Solutions for North Central Texas can
17 coordinate with employers identified for relocation by
18 TxDOT via the right-of-way acquisition phase of project
19 development to engage and provide one- to two-hour rapid
20 response workshops if requested by the employers,
21 regardless of the number of employees anticipated to be
22 impacted. Multiple rapid response workshops could be
23 conducted by the Workforce Solutions for North Central
24 Texas to distribute information to all employees
25 potentially impacted by the proposed IH 35E project.

1 Efforts by Workforce Solutions' services are targeted
2 toward assisting the individual employees and can help
3 prepare those employees to work in other occupations if
4 the employee is unable to find work, or chooses to leave
5 their current field of employment.

6 Workforce Solutions' staff are here tonight at
7 the proposed project's open house/public hearing to
8 provide handouts and answer questions regarding
9 Workforce Solutions services.

10 In conclusion, the studies and evaluations
11 performed thus far indicate that the proposed
12 improvements will cause no significant environmental
13 effects. I will now return the hearing back to
14 Mr. Saghian.

15 MR. SAGHIAN: Thank you, Ms. Halstead.
16 Following tonight's public hearing, documentation of the
17 public hearing will be forwarded to our Austin office
18 for final environmental clearance and design approval.
19 Assuming there are no major issue arising from this
20 hearing that cannot be addressed in a reasonable time
21 frame, final environmental clearance is anticipated to
22 occur by December 2011.

23 It is at this stage of the project
24 development that we are able to proceed with detailed
25 construction plans and right-of-way acquisition.

1 Subject to the availability of funds and approval of
2 construction plans, the project's assumed opening year
3 is anticipated to be in 2025.

4 At this time, Mr. Cecil Saldana from our
5 District Right-of-Way Office will provide you an
6 overview of our right-of-way acquisition procedures.

7 MR. SALDANA: Thank you, Mr. Saghian. Good
8 evening, ladies and gentlemen. I would like to take a
9 few minutes to present some information about the
10 right-of-way acquisition phase of this project. This
11 project, as previously described will be the object of
12 my remarks and will require approximately 86.4 acres of
13 additional right-of-way to accommodate improvements to
14 IH 35E South Section from IH 635 to the President George
15 Bush Turnpike.

16 The right-of-way to be acquired consist of
17 land on properties owned by various entities, including
18 private individuals and commercial businesses on both
19 sides of the roadway along the length of the project.
20 The proposed project would result in approximately 138
21 displacements. The following will help describe our
22 right-of-way procedures.

23 Two booklets are available for you at the
24 right-of-way table in the foyer area outside this
25 auditorium. One is titled The Purchase of Right-of-Way

1 and the other one is titled Relocation Assistance. If
2 there is a possibility that some of your property may be
3 acquired and you did not pick up the booklets, you may
4 secure copies at the right-of-way table during the
5 break. These booklets contain a significant amount of
6 information. Rather than trying to cover all of this
7 material in detail this evening, I would like to
8 acquaint you with answers to the most commonly asked
9 questions.

10 Before the right-of-way process may begin,
11 the Texas Department of Transportation, also known as
12 TxDOT, has to obtain environmental clearance, local
13 agency agreements, an approved right-of-way map, and
14 funding. With the route approved, maps will be prepared
15 by registered professional land surveyors to show the
16 exact amount of land to be acquired from each affected
17 property owner. The additional right-of-way will be
18 used for roadway purposes and will be acquired in the
19 name of the State of Texas.

20 Standard procedure for many projects is
21 that the local governments will be responsible for land
22 acquisition and utility relocation; however, if
23 requested, it may be done by the State of Texas. Cost
24 associated with the purchase of real property will be
25 the responsibility of TxDOT. In some cases the adjacent

1 cities may be responsible for increased costs due to
2 more stringent zoning ordinances or building codes than
3 state law. All acquisitions must be conducted in
4 accordance with the Uniform Relocation Assistance and
5 Real Property Acquisition Policies Act of 1970, as
6 amended.

7 After the release is obtained from the
8 Austin Right-of-Way Division, TxDOT will order property
9 title information, five-year sales data, and preliminary
10 title commitments.

11 The acquiring agency, whether TxDOT or a
12 local government, in order to establish land values, may
13 employ independent real estate appraisers to determine
14 their opinions of the fair market value for the part of
15 each owner's property to be acquired. This procedure is
16 explained on Pages 3 and 4 of The Purchase of
17 Right-of-Way booklet. The appraisers will contact each
18 owner before proceeding with appraising the properties.
19 Each of you as owners will be given the opportunity to
20 accompany the real estate appraiser on an inspection of
21 your property. Once the property is appraised and
22 submitted to TxDOT for review and approval, a written
23 offer will be made to you, the property owner.

24 TxDOT's acquisition agent presents the
25 offer to the property owner. The offer will be based

1 upon the amount of the approved appraised value with any
2 compensable damages to the remaining real property.
3 TxDOT will also provide relocation assistance to those
4 who are eligible.

