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TEXAS DEPARTMENT OF TRANSPORTATION
PUBLIC HEARING
INTERSTATE HIGHWAY 35 EAST
FROM FARM TO MARKET ROAD 2181 TO US 380

DENTON COUNTY, TEXAS

CSJ NOS: 0195-03-050, 0195-03-071, 0195-03-075,
0196-01-056 and 0196-01-074
THURSDAY, OCTOBER 20, 2011
University of North Texas Gateway Center Ballroom
801 North Texas Boulevard
Denton, Texas 76201

BE IT REMEMBERED THAT on Thursday, the 20th day of
October, 2011, the above entitled came on for public
hearing at University of North Texas Gateway Center
Ballroom, 801 North Texas Boulevard, Denton, Texas, and
the following proceedings were had, to wit:

A P P E A R A N C E S

LOCAL PUBLIC OFFICIALS:

Paul Ruggiere, Mayor, City of Corinth

Joe Harrison, Council Member, City of Corinth

Jim Mayfield, Council Member, City of Corinth

Jim Berzina, Council Member, City of Corinth

Bruce Hanson, City Council, City of Corinth

Randy Gibbons, City Council, City of Corinth

James King, Denton City Council

Rider Scott, Member of DRMC

Steve Rollins, Commissioner Denton County

Anita Wilson, FHWA

Mark Nelson, Denton Director of Transportation

TXDOT STAFF:

Nasser Askari, Thomas Dellinger, Sonja Whitehead, George

Reeves, Stan Hall, Mark Johnson, Keith Sliger, David

Hensley, Cecil Saldana, Mark Pettit, John Hudspeth

HALFF ASSOCIATES STAFF:

Matt Craig and Ashley Oliver

1 (October 20, 2011; 7:00 p.m.)

2 MR. SAGHIAN: Good evening, ladies and
3 gentlemen. It is now 7:00 p.m., so if you'll be seated
4 we will begin tonight's public hearing. I'm Moosa
5 Saghian, Director of Transportation Planning and
6 Development for the Dallas District Office of the Texas
7 Department of Transportation. I'm here representing our
8 Dallas District Engineer, Mr. Bill Hale. We appreciate
9 your interest in the proposed IH 35E North Section
10 project and welcome each one of you here this evening.
11 Later this evening, you'll be invited to directly
12 participate in the opportunity for public comment
13 portion of our hearing. We want to express appreciation
14 to the University of North Texas Gateway Center for the
15 use of this facility this evening.

16 The study limits for the planned and
17 proposed improvements to the proposed IH 35E North
18 Section project are from FM 2181 on the south to U.S.
19 380 on the north. The proposed project has a total
20 length of approximately 11 miles and is located within
21 Denton County.

22 Before we proceed further, I would like to
23 introduce members of the federal, state and local
24 elected officials who are in attendance tonight or who
25 were able to stop by during the open house.

1 Joe Harrison, Council Member, City of
2 Corinth; Jim Mayfield, Council Member, City of Corinth;
3 Anita Wilson, FHWA; Jim Berzina, Council Member, City of
4 Corinth; James King, Denton City Council; Bruce Hanson,
5 City Council, City of Corinth; Paul Ruggiere, Mayor,
6 City of Corinth; Randy Gibbons, City Council, City of
7 Corinth; Rider Scott, member of DRMC; Steve Rollins,
8 Commissioner Denton County.

9 Have I overlooked anyone?

10 We appreciate your attendance and we thank
11 you for your interest in this proposed project. Now, I
12 would like to introduce several members of the Texas
13 Department of Transportation, the consultant team, the
14 City of Corinth, the City of Denton and Denton County
15 who are present tonight to assist you and answer your
16 question.

17 Mark Nelson, Denton Director of
18 Transportation; Nasser Askari, TxDOT; Tom Dellinger,
19 TxDOT; Sonja Whitehead, TxDOT; George Reeves, TxDOT;
20 Stan Hall, TxDOT; Mark Johnson, TxDOT; Keith Sliger,
21 TxDOT; David Hensley, TxDOT; Cecil Saldana, TxDOT; Mark
22 Pettit, TxDOT; and John Hudspeth, TxDOT.

23 Our specific study team members are
24 Mr. Matt Craig and his staff from Halff Associates, who
25 are responsible for the proposed technical design; and

1 Ms. Ashley Oliver and the staff, also from Halff
2 Associates, who are responsible for the environmental
3 analysis. These individuals will be available during
4 the recess to answer your particular questions regarding
5 this proposed project.

6 We thank those of you who had the
7 opportunity to visit the open house earlier this
8 evening. As you arrived, you were given the opportunity
9 to register your attendance for this hearing. Our
10 registration forms are the 8 1/2" by 11" sheets at the
11 front sign-in table and provide you an opportunity to
12 express your interest in this proposed project and
13 indicate whether you would like to make a verbal
14 statement during tonight's opportunity for public
15 comments portion of the hearing. In the event you did
16 not register and would like to, please do so during the
17 upcoming recess.

18 Many of you have attended public hearings
19 conducted by the Texas Department of Transportation.
20 However, for the benefit of those of you who have never
21 attended one, I would like to explain how the Department
22 conducts a public hearing. Following my initial
23 comments, Mr. Matt Craig will give a detailed
24 presentation concerning the location and design features
25 of the proposed project, and Ms. Ashley Oliver will

1 follow with the environmental effects for the proposed
2 project. Following Ms. Oliver, Mr. Cecil Saldana of our
3 Dallas District Right-of-Way Office will explain the
4 right-of-way acquisition procedure and the relocation
5 assistance program for displaced persons and businesses.

6 At that time, we will recess the hearing
7 for 20 minutes and allow you the opportunity to view the
8 proposed project design currently on display here
9 tonight. During the recess, you are encouraged to ask
10 any questions, which the Department representatives will
11 address and answer.

