

Date:

July 25, 2017

Case:

TXDOT Public Transportation Advisory Committee

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TRANSCRIPTION OF
TEXAS DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION ADVISORY COMMITTEE
PUBLIC MEETING
TUESDAY, JULY 25, 2017
1:19 P.M.
200 E. RIVERSIDE DRIVE, ROOM 1A.2
AUSTIN, TEXAS 78704

REPORTED BY: KELLY E. FISHER, TEXAS CSR NO. 2834

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APPEARANCES

COMMITTEE MEMBERS PRESENT AND PARTICIPATING:

Rob Stephens, Chair

James "Jim" Cline

J.R. Salazar

COMMITTEE MEMBERS PARTICIPATING TELEPHONICALLY:

John McBeth, Vice Chair

Michelle Bloomer

Christina Melton Crain

TxDOT PRESENT AND PARTICIPATING:

Eric Gleason, PTN Director

Kelly Kirkland, PTN Business Operations Manager

Josh Ribakove, PTN Communications Manager

OTHER SPEAKERS:

(None)

MEETING AGENDA

ITEM

- 1 Call to Order.
- 2 Safety Briefing.
- 3 Approval of minutes from June 6, 2017 meeting.
(Action)
- 4 TxDOT's Public Transportation Division
Director's report to the Public Transportation
Advisory Committee (PTAC) regarding public
transportation matters.
- 5 Discussion of draft proposed rule changes to
Title 43, Texas Administrative Code,
Chapter 31. (Action)
- 6 Discussion and development of PTAC Work Plan
based on PTAC's guiding principles and
comments made at the January 22, 2015 meeting.
(Action)
- 7 Public Comment - Public comment will only be
accepted in person. The public is invited to
attend the meeting in person or listen by
phone at a listen-in toll-free number:
1-888-437-3563 [US] with attendee access
code: 598 304 40. The meeting transcript will
be placed on the Internet following the
meeting.
- 8 Propose and discuss agenda items for next
meeting; confirm date of next meeting.
(Action)
- 9 Adjourn. (Action)

1 MR. STEPHENS: We are going to get the
2 meeting started. It's July 25th, 2017. So we have a
3 quorum. We've got myself, Rob Stephens; we have Jim
4 Cline; Michelle Bloomer on the phone; John McBeth on the
5 phone; J.R. here with us. So that is a quorum.

6 MR. RIBAKOVE: That is a quorum.

7 MR. STEPHENS: So I'll call the meeting to
8 order. We've got the role call in.

9 And John -- John McBeth, you online?

10 MR. McBETH: I'm online.

11 MR. STEPHENS: Okay, good. Good deal.
12 Michelle, you're there too, right?

13 MS. BLOOMER: Yes, Michelle's here.

14 MR. STEPHENS: Okay, thank you.

15 So we'll get started with the safety
16 briefing.

17 Josh, do you want to do the safety
18 briefing?

19 MR. RIBAKOVE: Sure. Welcome to Austin,
20 everybody. We're at 200 East Riverside Drive in the
21 78704 ZIP code. Should we need at any point to evacuate
22 this building, the way that we'll do it is we'll just go
23 out that door right behind you; we'll turn to the left,
24 walk out to the very front of the building right out to
25 the lobby. When you get outside, take a right on the

1 sidewalk; you'll see some apartments, a little apartment
2 complex heading that way; and we'll just meet up right
3 there at that apartment complex.

4 Should we need to shelter in place; there's
5 inclement weather, which nobody's expecting, the place
6 to do that is in our auditorium. It is the very next
7 room right behind this wall here. You would just go out
8 either of these two doors, down one and in. And that's
9 the place for that.

10 We have a good cafeteria here. If you go
11 out that door and turn to the right and then turn to the
12 left, that will be there. And they'll be open for
13 coffee, et cetera, until 2:00, 2:30 in the afternoon.

14 Restrooms can be found in the lobby, then
15 can also be found up either of these hallways.

16 I think that's everything we need for our
17 safety briefing; but I'll also tell you that Austin is
18 still a hands-free city, and there's quite a bit of
19 enforcement, so be aware of that. Be aware of
20 construction zones as you're driving in and out of town,
21 and stay safe.

22 MR. STEPHENS: Thank you very much, Josh.

23 Everyone, we got that safety briefing from
24 Josh. Thank you.

25 So next on the agenda is approval of

1 minutes from June 6, 2017. And if everyone's had a
2 chance to review those, I'll take a vote.

3 MR. SALAZAR: This is J.R. I move to
4 approve.

5 MR. STEPHENS: All right.

6 MR. CLINE: This is Jim Cline. Second.

7 MR. STEPHENS: All right. We have a motion
8 and a second. All in favor, say aye.

9 PANEL MEMBERS: Aye.

10 MR. STEPHENS: Thank you. All opposed,
11 same sign. Hearing none, motion passes unanimously.

12 All right. Thank you so much.

13 Item No. 4, TxDOT public transportation
14 division director's report to the public advise --
15 transportation advisory committee regarding public
16 transportation matters.

17 Mr. Gleason.

18 MR. GLEASON: All right. Good afternoon,
19 everybody. This is Eric Gleason, TxDOT director of
20 public transportation. I will make my comments brief,
21 mindful of cell phones and communication challenges at
22 the meeting today.