5 The decision of whether the offer is
6 acceptable or not, of course, remains with each owner.
7 An owner may wish to donate land for the project for
8 various reasons. In these cases, the appraisal process
9 will not be necessary provided that the property owner
10 signs a waiver to waive their right to receive fair
11 market value and an appraisal of the property. This
12 does not include donations at less than fair market
13 value or partial donations which must be appraised.

14 If the property owner chooses to receive
15 compensation for the needed right-of-way, then the
16 following are the options available to the property
17 owner. The owner may accept the offer or submit a
18 counter offer, if appropriate. Also, as another option
19 the booklet further describes the procedure by which
20 right-of-way is acquired when the property owner does
21 not agree with the acquiring agency's determination of
22 fair market value. This procedure is known as eminent
23 domain and is described on Page 9.

24 When the owner accepts the approved value,
25 a deed and Memorandum of Agreement is prepared for the

1 owner's signature. TxDOT will issue a warrant, or a
2 check, made out to the title company for the owner. The
3 owner closes at the title company and is then
4 compensated for the newly acquired right-of-way.

5 The owner may submit a counter offer if the
6 owner believes the offer does not represent fair market
7 value. TxDOT reviews the counter offer and either
8 accepts or rejects it. If rejected, the owner may still
9 accept the original offer or proceed to eminent domain.

10 In eminent domain, the Court appoints three
11 independent commissioners, who themselves are landowners
12 in the county, to hear the owner and TxDOT. Based on
13 the evidence presented, the Commissioners will decide
14 the award to the owner. TxDOT deposits the award, which
15 the owner may withdraw, in the registry of the Court,
16 and at that point, TxDOT will take possession of the
17 needed right-of-way. If desired, either the owner or
18 TxDOT shall have the right to appeal the award to a jury
19 trial.

20 The State's relocation program for personal
21 property, administered solely by the State with no local
22 government funding required, is available to those of
23 you who may qualify for certain benefits as the result
24 of acquisition of properties. Monetary payment for
25 incidental expenses, which are the owner's out-of-pocket

1 expenses to convey good title to the State, may be
2 eligible for reimbursement and are applicable whether or
3 not a displacement occurs.

4 These benefits are applicable to all
5 individuals, families, businesses, farmers, ranchers and
6 nonprofit organizations, without regard to race, color,
7 religion, sex, or national origin. This information is
8 contained in the Relocation Assistance booklet.

9 If you believe a move is to be necessitated
10 by the proposed project, the Department would caution
11 you not to move before negotiations have begun unless
12 you first secure a Written Notice of Intent to Acquire
13 from the acquiring agency. This must be done so as to
14 avoid the possibility of your loss of personal property
15 relocation benefits to which you may otherwise be
16 eligible for reimbursement by the Department.

17 Should a displacee be dissatisfied with any
18 of the amounts offered for relocation reimbursement,
19 appeal procedures are available. These are discussed on
20 the last page of the Relocation Assistance booklet, Page
21 39. Additional information is available from TxDOT's
22 Dallas District Office should you have the need for
23 relocation assistance.

24 Lastly, regulations governing the
25 relocation of advertising signs, which are not purchased

1 by the acquiring agency as real property, are discussed
2 on Pages 31 and 32 of the Relocation Assistance booklet.
3 This concludes my presentation. Thank you for your
4 attention. Mr. Saghian.

5 MR. SAGHIAN: Thank you, Mr. Saldana. I
6 would like to mention that we will not attempt to answer
7 your questions while you have the floor during the
8 opportunity for public comment. This procedure is
9 necessary so that everyone is given an opportunity to
10 speak and because your comments will be given due
11 consideration. We would be happy to answer your
12 questions during the recess or even after the hearing.

13 All verbal and written comments and
14 questions presented tonight will be addressed in and
15 made part of the final environmental document for this
16 project. This document will be available for public
17 review and copying at the City of Carrollton City Hall,
18 1945 East Jackson Road, Carrollton, Texas 75006; City of
19 Dallas City Hall at 1500 Marilla Street, Dallas, Texas
20 75201; the City of Farmers Branch City Hall, 13000
21 William Dodson Parkway, Farmers Branch, Texas 75234; and
22 at the TxDOT Dallas District Office located at 4777 East
23 Highway 80, Mesquite, Texas 75150,.

24 For the benefit of you who may have arrived
25 late, I would ask that members of the Department,

1 consultant team, and local government staff to stand.
2 They are available to answer your questions and discuss
3 your concerns regarding the project. At this time we
4 will take 20 minutes recess and reconvene at 8:18.
5 Thank you.

6 (Recess taken)

7 MR. SAGHIAN: Ladies and gentlemen, we are
8 now reconvening tonight's public hearing. We have made
9 our presentation on the latest available information on
10 the project, and it's now time for us to listen to your
11 comments. Again, please be aware we will not attempt to
12 answer your questions during this comment period.

13 Some of you may not wish to make a
14 statement from the microphone. In that event, your
15 written statements will be equally accepted both tonight
16 and for the next 10 calendar days following this
17 hearing. For those of you who wish to submit a written
18 comment tonight, a comment box is located at the
19 registration table. Questions and comments may also be
20 mailed to the Texas Department of Transportation,
21 attention Robert Hall, TxDOT Dallas District
22 Environmental Coordinator, P.O. Box 133067 Dallas,
23 Texas, 75313-3067.