12 Following the recess we'll reconvene the
13 hearing and ask those persons who indicated on the
14 registration form that they would like to make a
15 statement to come forward to our floor microphone, state
16 your name and address for the record, and provide any
17 comments concerning the proposed project. Following the
18 registered speakers, anyone else who did not register
19 will also be given an opportunity for comment.

20 You might be asking; What is the purpose of
21 public hearing? The four essential purposes of public
22 hearing are; One, inform the public of the status of
23 planning on the project and present the recommendations
24 based on the studies performed to date.

25 Two, describe the recommended location and

1 design so that those attending can determine the
2 project's potential to affect their lives and property.

3 Three, provide the public an opportunity to
4 present information and their views at a stage in the
5 planning process when flexibility to respond to comments
6 still exists and before location and design decisions
7 are finalized.

8 Four and finally, to develop a record of
9 public views and participation to accompany
10 recommendations for subsequent decisions.

11 This public hearing is being held in
12 compliance with both federal and state laws. The State
13 is required to certify to the Secretary of
14 Transportation that a public hearing was held concerning
15 the IH 35E North Section Project. For the official
16 record, a transcript of this hearing will be made. For
17 this reason, we ask that all comments be made from the
18 floor microphone.

19 Following this hearing, the Department will
20 proceed with the preparation of the final environmental
21 documentation. Your statements and comments, whether
22 positive or negative, will be addressed by TxDOT in the
23 proposed project's documentation and will be given full
24 consideration in the preparation of the proposed
25 project's final recommendation and design.

1 This hearing has been convened to discuss
2 the design features and environmental effects of the
3 proposed IH 35E North Section project. The total
4 proposed project length is approximately 11 miles. A
5 design schematic has been developed showing typical
6 cross sections, roadway profiles and proposed
7 right-of-way boundaries. Additionally, an Environmental
8 Assessment document has been prepared, which analyzed
9 the social, economic and environmental effects of the
10 proposed project.

11 The design schematic and environmental
12 document for the proposed project are available for
13 inspection and reproduction at the TxDOT Dallas District
14 Office located at 4777 East Highway 80, Mesquite, Texas
15 75150; the City of Corinth City Hall located at 3300
16 Corinth Parkway, Corinth, Texas 76208; the TxDOT Denton
17 County Area Office located at 2624 West Prairie, Denton,
18 Texas 76201; and the City of Denton, City Hall located
19 at 215 East McKinney Street, Denton, Texas 76201. In
20 addition, the design schematic and environmental
21 assessment may be viewed on the Internet at
22 www.keepitmovingdallas.com.

23 Highway planning and construction requires
24 close cooperation among all levels of government. The
25 design of the proposed IH 35E North Section project is

1 being developed cooperatively by the Cities of Corinth
2 Denton, Denton County, the State, the Metropolitan
3 Planning Organization, and the Federal Highway
4 Administration. TxDOT has worked closely with these
5 local governments and has previously received input
6 regarding the proposed design.

7 At the conclusion of the major investment
8 study phase of this proposed project, TxDOT held several
9 public meetings to share preliminary design information
10 and environmental analysis for the IH 35 corridor.

11 Between 2003 and 2008, the proposed project
12 and the IH 35E corridor underwent schematic design
13 modifications, and additional coordination with the
14 adjacent municipalities occurred. Between August
15 of 2008 and January of 2010, TxDOT held three public
16 meetings, several meetings with City Councils,
17 presentations to elected officials, and several
18 stakeholder workgroup meetings to present current design
19 information and environmental analysis information for
20 the proposed IH 35E improvement projects.

21 The public, city officials, elected
22 officials, and other stakeholders had an opportunity to
23 discuss issues on a variety of topics including project
24 financing and construction phasing; managed lanes and
25 the addition of bicycle and pedestrian features to the

1 proposed project. Public input was gathered previously
2 for the proposed IH 35E North Section project from a
3 public meeting held in November of 2008.

4 At this time, Mr. Craig will discuss the
5 geometric design features and cost estimates, followed
6 by Ms. Oliver who will discuss the environmental effects
7 of the proposed project.

8 MR. CRAIG: Thank you, Mr. Saghian. During
9 the presentation tonight I will first discuss the
10 existing IH 35E facility from FM 2181 to U.S. 380. Then
11 I will discuss the proposed improvements IH 35E from FM
12 2181 to U.S. 380. In addition, I will discuss the
13 variable priced tolled HOV/managed lanes that are
14 proposed to be located in the center median. It is
15 important to note that the proposed project would expand
16 the number of mainlanes and frontage roads on IH 35E and
17 those mainlanes and frontage roads will remain
18 non-tolled just as they are today.

19 The existing design of IH 35E does not meet
20 current urban freeway design standards, nor does it
21 adequately accommodate current traffic demand. As
22 population increases are predicted throughout the
23 project area, improvements to the IH 35E corridor are
24 necessary to provide a safe and efficient roadway that
25 affords improved mobility and roadway carrying capacity.

1 The existing right-of-way width within the
2 proposed project limits varies from 200 feet to
3 574 feet. From the southern project terminus at FM 2181
4 north to approximately 0.4 mile south of Corinth
5 Parkway, the roadway configuration is six mainlanes
6 consisting of three 12-foot lanes in each direction.
7 And from this point, IH 35E narrows to four mainlanes
8 consisting of two 12-foot lanes in each direction.

9 This configuration extends to the northern
10 project terminus at U.S. 380 and includes a portion of
11 IH 35W just south of the IH 35E/IH 35W Interchange.
12 Along IH 35E, the outside mainlane shoulders are
13 generally 10 feet wide; the inside mainlane shoulders
14 generally range from 4 to 14 feet wide at the southern
15 and northern ends of the proposed project corridor and 0
16 to 4 feet wide throughout the middle area of the
17 proposed project corridor. Along IH 35W the outside
18 shoulders are approximately 10 feet wide, and the inside
19 shoulders generally range from 4 to 6 feet wide.

20 The posted speed limit along the existing
21 IH 35E facility ranges from 55 to 60 miles per hour.
22 Concrete traffic barriers and grass medians separate the
23 existing mainlanes except for a short stretch of roadway
24 north of Bonnie Brae Street which is separated by a tube
25 rail barrier.