23 Two things I would mention to the committee
24 since we last met: The first is, at next month's
25 commission meeting, the department will be updating --

1 doing its annual update of the Unified Transportation
2 Program. In that update document, we are requesting
3 from the commission what is known as a programmatic
4 approval for the use of transportation development
5 credits. And what that translates to for us, and for
6 subrecipients, is that, you know, rather than having to
7 go to the commission with each individual development
8 credit award throughout the year, we get a one-time
9 programmatic approval from them in the UTP; and then we
10 can make decisions on the use of those development
11 credits throughout the year, without having to go to
12 commission for approval.

13 So we're looking forward to that. We think
14 it will accelerate that element of our program. And,
15 hopefully, that will be adopted, along with the rest of
16 the UTP, next month.

17 The other thing I will mention is that
18 we've been taking a good look, over the last year or so,
19 at how we approach managing the 5311 program across
20 multiple federal grant years.

21 Long story short, we've -- we've been doing
22 a pretty good job of paying off and getting -- using
23 older funds first with -- with all of our grants. And
24 we've accumulated -- along with some state funding
25 opportunities, we've accumulated a pretty good amount of

1 5311 one-time funds, just over 6 million, that we are
2 going to be able to go out for a special call for
3 construction of facilities here shortly. Probably in
4 the next month or two, you will see that. We talked
5 about that at the semiannual meeting two weeks ago here
6 in Austin with transit providers. So that was good.

7 The other -- so there's that new approach.
8 We also have been pretty good about going back and
9 deobligating unused funds, and then in a position to
10 reobligate those as well. So between those two efforts,
11 largely we have accumulated a pretty good amount of
12 one-time funding.

13 So with that, I will conclude my comments,
14 Mr. Chairman.

15 Anyone have any questions of me, I'll be
16 happy to answer them.

17 MR. STEPHENS: Committee members, if you've
18 got questions for Mr. Eric Gleason on his report. Okay.

19 All right, guys. Hearing none, then we'll
20 move on to Item No. 5, is the discussion of draft
21 proposal changes to Title 43, Texas Administrative Code,
22 Chapter 31.

23 MR. RIBAKOVE: Rob, if I can interrupt for
24 just a moment. We now have Christina Melton Crain on
25 cell phone No. 3.

1 Can you hear us, Christina?

2 MS. CRAIN: Yes, I can.

3 MR. RIBAKOVE: Okay, great.

4 And also, we do have a sign-in sheet on the
5 table by the front door -- I neglected to mention that
6 earlier -- and also some speaker cards. If you'd like
7 to speak during the meeting, just fill out one of those
8 sheets, pass it on up to me, and I'll make sure that you
9 get to do that either at the end of the agenda item that
10 you wanted to speak on or at the end of the meeting.

11 MR. STEPHENS: Thank you, Josh.

12 And welcome, Christina. Thank you for
13 joining us.

14 MS. CRAIN: Thank you.

15 MR. STEPHENS: You bet.

16 Item No. 5, Mr. Gleason, if you want to go
17 ahead and take that.

18 MR. GLEASON: Okay. This is Eric again.
19 And anyone on the phone, if you have trouble hearing me,
20 please let me know. And I will try and work through
21 this item as expeditiously as possible but also trying
22 to be diligent in making sure that we highlight all the
23 significant changes that are in the packet.

24 So this is an action item for the committee
25 today. Quick update as to a review of our schedule, we

1 are now headed toward an August 31st adoption of
2 proposed rules by the commission. So these are as close
3 to recommended proposed rules as we can get them at this
4 point in time. What I will tell the committee is that
5 there still is a little bit of back-and-forth with our
6 general counsel division. It's all about commas and
7 non-essential-type of changes at this point. So it is
8 pretty much as you will see it going to the commission
9 in August.

10 There are two or three places where we have
11 made changes, specific changes, substantive changes in
12 some cases, based on general counsel feedback. And I'll
13 highlight those for you as I go through and to let you
14 know that those will be happening as well.

15 What you have in front of you today are the
16 rules. The packet that goes to the commission also
17 includes a preamble to those rules. And the preamble's
18 purpose is to describe, in more lay language, what the
19 intent and reason for the changes behind the specific
20 rule changes are. They are not necessarily and
21 typically something that the committee would review and
22 approve. And so what -- your function over time has
23 been to look at the rules themselves and not so much the
24 preamble.

25 So you -- the packet that we distributed,

1 anything that is highlighted in your packet is a change.
2 And there are two colors. The blue color is intended to
3 reflect what we would call nonsubstantive technical
4 changes.

5 There are going to be two or three cases --
6 as I go through here, what I will highlight -- I will
7 talk about a blue item and suggest that that maybe
8 should have been yellow, the yellow highlight being
9 things that are more substantive in nature and that
10 we'll be looking today to make sure that the committee
11 is in agreement with.

12 So all colors mean change. Yellow changes
13 are more important than blue.

14 You also have in your packet two comment
15 forms at the very back, behind -- after all the rules.
16 You will see two comment forms that we received when we
17 went through these proposed changes in concept with
18 transit districts who were in Austin on the 12th of this
19 month for one of our two semiannual meetings. We did
20 not review specific language with them. This is the
21 first opportunity anyone outside of staff has had to
22 look at specific language.