24 All of your statements, comments and
25 questions will be given careful consideration before

1 final design features are determined. Furthermore, all
2 information developed in regard to the proposed design
3 is available for public inspection and copying and it's
4 also posted at www.keepitmovingdallas.com. The final
5 deadline for our acceptance of statements and comments
6 is by a postmarked date of Friday, October 7, 2011.

7 We have listing of two people registered
8 who would like to make a statement. Please limit your
9 speaking time to 3 minutes so that everyone who wishes
10 to speak may have an opportunity to do so. For official
11 transcript, please state your name and address as you
12 take the floor before proceeding with your statements.

13 Michael Mangana?

14 MR. MANGANA: Michael Mangana. My address
15 is 4275 North Baldwin Avenue, El Monte, California
16 91731. And I have a 52,000-foot building that's
17 impacted by this right-of-way taking or purchasing. And
18 I think what's clear tonight is that this is going to
19 happen; it's just a matter of when. And I think that
20 when you have a property that's leased out and it's been
21 in the newspaper and there's been these hearings --
22 although this is the first hearing that I've personally
23 got a notice about, but the contemplation of
24 condemnation or a taking affects your ability to lease
25 your properties, and I think that degrades your net

1 operating income by that.

2 So I just want you to keep that in mind to
3 try to get some more definitive time frame, because I've
4 heard all kinds of different time frames. And it's
5 important for us to know when to expect it so that we
6 can make proper deals with tenants based on their
7 improvements that they need to be in our building.

8 And I think also that I understand this is
9 taxpayer's money that's going to be condemning and
10 paying for the right-of-way, but you know it's taxpayer
11 money, but it also should not come at the expense of
12 those that are being directly effected. In other words,
13 we're going to be giving, or selling, our properties to
14 you so that the public can benefit. And I would hope
15 that you make sure that we're compensated fairly, that
16 this doesn't hit us in the pocketbook for the public's
17 benefit.

18 And I understand that. I've seen many
19 metro systems and rails and whatnot go in, and we like
20 that when it happens; we like to see progress. I'm a
21 little bit curious as to why the thing shifted to the
22 west, and that the west side bears the brunt of it, but
23 I know this isn't a question and answer time. But
24 that's the end of my comments, and I look forward to
25 working with you, and I appreciate your openness and

1 candor. And I hope that funding comes through and we
2 can narrow down the exact time frame. So thank you.

3 MR. SAGHIAN: Thank you, sir. Doug
4 Hrbacek.

5 MR. HRBACEK: Thank you. Doug Hrbacek,
6 1406 North Main here in Carrollton. I want to thank you
7 guys for the opportunity to speak here this evening.
8 Having observed this process for several years now, and
9 I just want to ask if we can continue to do what we can.
10 This is a take of both pedestrian and bicycle traffic,
11 in particular in the Trinity District which would be
12 from crossing roads south on the north side, on the
13 north end, around downtown as well as the near the
14 Dickerson overpass and George Bush Turnpike interchange.

15 Our community focuses a lot on our Trinity
16 partners in terms of that light rail system, we have a
17 lot of planning going around and potential development.
18 And my concern with this project is that we don't impede
19 pedestrian and bicycle access to the west side of
20 Interstate 35. These notices have been made and certain
21 people started to feel like you should continue in that
22 direction. A particular concern to me is the area to
23 the east that as it exists now from Hutton Branch Creek
24 down to just south of Belt Line, and I do believe that
25 entire Trinity to the east of there will be up in the

1 air, because there's two or three things you can do
2 underneath the highway there with construction. One,
3 you can walk under it, two, you can ride a bike under
4 it, and the third thing you can do is park under it and
5 that's important to us as well. I certainly appreciate
6 your taking our input and we should all thank you very
7 much.

8 MR. SAGHIAN: Thank you, sir. Is there
9 anyone else who would like to come forward and make a
10 statement? Ladies and gentlemen, we sincerely
11 appreciate your attendance and interest concerning the
12 proposed design of IH 35 from IH 635 to President George
13 Bush Turnpike. All of your questions, comments and
14 concerns will receive careful consideration subsequent
15 to tonight's public hearing. Thank you very much. This
16 hearing is now adjourned.

17 (Hearing adjourned at 8:27 p.m.)
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1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3

4 I, Carmel Martinez, Certified Shorthand Reporter in
5 and for the State of Texas, do hereby certify that the
6 presentation in the caption hereto are true and that the
7 foregoing 44 pages are a full, true, and correct and
8 complete transcript of the public hearing had on the
9 date and at the place set forth.

10

11 GIVEN UNDER MY HAND AND SEAL of office on this
12 the 10th day of October, 2011.

13

14

15

16

C. Martinez

Carmel Martinez

17

CSR No. 8128 Expiration: 12/31/12

Steven H. Gentry & Associates, Inc.

18

Firm Registration No. 195

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Mesquite, Texas 75150

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