1 The existing IH 35E facility through the
2 proposed project length generally consists of two
3 12-foot frontage road lanes running in both the north
4 and south directions. There are no northbound frontage
5 roads along IH 35W within the proposed project area.
6 Within the proposed project limits, the existing
7 facility has multiple bridge crossings, all associated
8 with arterials, railroad lines, or roadway connectors.

9 Now, I'll discuss the proposed improvements
10 to the proposed IH 35E North Section project. The
11 proposed project is designed to improve traffic
12 operational performance along the IH 35E facility. The
13 project involves the reconstruction of IH 35E from FM
14 2181 to U.S. 380 and includes a short segment of IH 35W
15 associated with the reconstruction of the IH 35E/IH 35W
16 Interchange. The total proposed project length is
17 approximately 11 miles.

18 The proposed project reconstructs and
19 expands the mainlanes, adds variable priced tolled
20 HOV/managed lanes in the center median, makes the
21 frontage roads continuous throughout the length of the
22 project, and integrates bicycle and pedestrian
23 improvements. The proposed project reconstructs the
24 IH 35E/IH 35W Interchange and the IH 35E/U.S. 77
25 Interchange. The proposed project reconstructs other

1 cross-street intersection within the project limits in
2 accordance with local thoroughfare plans, and
3 reconstructs ramps to meet current Texas Department of
4 Transportation design criteria.

5 In addition, the proposed project
6 constructs a pedestrian bridge over the mainlanes and
7 frontage road lanes connecting the University of North
8 Texas campus property on each side of IH 35E.

9 The proposed improvements consist of four
10 main lanes in each direction from FM 2181 to U.S. 377,
11 three main lanes in each direction from U.S. 377 to the
12 IH 35E/IH 35W Interchange, and five mainlanes in each
13 direction from the IH 35E/IH 35W Interchange to U.S.
14 380. The IH 35E mainlanes are typically 12 feet wide.
15 The number of proposed mainlanes along IH 35W, as it
16 approaches the IH 35E/IH 35W Interchange are three in
17 each direction. The typical outside mainlane shoulder
18 width would be 10 feet and the typical inside shoulder
19 width varies from 10 feet to 11 feet. Once again, the
20 proposed mainlanes on IH 35E will remain non-tolled just
21 as they are today.

22 Concurrent flow variable priced tolled
23 HOV/managed lanes are proposed for this project, and
24 they would be located within the IH 35E center median.
25 In the interest of simplification of terminology, the

1 term "variable priced tolled HOV/managed lanes" will be
2 referred to for the remainder of the public hearing as
3 "HOV/managed lanes." The specific reason for the
4 "variable priced toll" term and toll pricing will be
5 described in more detail later. The term "concurrent"
6 indicates travel in the HOV/managed lanes is the same
7 direction as the mainlanes of the roadway facility.

8 The number of HOV/managed lanes varies
9 through the proposed project length. There would be two
10 lanes in each direction from FM 2181 to U.S. 77, two
11 lanes in each direction from the IH 35E/IH 35W
12 Interchange to U.S. 380, one lane in each direction from
13 U.S. 77 to the IH 35E/IH 35W Interchange and one lane in
14 each direction along IH 35W.

15 The typical outside HOV/managed lane
16 shoulder width would vary from 10 to 11 feet, and the
17 typical inside shoulder width would vary from 4 to
18 10 feet northbound and southbound HOV/managed lanes
19 would be separated by shoulders and concrete traffic
20 barriers. The HOV/managed lanes would be separated from
21 the mainlanes by shoulders and concrete traffic
22 barriers.

23 The frontage roads would be continuous
24 throughout the length of the proposed project and
25 consist of two to four lanes in each direction with a

1 maximum width of approximately 49 feet. The frontage
2 roads would have 11-foot-wide inside lanes and a
3 14-foot-wide outer lane. The frontage road outer lane
4 would operate as a shared-use bicycle/vehicle lane
5 throughout the length of the proposed project.

6 In order to accommodate pedestrian travel
7 along IH 35E, 6-foot-wide sidewalks would be constructed
8 and located along the frontage roads. In order to
9 accommodate pedestrian travel across IH 35E, crossing
10 roads would include sidewalks. All proposed sidewalks
11 would meet the Americans with Disabilities Act design
12 criteria.

13 All the proposed improvements would occur
14 within an existing and proposed right-of-way width
15 varying from 325 to 613 feet. The design speed of the
16 proposed project is 70 miles per hour on the mainlanes,
17 70 miles per hour on the HOV/managed lanes, 40 miles per
18 hour on the frontage roads, and 40 miles per hour on the
19 ramps. Only the HOV/managed lane in the center would be
20 tolled. The mainlanes and frontage road lanes would not
21 be tolled.

22 This slide shows the proposed typical
23 section of IH 35E from FM 2181 to U.S. 77. There would
24 be eight mainlanes, four in each direction, four
25 HOV/managed lanes, which is two in each direction, and

1 four to eight frontage road lanes, two to four in each
2 direction.

3 This slide shows the proposed typical
4 section of IH 35E from U.S. 77 to U.S. 377. There would
5 be eight mainlanes, which is four in each direction, two
6 HOV/managed lanes, one in each direction, and four to
7 six frontage road lanes, two to three in each direction.

8 This slide shows the proposed typical
9 section of IH 35E from U.S. 377 to the IH 35E/IH 35W
10 Interchange. There would be six mainlanes, three in
11 each direction, two HOV/managed lanes, which is one in
12 each direction, and four to six frontage road lanes,
13 which is two to three in each direction.

14 This slide shows the proposed typical
15 section of IH 35E from the IH 35E/IH 35W Interchange to
16 U.S. 380. There would be ten mainlanes, five in each
17 direction, four HOV/managed lanes, which is two in each
18 direction, and four to eight frontage road lanes, which
19 is two to four in each direction.