23 I'm going to try and walk you through each
24 change. I'll stop at the end of each program to answer
25 any questions you might have, take comments, and to take

1 note and document any changes the committee might like
2 to see.

3 We're not going to take action as we move
4 through this, Mr. Chair. What I would propose is we
5 document the changes and then we come back at the end.
6 And when we're done, the committee can do one of three
7 things.

8 The committee can approve the rules as
9 presented, with no changes, they can recommend approval
10 to the commission, the committee approve the rules with
11 changes, recommending, then, approval to the commission;
12 or you could choose to defer action. And what that
13 would mean is that you would not be taking any action on
14 proposed rules; you would be reserving the opportunity
15 to take action on the final rules.

16 Obviously, even if you take action today,
17 you can still take action on the final rules. But that
18 is an option for you at the end of this presentation.

19 And after we're done with that, we'll
20 formulate a motion, and away we go. And then after
21 that, we can talk about how you want to communicate that
22 decision on your part to the -- to the commission.

23 So that's the general outline for the --
24 for the presentation today. Are there any questions
25 from committee members?

1 MR. STEPHENS: All right. This is Rob.
2 Does anyone have questions for Mr. Eric Gleason before
3 we get started?

4 Christina and Michelle, you guys okay?

5 MS. CRAIN: Yes.

6 MR. STEPHENS: Okay.

7 MS. BLOOMER: Yes.

8 MR. STEPHENS: All right.

9 John, you all right?

10 MR. McBETH: Yep.

11 MR. STEPHENS: Okay, good deal. Thank you.
12 Eric, go ahead.

13 MR. GLEASON: So earlier today we sent out
14 to everyone a handout that may prove useful as I go
15 through the specific language. It is just a handout of
16 a select number of slides that we've used throughout
17 this conversation, either with the committee or with
18 others, to describe what we're doing. And it might --
19 these might prove helpful. I'll refer to them as I go
20 through, and you can turn the page.

21 Before I do that, though, I do want to
22 acknowledge -- and Michelle, I hope you noticed the
23 change on the cover page for what we sent out. We did
24 change that picture for you.

25 MS. BLOOMER: Thank you. I didn't notice

1 it. But, yes, much better.

2 MR. GLEASON: Much better? All right,
3 good. Appreciate that. All right.

4 So let's go.

5 I will refer to the page that I'm on. So
6 if you look at your rule packet at the bottom, you'll
7 see "DRAFT Proposed Rule Revisions" and a page number.
8 I will refer to the page I'm on and locate the line and
9 the page that I'm starting on, and we'll go from there.

10 So the first page I would direct the
11 committee's attention to is page 4. And this is in our
12 Definitions section of the rules. And just to note,
13 that Item No. 10 starting on line 21 in blue there, this
14 whole section is going to be deleted. So we no longer
15 need to define what needs to be known as "common rule."
16 And the replacement language in here to C.F.R. Part 200,
17 it is what it is, and it will be repeated throughout
18 the -- throughout the rules, so there's no need to
19 define it here. So that was a recommendation from
20 general counsel.

21 Next, if you could turn to page 7, you'll
22 see yellow and blue on that page. This -- again, we're
23 still in definitions. We have the new definition of the
24 new large urban transit district as a result of the
25 House Bill 1140 from the last session. And so this

1 defines large urban transit districts. There is
2 urbanized areas of over 200,000. I won't read through
3 it specifically.

4 And also, the blue portion below deletes
5 reference to the job access/reverse commute program.
6 Later on, you'll see we are repealing that program in
7 its entirety, so there's no need to have a definition
8 there any longer.

9 MR. CLINE: Eric, can I ask a question --

10 MR. GLEASON: Yes.

11 MR. CLINE: -- as you go through this?

12 The suggestion would be that in presenting
13 this to the commission, not only the definition change
14 for large urban but maybe a table that said these are
15 the large urban districts. So . . .

16 MR. GLEASON: You bet.

17 The one thing that I will point out, if you
18 go to line 12 on this page, line 12, you will see a --
19 "providing service in an urbanized area." That is
20 somewhat redundant and not needed, and our general
21 counsel has suggested we delete it, and so we will be
22 deleting that line. So line 12, "providing service in
23 an urbanized area," is not needed. That will just
24 disappear in what goes to commission. That was -- our
25 general counsel got these on Friday, and we've heard

1 back from them, and that will be something that will
2 change.

3 All right. Next, turn to page 12. We have
4 a new definition of small urban transit district.
5 Again, you know, previous codes just had urban transit
6 district. We now have small urban and we have large
7 urban. That definition of change continues on to
8 page 13.

9 And just like the previous one on this --
10 on line 26 of page 12, again the words "providing
11 service in an urbanized area" will be deleted and not
12 part of what goes to committee.

13 All right. That's it on definitions. Any
14 questions on definitions? All right.

15 Let's turn to page 17, state programs. And
16 if folks want to open up the handout to the first page,
17 which says, "Summary of Key TAC Changes," this is just a
18 real quick reminder of the highlights of the most
19 significant changes proposed to the administrative code
20 based on our conversations today.

21 It may also be useful to turn to the next
22 page of the handout packet, page 3. And there's a chart
23 there of the structure of the state formula proposals.

24 On page 17 of the administrative code
25 handout that you have in your package, at line 15, the

1 yellow section there, this creates -- this yellow block
2 of language creates the first two -- two areas on
3 this -- this handout that we have. It establishes a
4 biennium state total; it establishes a new large urban
5 area, small urban area and rural areas, with a specific
6 allocation for each. Those are biennium totals.

7 And the rural allocation, the \$40,563,386,
8 also includes a subsequent decision the committee made
9 to take the money formerly identified for census impact
10 and add it to the rural program. So that 40 million
11 that you see there includes that additional 3.2 million,
12 which is a biennium amount.

13 THE REPORTER: Which was what?

14 MR. GLEASON: A biennium amount.

15 MR. CLINE: Eric?

16 MR. GLEASON: Yeah.

17 MR. CLINE: The enclave -- this is Jim
18 Cline. The enclave systems are the -- that's like
19 Grand Prairie, Arlington, those in the Dallas/Fort Worth
20 area?

21 MR. GLEASON: That's in Mesquite, yes, sir.

22 MR. CLINE: Got it.

23 MR. GLEASON: Yes.

24 And then I would -- if you will look at
25 line 21 -- it actually starts on line 20. That last

1 sentence, it's new. It's underlined, it's new. If the
2 appropriated amount is less than the amount designated
3 in the total, then the above allocations will be reduced
4 proportionate to the actual funds appropriated.

5 MS. BLOOMER: Eric, this is Michelle.

6 MR. GLEASON: Yes, Michelle.

7 MS. BLOOMER: Question. Help me remember
8 why we're leaving it as a set amount versus a percent?
9 Because what if it's more than 67 million?

10 MR. GLEASON: So the reason we're going to
11 set amounts, Michelle, is that the percentages don't
12 really mean anything anymore. With the creation of the
13 large urban class, and the 7 million there, that sort of
14 would automatically change the percentages associated
15 with urban and rural.

16 And, furthermore, what we know about the
17 way we get money anymore, we don't get, sort of, general
18 lump-sum increases. We typically get them for specific
19 things, like increase the rural program or create a new
20 class called large urban.

21 And so the feeling was that while we could
22 generate percentages, that the actual amounts are a more
23 accurate reflection of what's going on. And any amount
24 above those actual amounts would then be distributed on
25 a pro-rata or competitive basis.

1 MS. BLOOMER: Thank you.

2 MR. GLEASON: John and Christina, were you
3 able to hear Michelle's question?

4 MS. CRAIN: I heard it.

5 MR. McBETH: Well, yeah, I understand it.

6 MR. GLEASON: Okay.

7 MR. McBETH: And I understand your
8 explanation. Because the legislature, for the last few
9 years, has stipulated through LBB exactly what the
10 numbers are going to be. So you're right, the
11 percentages are an anachronism.

12 MR. GLEASON: Okay. All right. Now turn
13 to page 18. The entire page is yellow, combination of
14 new language. The underlined language is new, and then
15 the deleted language is crossed out. This is changing
16 the way we approach what we have traditionally called
17 Tier 1 cities.

18 So, Jim, these are the four cities in the
19 Dallas/Fort Worth area.

20 And if you'll recall -- and if you'll turn
21 to page -- maybe it's not on here. Yes, if you go back
22 to page 2 in the handout under "Summary of Key TAC
23 Changes, State Funding Formula," the third bullet, you
24 recall the discussion and the decision that -- when it
25 came to these -- these four areas of the state, that we

1 would simply allocate them their statutory limit, and
2 that would be the extent of it.

3 And so what we do here is rather than
4 calling them Tier 1 any longer, we call out individual
5 cities and the amount that they allowed to get up to --
6 this is maximal allowed for those cities in statute --
7 and that amount will be taken directly off the small
8 urban allocation.

9 MR. CLINE: That's pulled out of small
10 urban?

11 MR. GLEASON: Yes. Yes. So if you go
12 back -- if you go to page 3 of her handout, we still
13 call it Tier 1, but it's that brown box underneath Small
14 Urban. We go pull that amount off first before we go
15 through the formula.

16 All right. Page 19. This is where we
17 begin to talk about -- we go from talking about urban
18 transit districts to small urban transit districts, and
19 we articulate the formula. There's no change to the
20 formula in any of this conversation. We left that
21 alone. And so this is just -- these are changes to
22 address the small urban transit districts.

23 And then on page 20, we essentially repeat
24 it for the large urban transit districts. And again,
25 the formula is the same, but I do want to take note that

1 as the committee -- as our discussion from the last time
2 indicated, with the large urban transit district, we
3 still feel as though we need to put a ceiling on the
4 population that is used in the calculation.