20 The existing right-of-way width within the
21 IH 35E proposed project limits varies from approximately
22 200 feet to 574 feet. The proposed project would be
23 constructed within a proposed right-of-way width that
24 varies from approximately 325 to 613 feet. The proposed
25 project would require approximately 107 acres of new

1 right-of-way. The proposed project would result in
2 approximately 17 residential displacements and 40
3 commercial displacements.

4 Utilities such as water lines, sewer lines,
5 gas lines and other underground and overhead utilities
6 may require adjustment. The adjustment and relocation
7 of any utilities will be managed so that no substantial
8 interruptions will take place while these adjustments
9 are being made.

10 Currently, the total estimated cost of the
11 proposed project is approximately \$1.3 billion. This
12 includes construction and right-of-way costs. Design
13 schematics for the proposed project have been prepared
14 and are displayed in this room. The schematic show the
15 horizontal and vertical alignments of the proposed
16 project along with the existing and proposed
17 right-of-way lines.

18 Now, let's move to the discussion about the
19 HOV/managed lanes that are proposed to be constructed in
20 the center median. The term variable priced tolled
21 "HOV/managed lanes" encompasses several types of lane
22 management strategies, including vehicle occupancy and
23 price based lane or facility management; which means,
24 for example, that HOV/managed lanes could be variably
25 priced according to occupancy, time of day, congestion

1 level, or other factors.

2 The HOV/managed lanes would operate as
3 variable priced tolled lanes, which means that the users
4 of the IH 35E HOV/managed lanes would be charged a toll.
5 The toll would be collected from both single occupancy
6 vehicles, or SOVs, and high occupancy vehicles, or HOVs.
7 An HOV is currently defined as having two or more
8 occupants. A reduced toll rate, currently half price,
9 will be applied toward HOV users during the AM and PM
10 peak periods. During the off-peak periods, HOVs will
11 pay the same toll as SOVs. As discussed in more detail
12 later, a Level II Traffic and Toll Revenue Study was
13 prepared for the proposed IH 35E project to analyze the
14 HOV/managed lane function and tolling scenarios.

15 The Regional Transportation Council, or
16 RTC, is the independent transportation policy body of
17 our area's North Central Texas Council of Governments
18 Metropolitan Planning Organization, and is comprised of
19 elected and appointed officials representing cities,
20 counties, and transportation providers. The Regional
21 Transportation Council adopted this regional Managed
22 Lane Policy because it provides the ability to; provide
23 and manage additional capacity in the corridor, increase
24 trip reliability for HOV and transit, potentially
25 improve air quality through encouragement of increased

1 vehicle occupancy and person movements, and generate
2 revenue to construct, operate and maintain the facility.

3 The Managed Lane Policy, also known as
4 Business Terms for TxDOT-sponsored managed lane
5 facilities, was adopted by the Regional Transportation
6 Council on May 11, 2006. The policy was modified in
7 September of 2006 and September 2007, and the final
8 policy is detailed in the Environmental Assessment and
9 has been displayed here tonight during the open house.
10 This policy is subject to modification by the Regional
11 Transportation Council. However, this would only occur
12 after an opportunity for public input and comment on any
13 changes to the business terms.

14 For this proposed project, operation and
15 dynamic pricing will be implemented according to the
16 regional policy in place at the time the facility opens
17 to traffic. The basic terms of this policy are shown in
18 this slide. Traffic measuring equipment will monitor
19 speed and volume in the managed lanes every minute of
20 the day. Depending on the measurements, the managed
21 lane price will stay the same, or they could increase or
22 decrease by \$0.05 amounts no more frequently than every
23 5 minutes. The price shown on the price sign at the
24 entrance to the managed lanes is what the user will pay
25 even if it changes while traveling on the managed lanes.

1 The price will adjust to maintain an average speed of
2 50 miles per hour in the managed lanes. The term
3 dynamic pricing reflects an ability to respond to
4 current conditions.

5 The price/tolls may vary from the
6 designated times and amounts shown on this slide as
7 mentioned previously. It is important to note that
8 varying toll rates, or dynamic pricing, allow operators
9 to set market-based toll rates based on corridor demand.
10 Those rates could fluctuate at any time throughout the
11 day in response to changing traffic conditions. With no
12 per-mile cap, a minimum average corridor speed of
13 50 miles per hour could be maintained.

14 The concept of a cap on the toll rate
15 exists in the form of a soft cap set at the original
16 \$0.75 per mile amount when in scheduled mode. Upon
17 initiation of dynamic pricing, the maximum charge per
18 lane that can be charged is \$0.75 cents per mile unless
19 a specific lane density is met. Meaning, if the managed
20 lanes are very congested, a higher toll can be charged
21 until the lanes fall below that density threshold. That
22 is the meaning of the term soft cap. The cap is
23 permitted to grow by 2.75 percent per year to account
24 for some growth in the maximum toll rate, similar to
25 other toll roads in North Texas.

1 According to the Managed Lane Policy, a
2 fixed-fee schedule would be applied during the first six
3 months of operation. Dynamic-fee pricing would be
4 applied after the first six months. Toll rates would be
5 updated during the fixed-fee schedule phase. In
6 accordance with current managed lane policy, the toll
7 rate would be set up to \$0.75 cents per mile during the
8 first six months of the fixed-fee schedule phase.
9 However, after six months, dynamic tolling would be
10 implemented to maintain a speed of 50 miles per hour on
11 IH 35E.

12 A Level II Traffic and Toll Revenue Study
13 conducted for the IH 35E managed lanes between IH 635
14 and U.S. 380 estimated different toll rates per mile and
15 time of day when the dynamic tolling phase begins. The
16 study presented three potential toll rates that users of
17 the IH 35E managed lanes are likely to be charged,
18 assuming an opening year of 2026. These were presented
19 in the Environmental Assessment and include; a morning
20 peak, from 6:30 a.m. to 9:00 a.m., which may be
21 approximately 40 cents per mile; mid-day off-peak, which
22 is between 9:00 a.m. and 3:00 p.m., which may be
23 approximately 8 cents per mile; and evening peak, 3:00
24 p.m. and 6:00 p.m., which may be approximately 40 cents
25 per mile; and the late night off-peak, midnight to

1 5:00 a.m., which may be approximately 8 cents per mile.