5 And so we have put -- as we talked about,
6 we've established a 300,000 population ceiling there.
7 And the reason for that is, one of the large urban is
8 McAllen. And McAllen's population is -- I forget. It's
9 in the neighborhood of about --

10 MR. KIRKLAND: 800,000.

11 MR. GLEASON: 800,000. And the next
12 nearest closest large urban population, I believe, is
13 like 240,000. And if you didn't limit McAllen, they
14 would literally suck up most of the money in the program
15 just because of their size. And so this is a governing
16 element of the formula, if you will. And it's somewhat
17 similar to what we used to exercise -- well, what we
18 currently use in the current formula where no urban area
19 can get more than 199,999 in population.

20 So that is the large urban.

21 If you turn to page 23, the yellow area,
22 which is all deleted, and continuing on to page 24, is
23 the current language that talks about the census impact
24 funding.

25 Go to page 24, you'll see that on line 8,

1 where it's lined out, it says, "This paragraph expires
2 August 31, 2017." So we're just eliminating that.

3 And then as we discussed at the time, we're
4 going to take the 1.6 million per year, or the
5 3.2 million on a biennium basis; we're going to take
6 that money and add it to the rural program.

7 We've also talked about the need for -- in
8 fiscal year 2018, the need for a two-step distribution
9 of funding of state funds. Because we typically do the
10 state fund distribution in the June preceding the start
11 of the fiscal year. So we have done that for this year
12 with the first amount of 2018 funding. But without
13 these rules in place, we didn't have a way of allocating
14 the 3-1/2 million that was added in the -- in the
15 session.

16 So we anticipate in January, once these
17 rules are in place, a one-time allocation. The language
18 in the rule simply anticipates that one-time allocation.
19 And then as we've discussed, the service management plan
20 the department has, we'll describe the specifics of how
21 that allocation will be made.

22 In your packet, the handout packet that we
23 distributed today, if you'll turn to page 4, that gives
24 you a more specific description of how we intend to make
25 that second award.

1 That is it for changes on the state
2 program. Any questions from committee members on
3 anything I've said in the state program? Okay.

4 MR. CLINE: Quick question.

5 MR. GLEASON: Sure.

6 MR. CLINE: That last piece, this one-time
7 allocation, that's part of the way to soften some of the
8 changes?

9 MR. GLEASON: No, it's just out of
10 necessity. We have \$3-1/2 million more to allocate of
11 the state money. We just have no rules telling us how
12 to do it.

13 MR. CLINE: Then when we adopt these
14 rules --

15 MR. GLEASON: We'd know how to do it. And
16 we will --

17 MR. CLINE: When the transportation
18 commission adopts it?

19 MR. GLEASON: Correct, correct.

20 And then starting in June of 2018, next
21 June, when we will be distributing fiscal year '19 state
22 funding, we'll do it all at once because we'll have the
23 entire rural package in place. So this is just a
24 one-time distribution.

25 Okay. The next 26 pages or so of your

1 packet, we are just repealing Section 5316, which is the
2 Job Access/Reverse Commute and the New Freedom Program.
3 5316, 5317, those are no longer needed as a part of our
4 administrative code. We have distributed all the
5 funding associated with those programs and closed those
6 grants. So we are repealing those sections of the
7 administrative code entirely.

8 If you will turn to page 56, Subchapter C,
9 Federal Programs. This is the 5339 grant program.

10 And the handout that we distributed today,
11 last page of the handout summarizes, for the remaining
12 three grant programs, the changes that are in this
13 packet.

14 So not in the same order you see them. But
15 5339 is in the middle. Two things going on here. We're
16 simply identifying the formula. We're going from a
17 relative condition allocation to one based on total
18 vehicle miles. We have included a 1 percent floor. So
19 everyone -- every agency will get at least 1 percent of
20 the total amount available.

21 And, Jim, that is -- that has the effect of
22 softening the transition.

23 So real quickly, to work your way down
24 through here, the other thing we're doing here with the
25 5339 is we are setting the small urban group up as

1 direct recipients with FTA through this program. I'll
2 give you that in just a second.

3 So on page 56, the yellow establishes
4 the -- for small urban transit districts, lays out the
5 calculation based on total vehicle miles and then moves
6 into the direct recipient procedure where, following the
7 calculation -- so the way this program will work is
8 TxDOT will get from FTA each year a lump-sum amount of
9 5339 funding for small urban areas in Texas.

10 We will take that lump-sum amount and we
11 will allocate it to each of the FTA small urban systems
12 based on their proportional share of total vehicle
13 miles.

14 We will then write a letter to FTA with the
15 amount of funding associated with each of those systems.
16 That's Step 2.

17 Step 3, we will let all the small urban
18 systems know that we've done that and what their
19 allocation is.

20 And that -- 4 authorizes them -- or we will
21 authorize the small urban transit districts to apply
22 directly for those funds with FTA. And we can do that
23 because these systems are already established as direct
24 recipients under the 5307 program. And that's all in
25 line 25.

1 MR. STEPHENS: Eric, real quick -- this is
2 Rob. That -- that would establish a process that small
3 urbans have already accessed their money through the
4 5307 program, and you guys distribute the Governor's
5 Apportionment Letter and all that good stuff.

6 What's the value to operators?

7 MR. GLEASON: So our thought on that was
8 that the -- the uses for the programs are somewhat
9 interchangeable, that the amount of funding you receive
10 with 5339 is probably not enough, sort of, to stand on
11 its own. Many times you may feel as though you might
12 want to do something by combining your 5307 money with
13 your 5339.

14 And so it seemed to us that it would be
15 easier for that to happen if it was all part of a direct
16 application process with FTA, not something that also
17 included special TxDOT requirements for 5339, or maybe
18 our schedule is off from when you wanted to do your 5307
19 application. So we just felt like it would be a more
20 expedient way to have small urbans take advantage of
21 that funding in conjunction with their 5307 funding.

22 MR. STEPHENS: This piece here doesn't
23 address whether it's a yearly or an every-two-year
24 allocation.

25 MR. GLEASON: We would propose to do this

1 on an annual basis. When we get to the rural side, the
2 service management plan will have in it a proposal to
3 move the rural program to an every-other-year
4 allocation. Neither one of those are topics for the
5 rules. But we do anticipate with the small urban
6 program, since all we're doing is doing the calculation,
7 is we would make that available every year.

8 MR. STEPHENS: Thank you.

9 MR. CLINE: Can I have some more
10 clarification?

11 MR. GLEASON: Sure.

12 MR. CLINE: Large is not listed. That's
13 because large urbans come out -- they already have their
14 own path for 5339?

15 MR. GLEASON: Yes. Areas over 200,000 on
16 the federal side, get their --

17 MR. CLINE: Automatic? Yeah. That's
18 another -- when we get -- I'd suggest when you explain
19 that to the -- that could be, you know, a question that
20 could be answered . . .

21 MR. GLEASON: For the committee's
22 information, what I will likely do for the commission is
23 prepare a background paper where they may have a lot of
24 this information on it. Whether I actually get into
25 that level of detail at the meeting itself will be up to

1 the commission.

2 Okay. Line 26 at the bottom of page 56
3 begins a description of rural transit districts. And
4 again, what this simply does is change the formula from
5 the relative condition formula we currently use to one
6 based on total vehicle miles.

7 MR. RIBAKOVE: Eric?

8 MR. GLEASON: Yeah.

9 MR. RIBAKOVE: Just want to give a very
10 quick reminder to everybody who's speaking to please
11 speak up loud and clear for the benefit of the folks
12 that are trying to hear it on these little cell phones.

13 MR. GLEASON: Okay.

14 All right. And then I will point out that
15 the blue at the bottom of page 57 is somewhat
16 significant. It's just -- it's a -- it was language
17 that we needed before to clarify that -- some of the
18 confusion around the distribution being based on
19 relative condition of fleet, but the program purposes
20 being for any eligible activity. So that language is no
21 longer needed. It actually represents, in our view, an
22 improvement -- a simplification, if you will, of the
23 rules.

24 Okay. So that's it on 5339. Questions on
25 5339?

1 MR. SALAZAR: This is J.R. I just have one
2 question. You mentioned down at the bottom of page --
3 what is that? I can't read that. It's too small.
4 Which page?

5 MR. GLEASON: 57.

6 MR. SALAZAR: -- 57, that you're taking
7 that verbiage out about --

8 MR. GLEASON: Yes.

9 MR. SALAZAR: -- being able to use that as
10 a transit district for facilities or for -- are they
11 still going to be able to do that?

12 MR. GLEASON: Yes. What I meant to say--
13 and probably didn't say it very well -- is, this
14 language was a part of the rules because it was
15 necessary to clarify that it could be used for anything.
16 Because the formula suggested it could be only used for
17 fleet, because we did it on the relative condition. So
18 that's why that's in there. We're simplifying it, so
19 it's no longer needed.

20 MR. SALAZAR: Okay.

21 MR. GLEASON: All right.

22 MR. CLINE: Can I ask a quick --

23 MR. GLEASON: Yes.

24 MR. CLINE: This is Jim. Eric, just to be
25 consistent with each of them -- and maybe it's better to

1 talk about it at the end -- but the -- an estimate of
2 what the impact is. We had some charts last time --

3 MR. GLEASON: Yeah.

4 MR. CLINE: -- that showed pretty big
5 swings in the amount that the agencies could get. And
6 just kind of an idea of what that impact would be. As
7 an example -- and I'll say up front, it appears very
8 fair and appears appropriate. And as we get to the end,
9 the second order of impact is, therefore, it will change
10 the allocations -- there's those that come out ahead and
11 there's those that come out behind -- and knowing how
12 that impacts the public.

13 MR. GLEASON: So what we have -- and we can
14 send out to the committee after the meeting -- we do
15 have the most recent calculation where we compared last
16 year's award amounts under the current distribution and
17 then as if they had been calculated based on total
18 vehicle miles. And the first charts we may have shown
19 the committee were percentage-change based. The ones
20 you will see from us now will be actual dollar-amount
21 changes, which I think is a more accurate description.

22 And most systems, you will see the amount
23 of dollar-amount change is relatively small, even though
24 it might represent a large percentage change for them.

25 There are some exceptions. In almost every

1 case, the exception can be explained as a one-time
2 event. But we will provide the committee with that
3 information.