2 As a reminder, the current managed lane
3 policy includes a reduced toll rate, currently half
4 price, for HOV users, currently two or more occupants
5 during the AM and PM peak periods. The peak periods are
6 currently defined as weekday periods from 6:30 a.m. to
7 9:00 a.m. and from 3:00 p.m. to 6:30 p.m. respectively.
8 During the off-peak periods, HOV users will pay the same
9 toll as SOV users. Users of the tolled HOV/managed
10 lanes would be notified of the toll rate before entering
11 the designated lanes by an electronic message board.

12 Clearly posted overhead signage would
13 designate the lane that drivers should use to enter and
14 exit the facility. Mainlanes and frontage roads,
15 including their proposed added capacity, would remain as
16 non-tolled options for all users.

17 Dynamic toll rates on the IH 35E facility
18 would be established to maintain a minimum average
19 corridor speed of 50 miles per hour. During the dynamic
20 pricing phase, travelers would receive rebates if the
21 average speed drops below 35 miles per hour. However,
22 rebates would not apply if the speed reduction is out of
23 the control of the operator. Travelers are defined as
24 those traveling during the rebate event in the managed
25 lanes.

1 It has not yet been determined how the
2 rebate is to be paid; whether it will be paid directly
3 to individual traveler accounts on the managed lanes or
4 be put back into a pooled account under the control of
5 the North Central Texas Council of Government Regional
6 Transportation Counsel to benefit all travelers in the
7 corridor by being used to implement other transportation
8 improvements or strategies in the future. The North
9 Central Texas Council of Government Regional
10 Transportation Council will determine how any rebate
11 will be distributed.

12 According to the draft Level II Traffic and
13 Toll Revenue Study conducted for the IH 35E managed
14 lanes between IH 635 and U.S. 380, the average travel
15 distance per household that would use the proposed
16 tolled HOV/managed lanes on IH 35E from FM 2181 to U.S.
17 380 would be 7 miles out of the total 11-mile section.
18 This would equate to 14 miles for a round trip. TxDOT
19 estimates that HOV/managed lane use would average 2.5
20 trips per week for the morning peak and evening peak
21 scenarios at an annual cost of \$722 per year.

22 Trips on the proposed IH 35E HOV/managed
23 lanes during the off-peak hour scenarios would average
24 two trips per week at an annual cost of \$115 per year
25 within the proposed project limits.

1 Now, Ms. Ashley Oliver will discuss an
2 overview of the environmental evaluation of the proposed
3 project.

4 MS. OLIVER: Thank you, Mr. Craig. Ladies
5 and gentlemen, an Environmental Assessment Document has
6 been prepared to document the environmental effects and
7 the analyses performed for this proposed project. The
8 environmental analyses was performed in accordance with
9 the National Environmental Policy Act, also known as
10 NEPA. The environmental analysis is necessary to
11 identify the potential effects of the proposed project
12 and to avoid and minimize effects to the human and
13 natural environments.

14 The Environmental Assessment Document
15 describes the need and purpose for the proposed project,
16 the description of the alternatives considered, the
17 affected environment and environmental consequences, and
18 the recommendations of the preferred alternative. The
19 environmental document covered the following topics:

20 Need and purpose

21 Project design; including traffic, typical sections
22 and profile

23 Right-of-way

24 Project cost and funding

25 Displacements and relocations

1 Waters of the U.S. and Wetlands
2 Lakes, rivers, and streams
3 Water quality
4 Floodplains
5 Socio-economic impacts
6 Community cohesion and environmental justice
7 Public facilities and services
8 Parkland/Section 4(f) Properties
9 Threatened and endangered species and wildlife
10 habitat
11 Historical and archeological sites
12 Aesthetic considerations
13 Topography and soils
14 Prime, unique, and special farmland impacts
15 Land use
16 Air quality assessment
17 Traffic noise assessment
18 Hazardous materials
19 Construction impacts
20 Indirect and cumulative impacts
21 This document was approved for further
22 processing by the Federal Highway Administration, and
23 has been coordinated with other public agencies. The
24 Environmental Assessment for this project is available
25 here tonight for your review.

1 Approximately 107 acres of new
2 right-of-way would be required to construct this
3 proposed project. The proposed project is located
4 within the Federal Emergency Management Agency
5 designated 100-year floodplain of tributaries of Pecan
6 Creek and Graveyard Slough, unnamed tributaries of
7 Hickory Creek and Pecan Creek, and floodplains
8 associated with Swisher Creek. These crossings are
9 expected to impact a total of approximately 15 acres of
10 floodplains. The hydraulic design for this proposed
11 project would be in accordance with current FHWA and
12 TxDOT design policies. The proposed facility would
13 permit the conveyance of the 100-year flood, without
14 causing significant damage to the facility, stream, or
15 other property. The proposed project would not increase
16 the base flood elevation to a level that would violate
17 applicable floodplain regulations and ordinances.

18 The proposed project would result in the
19 placement of temporary or permanent dredge or fill
20 material into 11 jurisdictional waters of the U.S.,
21 including Wetlands, and would require U.S. Army Corp of
22 Engineers Section 404 Nationwide 14 permits as well as a
23 Preconstruction Notification for 4 of the 11 crossings.

24 Fifty-seven (57) properties would be
25 impacted by the proposed project through right-of-way

1 acquisition. Of these properties, 17 are residential
2 and 40 are commercial. The residential properties
3 consist of 16 single-family residences and two buildings
4 from an apartment complex containing 16 individual
5 units. The 40 commercial properties consist of 44
6 commercial entities or businesses.