4 Okay. So we are on to page 63 and the 5310
5 program. And the main thing we're doing here with this
6 program, if you recall, is we're making revisions to be
7 consistent with federal authorization language. And the
8 primary element of that is removing the current
9 language, giving preference to transit districts as the
10 primary recipient of these funds, and moving toward a
11 listing of eligible recipients with no distinction among
12 them as to who has preference over the other.

13 And so what you see at the bottom of
14 page 63 is new language, the underlying language being
15 inserted, which is just a string of, then, eligible
16 entities, eligible recipients, for these funds.

17 Now having said that, and in response to
18 some concerns we've heard about the traditional emphasis
19 on transit providers as being the primary focus, if you
20 go to page 64 and you look at line 12. And the
21 underlying language that begins there, we'll read that.
22 That is some additional language on our part to -- to
23 recognize that, you know, we don't want this to become
24 something where we have people competing with each other
25 for the same services.

1 So if you're going to be proposing in an
2 area, and you are not a transit district, we're looking
3 for you to coordinate that proposal with the transit
4 district to make sure that you're not trying to offer
5 something they already offered. And so that was in
6 direct response to some of the conversation that we
7 heard there.

8 MR. McBETH: This is John. That's an
9 excellent addition, by the way.

10 MR. GLEASON: Okay, good.

11 If you turn to page 70, this is blue. I do
12 want to point out, while I think it's just a
13 simplification over what was there before, it does go to
14 our public involvement procedures; and, you know, I
15 think it says the obvious, that we're going to establish
16 a public involvement -- outreach process, and we'll
17 involve local stakeholders in doing that.

18 So just a simplification. There's no
19 intention on our part to change the -- anything about
20 the way we do it or the significance of it.

21 Page 71, in the middle of the page, this
22 again is to bring us to be in conformance with federal
23 requirements.

24 MR. CLINE: Can I ask a question on that?
25 This is Jim Cline. On this, how will that -- is that --

1 just from our history, has that been pretty consistent
2 with how people have used it, more than half for
3 capital?

4 MR. GLEASON: This is actually something
5 that was part of Map 21. And we've been doing this for
6 the past several years. So we -- we're here already.
7 This is just bringing our administrative code up to --
8 up to where it needs to be. So this doesn't represent a
9 change.

10 It is a change -- if you were to go back,
11 you know, several years, this is a new element. And it
12 happened when they introduced the use of 5310 program
13 funds for operating. And that's only been in effect for
14 several years. And so this is just all part of that.

15 MR. CLINE: Thank you.

16 MR. GLEASON: Page 75, we are in the 5311
17 grant program, the rural area program. And the language
18 at the bottom introduces the language that follows. Up
19 front, it says one of our intents with this program is
20 to manage it in a way whereas we will minimize the
21 negative impact from changes in public transportation
22 district boundaries. So this -- the committee was
23 interested in an up-front expression of intent on this,
24 and so we added that.

25 And then if you go to page 86, you can see

1 in the yellow the more specific language that has been
2 added as a potential use of what we have called the
3 discretionary portion of this program where, up until
4 now, it had been limited to a combination of both
5 pro rata and competitive. We are adding as a one-time
6 award to address changes in transit district boundaries.

7 And so what we talked about here was a very
8 sort of straightforward statement opening the door to
9 that; and then again in our service management -- in our
10 state management plan, we will provide a more specific
11 description of how we'll go about doing that.

12 So this -- this appears only in the federal
13 5311 rural program language. It does not appear in the
14 state rural language. And that was on the direction of
15 the committee.

16 Jim?

17 MR. CLINE: You lost me. Sorry. Would you
18 say that again? I just didn't understand. You said it
19 was -- is part of the feds but not part of ours?

20 MR. GLEASON: Right. So when we talked
21 about, how can we sort of clarify intent and identify
22 the source of funding to address impact of transit
23 district boundaries, in both the state funds and the
24 federal funds, we have clauses that talk about what to
25 do with excess funding. You know, they both talk about

1 how those excess funds -- funds over and above an
2 established amount -- can be awarded on a competitive or
3 pro rata basis.

4 And when we talked about wanting to add
5 flexibility to allow us to address transit district
6 boundary changes, we raised the question of whether we
7 wanted to use state funds for those purposes. And the
8 answer from the committee was, No, we want to limit the
9 availability of funds to address those issues to the
10 federal program. And we said, Okay; and we talked
11 generally about how -- with federal money, if match is
12 an issue, we can make one-time awards of development
13 credits as match for that use.

14 So I think that reflects the desire of the
15 committee.

16 And then at the bottom in blue -- probably
17 should be yellow -- this is -- we are also -- we have an
18 element of the 5311 program that we currently distribute
19 each year based on vehicle revenue model. And we're
20 going to move that to be a total vehicle model
21 distribution as well, just to be consistent with 5339.