7 A total of approximately 372 to 784
8 employees would be potentially impacted by the
9 anticipated displacement of the 44 commercial entities.
10 An Employment Opportunities Impact Assessment technical
11 report was prepared as part of the Environmental
12 Assessment and is included in Section 5. This report
13 assessed whether any adverse effects would be caused by
14 the implementation of the proposed IH 35E improvements
15 given the current economic climate and the potential
16 effects to existing employment opportunities if the
17 businesses anticipated to be displaced by the proposed
18 IH 35E reconstruction cannot successfully reestablish.

19 While uncertainty exists in predicting the
20 outcome of establishment within close proximity to the
21 businesses' original locations, and it is unknown which
22 of the business owners would choose to or be able to
23 continue operation, sites with suitable zoning and
24 within close proximity are currently available in the
25 Employment Opportunities Impact Assessment study area.

1 Loss of key employees may occur if the businesses are
2 displaced and employees are not willing to travel in
3 order to remain employed at the relocation site. This
4 could affect the business's ability to reestablish
5 itself at the new location.

6 However, the severity of this type of
7 employment impact varies with the type of business, the
8 distance to and the attractiveness of the relocation
9 site, as well as the employees' interest in continued
10 employment with the business.

11 There appears to be future employment
12 opportunities of varying skill requirement intensities
13 identified within the Employment Opportunities Impact
14 Assessment study area detailed in Section 5 of the
15 Environmental Assessment report based on information
16 provided by the NCTCOG's development monitoring
17 database, and DCTA regional rail expansions, as well as
18 interviews with planning officials from the
19 municipalities of Corinth and Denton. The addition of
20 new businesses would create additional employment
21 opportunities throughout the study area and may present
22 an opportunity to absorb any permanent employment
23 effects that could result from the proposed IH 35E
24 improvements within the affected municipalities.

25 The Cities of Corinth and Denton are aware

1 of the potential impacts to their respective tax bases
2 if businesses displaced by the proposed project are
3 unable to relocate within the municipality of origin.
4 Both the Cities of Corinth and Denton are willing to
5 coordinate with the potentially displaced entities to
6 minimize employment and economic impacts associated with
7 the proposed reconstruction of IH 35E.

8 Representatives from Workforce Solutions
9 for North Central Texas are here tonight, and the agency
10 will be proactive in assisting any employees that would
11 be affected as a result of the displacements associated
12 with the proposed reconstruction of IH 35E. As
13 presented in Section 5 of the EA, Workforce Solutions
14 for North Central Texas can coordinate with employers
15 identified for relocation by TxDOT via the ROW
16 acquisition phase of project development to engage and
17 provide 1-2 hour rapid response workshops if requested
18 by the employers, regardless of the number of employees
19 anticipated to be impacted.

20 Multiple rapid response workshops could be
21 conducted by Workforce Solutions for North Central Texas
22 to distribute information to all employees potentially
23 impacted by the proposed IH 35E project. Efforts by
24 Workforce Solution's services are targeted toward
25 assisting the individual employees and can help prepare

1 these employees to work in other occupations if the
2 employee isn't able to find work in or chooses to leave
3 their current field of employment. Workforce Solutions
4 staff are here to tonight to provide handouts and answer
5 questions regarding Workforce Solutions services.

6 Sixteen (16) single-family residences and
7 two buildings from an apartment complex containing 16
8 units would be displaced by the proposed project. Based
9 on current available market data, comparable housing
10 appears to be available for the majority of the
11 potential residential displacements. All relocation
12 efforts would be consistent with the requirements of the
13 Civil Rights Act of 1964, the Uniform Relocation
14 Assistance and Real Properties Acquisition Act of 1970,
15 as amended, and the Housing and Urban Development Act of
16 1974.

17 Five noise walls were determined to be
18 both feasible and reasonable along portions of the IH
19 35E corridor as a means to mitigate for anticipated
20 traffic noise impacts. The final decision to construct
21 the proposed noise walls would be made upon completion
22 of the proposed project design, utility evaluation, and
23 the polling of any property owners located immediately
24 adjacent to a proposed noise wall.

25 In conclusion, the studies and evaluations

1 performed thus far indicate that the proposed
2 improvements would cause no significant environmental
3 effects. Now, I will return the hearing back to
4 Mr. Saghian.

5 MR. SAGHIAN: Thank you, Ms. Oliver.

6 Following tonight's public hearing,
7 documentation of the public hearing will be forwarded to
8 our Austin office for final environmental clearance and
9 design approval. Assuming there are no major issue
10 arising from this hearing that cannot be addressed in a
11 reasonable time frame, final environmental clearance is
12 anticipated to occur by December 2011.

13 It is at this stage of the project
14 development that we are able to proceed with detailed
15 construction plans and right-of-way acquisition.
16 Subject to the availability of funds and approval of
17 construction plans, the project's assumed opening year
18 is anticipated to be in 2030.

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

22 MR. SALDANA: Thank you, Mr. Saghian. Good
23 evening, ladies and gentlemen. I would like to take a
24 few minutes to present some information about the
25 right-of-way acquisition phase of this project. This

1 project, as previously described will be the object of
2 my remarks and will require approximately 107 acres of
3 additional right-of-way to accommodate improvements to
4 the proposed IH 35E North Section from FM 2181 to
5 U.S. 380.

6 The right-of-way to be acquired consists of
7 land on properties owned by various entities, including
8 private individuals and commercial businesses on both
9 sides of the roadway along the length of the project.
10 The proposed project would result in the displacement of
11 approximately 57 properties. No places of worship or
12 cemeteries would be displaced as a result of the
13 proposed project. The following will help describe our
14 right-of-way procedures.

15 Two booklets are available for you at the
16 right-of-way table located in this room. One is titled
17 The Purchase of Right-of-Way and the other one is titled
18 Relocation Assistance. If there is a possibility that
19 some of your property may be acquired and you did not
20 pick up the booklets, you may secure copies at the
21 right-of-way table during the break. These booklets
22 contain a significant amount of information. Rather
23 than trying to cover all of this material in detail this
24 evening, I would like to acquaint you with answers to
25 the most commonly asked questions.

1 Before the right-of-way process may begin,
2 the Texas Department of Transportation, also known as
3 TxDOT, has to obtain environmental clearance, local
4 agency agreements, an approved right-of-way map, and
5 funding. With the route approved, maps will be prepared
6 by registered professional land surveyors to show the
7 exact amount of land to be acquired from each affected
8 property owner. The additional right-of-way will be
9 used for roadway purposes and will be acquired in the
10 name of the State of Texas.

11 Standard procedure for many projects is
12 that the local governments will be responsible for land
13 acquisition and utility relocation; however, if
14 requested, it may be done by the State of Texas. Cost
15 associated with the purchase of real property will be
16 the responsibility of TxDOT. In some cases the adjacent
17 cities may be responsible for increased costs due to
18 more stringent zoning ordinances or building codes than
19 state law. All acquisitions must be conducted in
20 accordance with the Uniform Relocation Assistance and
21 Real Property Acquisition Policies Act of 1970, as
22 amended.

23 After the release is obtained from the
24 Austin Right-of-Way Division, TxDOT will order property
25 title information, five-year sales data, and preliminary

1 title commitments.

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

15 TxDOT's acquisition agent presents the
16 offer to the property owner. The offer will be based
17 upon the amount of the approved appraised value with any
18 compensable damages to the remaining real property.
19 TxDOT will also provide relocation assistance to those
20 who are eligible.

21 The decision of whether the offer is
22 acceptable or not, of course, remains with each owner.
23 An owner may wish to donate land for the project for
24 various reasons. In these cases, the appraisal process
25 will not be necessary provided that the property owner

1 signs a waiver to waive their right to receive fair
2 market value and an appraisal of the property. This
3 does not include donations at less than fair market
4 value or partial donations which must be appraised.

5 If the property owner chooses to receive
6 compensation for the needed right-of-way, then the
7 following are the options available to the property
8 owner. The owner may accept the offer or submit a
9 counter offer, if appropriate. Also, as another option
10 the booklet further describes the procedure by which
11 right-of-way is acquired when the property owner does
12 not agree with the acquiring agency's determination of
13 fair market value. This procedure is known as eminent
14 domain and is described on Page 9.

15 When the owner accepts the approved value,
16 a deed and Memorandum of Agreement is prepared for the
17 owner's signature. TxDOT will issue a warrant, or a
18 check, made out to the title company for the owner. The
19 owner closes at the title company and is then
20 compensated for the newly acquired right-of-way.

21 The owner may submit a counter offer if the
22 owner believes the offer does not represent fair market
23 value. TxDOT reviews the counter offer and either
24 accepts or rejects it. If rejected, the owner may still
25 accept the original offer or proceed to eminent domain.

1 In eminent domain, the Court appoints three
2 independent commissioners, who themselves are landowners
3 in the county, to hear the owner and TxDOT. Based on
4 the evidence presented, the Commissioners will decide
5 the award to the owner. TxDOT deposits the award, which
6 the owner may withdraw, in the registry of the Court,
7 and at that point, TxDOT will take possession of the
8 needed right-of-way. If desired, either the owner or
9 TxDOT shall have the right to appeal the award to a jury
10 trial.

11 The State's relocation program for personal
12 property, administered solely by the State with no local
13 government funding required, is available to those of
14 you who may qualify for certain benefits as the result
15 of acquisition of properties. Monetary payment for
16 incidental expenses, which are the owner's out-of-pocket
17 expenses to convey good title to the State, may be
18 eligible for reimbursement and are applicable whether or
19 not a displacement occurs.

20 These benefits are applicable to all
21 individuals, families, businesses, farmers, ranchers and
22 nonprofit organizations, without regard to race, color,
23 religion, sex, or national origin. This information is
24 contained in the Relocation Assistance booklet.

25 If you believe a move is to be necessitated

1 by the proposed project, the Department would caution
2 you not to move before negotiations have begun unless
3 you first secure a Written Notice of Intent to Acquire
4 from the acquiring agency. This must be done so as to
5 avoid the possibility of your loss of personal property
6 relocation benefits to which you may otherwise be
7 eligible for reimbursement by the Department.

8 Should a displacee be dissatisfied with any
9 of the amounts offered for relocation reimbursement,
10 appeal procedures are available. These are discussed on
11 the last page of the Relocation Assistance booklet, Page
12 39. Additional information is available from TxDOT's
13 Dallas District Office should you have the need for
14 relocation assistance.

15 Lastly, regulations governing the
16 relocation of advertising signs, which are not purchased
17 by the acquiring agency as real property, are discussed
18 on Pages 31 and 32 of the Relocation Assistance booklet.
19 This concludes my presentation. Thank you for your
20 attention. Mr. Saghian.

21 MR. SAGHIAN: Thank you, Mr. Saldana. I
22 would like to mention that we will not attempt to answer
23 your questions while you have the floor during the
24 opportunity for public comment. This procedure is
25 necessary so that everyone is given an opportunity to

1 speak and because your comments will be given due
2 consideration. We would be happy to answer your
3 questions during the recess or even after the hearing.

4 All verbal and written comments and
5 questions presented tonight will be addressed in and
6 made part of the final environmental document for this
7 project. This document will then be made available for
8 public review and copying and inspection at the City of
9 Denton City Hall, 215 East McKinney Street, Denton,
10 Texas 76201; the City of Corinth City Hall, 3300 Corinth
11 Parkway, Corinth, Texas 76208; the TxDOT Denton County
12 Area Office, 2624 West Prairie, Denton, Texas 76201; and
13 the TxDOT Dallas District Office, 4777 East Highway 80,
14 Mesquite, Texas 75150.

15 For the benefit of you that may have
16 arrived late, I would like to ask members of the
17 Department, consultant team, and local government staff
18 to stand. They are available to answer your questions
19 and discuss your concerns regarding the proposed
20 project. At this time we take a 20-minute recess and
21 reconvene at 8:14. Thank you.

22 (Recess taken from 7:54 to 8:14 p.m.)

23 MR. SAGHIAN: Ladies and gentlemen, we are
24 now reconvening tonight's public hearing. We have made
25 our presentation on the latest available information on

1 the proposed project, and it's now time for us to listen
2 to your comments. Again, please be aware that we will
3 not attempt to answer your questions during this comment
4 period.

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

16 All of your statements, comments, and
17 questions will be given careful consideration before
18 final design features are determined. Furthermore, all
19 information developed in regard to the proposed design
20 is available for public inspection and copying and is
21 also posted at www.keepitmovingdallas.com. The final
22 deadline for our acceptance of statements or comments is
23 by a postmarked date of Monday, October 31st, 2011.

24 We have a listing of one individual who
25 would like to make a statement. Please limit your

1 speaking time to 3 minutes so that everyone who wishes
2 to speak has an opportunity to do so -- or they can go
3 watch the baseball game.

4 For the official transcript, please state
5 your name and address as you take the floor before you
6 proceed with your statement. Rebecca Ginnigs?

7 MS. GINNIGS: Can you hear me okay? I'm
8 Rebecca Ginnigs, the address is P.O. Box 218, Pilot
9 Point, Texas. I'm kind of a veteran with TxDOT. When
10 380 was expanded I had some problems there that were not
11 addressed. The driveway to my property was appropriate
12 for a two-lane highway, but now with people coming over
13 the hill at 45 miles an hour, and only two houses in
14 between me, and the turn-in to my apartments, we've had
15 several rear-enders, and it's an extremely dangerous
16 situation. I had TxDOT come out and see about that, but
17 nothing happened. So my driveway entrances to rental
18 properties on McCormick Street are a concern. You've
19 eliminated in these plans, the access ramp from the
20 freeway to my houses, but you -- or to that street of
21 McCormick Street. So my property was not necessarily
22 going to remain just residential rental; it was probably
23 going to become more of a commercial. And this is going
24 to affect it.

25 Also, the drainage ditch that's there, my

1 property on 380, you-all changed the flow of water from
2 north of Denton down by my property. In 2007 the water
3 came up to my window sills and out of all the apartment
4 units, because the drainage ditch was not concreted and
5 could not handle the flow of water. So I have a
6 drainage ditch behind these two rental houses at the
7 moment, and I'm wondering how the water is going to
8 increase there.

9 The noise factor is there, of course,
10 because the way you're designing it. I lose the
11 niceness of the access ramp, but you've got a side ramp
12 from the access side roads that's -- looks like it's
13 going to come right up almost to the front door of my
14 houses. And how are they going to get into those
15 properties is a big question.

16 I'm concerned about the noise walls and how
17 they will obscure the view of the property from the
18 highway, not my view, but from the highway if we make it
19 more commercial. And will they elevate the roadway
20 making it a higher street at that particular location?
21 Okay.

22 MR. SAGHIAN: Thank you ma'am.

23 Is there anyone else who would like to come
24 forward and make a statement?

25 MR. ALLEN: My name is Dalton Allen. I

1 live in Denton at 111 Lexington Lane. I believe it's
2 property number 257 on your drawings. I have two
3 concerns; first of all, I want to say we're really
4 excited that this is going to happen. My concerns are
5 safety for my wife and family, and noise.

6 Number one, the noise issue, I understand
7 there will be a noise fence out there that is on the
8 other side. We stand on the -- our property's on the
9 south side of 35 just up from Pennsylvania, a hundred
10 yards or less -- less than a hundred yards, 80 yards.
11 There's only three houses there. There's going to be a
12 noise barrier that's put on the north side of the
13 service road, a four-lane service road. There will also
14 be a sidewalk that goes on the south side of the service
15 road where there's pedestrian traffic, bicycle traffic,
16 as well as all the cars that exit will be taken off of
17 right next to the mall and up west of us. So all of the
18 traffic going to the mall coming off of Dallas Drive
19 under the freeway, all the traffic coming off of 35
20 going right by the house now. So now then, we've got
21 thousands of cars a day rather than very, very few that
22 travel right -- literally, since we're going 30 feet
23 further back on our property -- our property's still
24 right-of-way, but now, it's right by our driveway. I
25 don't know how I can protect that property from people

1 walking in at any time when I'm away from traveling.
2 That is a concern, and I'd like to be able to see maybe
3 how that could be addressed. And I guess that speaks
4 really to both of the things that I'm concerned about.
5 Thank you.

6 MR. SAGHIAN: Thank you sir. Is there
7 anyone else? Ladies and gentleman --

8 MS. MCDONALD: My name is Cheryl McDonald.
9 I live at 3354 Forest Glen Drive in Corinth. I own
10 properties 117 and 11909 35. My question is, what is
11 the timeline for the beginning of this project, for the
12 construction phase of the project? And I heard the
13 completion proposed end for it to be open and running
14 was 2030. But I have no concept of how these processes
15 are going to take place over the next 15 years or so.
16 And I'd kind to like to have an idea of what the
17 timeline is for my long-range planning. Thank you.

18 MR. SAGHIAN: Thank you, ma'am. Anyone
19 else? Ladies and gentlemen, we sincerely appreciate
20 your attendance and interest concerning the proposed
21 design of IH 35E from FM 2181 to U.S. 380. All of your
22 questions, comments and concerns will receive careful
23 consideration subsequent to tonight's public hearing.
24 Thank you very much. This hearing is now adjourned.

25 (Hearing adjourned at 8:25 p.m.)

1 STATE OF TEXAS)

2 COUNTY OF DENTON)

3

4 I, Carmel Martinez, Certified Shorthand Reporter in
5 and for the State of Texas, do hereby certify that the
6 facts as stated in the caption hereto are true and that
7 the foregoing 43 pages are a full, true, and correct and
8 complete transcript of the proceedings had on the date
9 and at the place set forth.

10

11 GIVEN UNDER MY HAND AND SEAL of office on this
12 the 1st day of November, 2011.

13

14

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16

Carmel Martinez

Carmel Martinez

17

CSR No. 8128 Expiration: 12/31/12

Steven H. Gentry & Associates, Inc.

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