22 MR. SALAZAR: Has PTN seen the difference
23 that that makes to --

24 MR. GLEASON: Very little.

25 MR. SALAZAR: Very little?

1 MR. GLEASON: We've looked at it. It
2 tracks extremely closely.

3 MR. SALAZAR: Okay.

4 MR. GLEASON: And that, Mr. Chair,
5 concludes my comments.

6 MR. STEPHENS: Awesome. Any questions for
7 Eric on the programs that he just discussed and reviewed
8 the changes on?

9 MR. McBETH: Not from me. It looks like
10 it's exactly what we all discussed.

11 MR. STEPHENS: It is. Thank you, John, for
12 your comments.

13 Anyone else? Michelle or Christina?

14 MS. CRAIN: No, thank you.

15 MR. STEPHENS: Perfect. None here as well.
16 Him, any more?

17 MS. BLOOMER: This is Michelle. I have no
18 additional comments.

19 MR. STEPHENS: Thank you, Michelle.

20 J.R.?

21 MR. SALAZAR: None from me.

22 MR. STEPHENS: I don't have any.

23 Jim, you got any extra questions?

24 MR. CLINE: No. I just -- I do have one.

25 On 5311, there's -- wait a minute, 5311?

1 MR. STEPHENS: Yeah, that was -11 we talked
2 about.

3 MR. CLINE: Okay. Intercity bus was
4 15 percent of that, right?

5 MR. GLEASON: That's a federal requirement.

6 MR. CLINE: No less than, so that -- and so
7 we get the whole 5311 allocation to state, 15 -- no less
8 than 15 percent of it goes to intercity bus?

9 MR. GLEASON: That's correct.

10 MR. CLINE: And then the remainder,
11 where -- we apportion it based on population? Or is it
12 only based on total?

13 MR. GLEASON: So if you can imagine a
14 bucket of money coming into the state called 5311, and
15 then there's some syphons coming off of that, we take --
16 so 15 percent of that total goes to intercity bus.

17 MR. CLINE: 10 percent to --

18 MR. GLEASON: We can take up to 10 percent
19 of that total for administrative costs. We typically
20 take closer to 2 or 3 percent.

21 Then we drop down and we have 20.1 million
22 that goes out based on needs and performance. We can
23 take no more than 10 percent of the total after --
24 intercity bus and administration, we can take no more
25 than 10 percent of that for discretionary.

1 And everything between that amount and the
2 21.1 million, whatever's left over, goes out based on
3 total vehicle miles.

4 MR. SALAZAR: Is it 15 percent for
5 intercity now, or do we pay -- 15 percent's a minimum,
6 right?

7 MR. GLEASON: Yes.

8 MR. SALAZAR: So do we know the percentage
9 that they get funding at now?

10 MR. GLEASON: Well, they get 15 percent,
11 yeah.

12 MR. SALAZAR: My question was, do they get
13 18 percent and 19 percent?

14 MR. GLEASON: No, no. It's a set amount.
15 It's a set-aside is how we treat it. That's the best
16 word for it.

17 Now, there is an option for states to -- if
18 they so choose, we can go through a process of
19 certifying that all of the intercity bus needs are met.
20 And the governor can certify that, and then we can
21 allocate all or a portion of that to the general rural
22 program. Now some states have done that. We have not.
23 That's a huge study for us. That's a discussion for
24 another day. But just to let you know, that's an
25 option.

1 MR. SALAZAR: Okay.

2 MR. GLEASON: So, Mr. Chair, I think at
3 this point the committee, as I mentioned, sounds like
4 you're down to one of two options at this point. You
5 can move to approve or recommend approval as is or you
6 could defer action. I didn't hear any changes.

7 MR. STEPHENS: Well, I'll go through and
8 poll the committee members what their pleasure is. We
9 can accept the rules with no changes or defer action.
10 Anyone got any ideas?

11 John?

12 MR. McBETH: This is John. My
13 recommendation is that we approve what was presented as
14 presented and recommend that the commission adopt it as
15 it was presented to the PTAC.

16 MR. STEPHENS: Is that a motion?

17 MR. McBETH: That's a motion.

18 MR. STEPHENS: All right. So we have a
19 motion to accept the rules with no changes. Second?

20 MR. SALAZAR: This is J.R. I'll second
21 that.

22 MR. STEPHENS: All right. Any discussion?
23 No? That's a good plan.

24 MR. CLINE: Good plan.

25 MR. McBETH: It's an excellent plan. Great

1 work by the staff.

2 MR. STEPHENS: Yeah, thank you, Eric. I
3 agree.

4 MR. GLEASON: Thank you.

5 MR. STEPHENS: We have a motion, a second,
6 proffered. So all in favor, please say aye.

7 PANEL MEMBERS: Aye.

8 MR. STEPHENS: Okay. All opposed, same
9 sign. Hearing none, the motion passes unanimously.
10 Thank you.

11 MR. GLEASON: Thank you, Mr. Chairman.

12 MR. STEPHENS: Thank you, Mr. Gleason.

13 We'll move to Item Number --

14 MR. GLEASON: Time-out.

15 MR. STEPHENS: Time-out.

16 MR. GLEASON: So to put a wrap on this, the
17 committee -- how does the committee desire to
18 communicate this action to the commission? So there's a
19 couple options: a letter to the commissioners, to the
20 chair, communicating this or comment at the August 31st
21 meeting, or both.

22 MR. STEPHENS: Let's do both. Let's do a
23 letter, and then I'll be there to make comments.

24 John, will you be available at the August
25 meeting?

1 MR. McBETH: August 31st meeting?

2 MR. GLEASON: Yes, sir.

3 MR. McBETH: It looks like I don't have
4 anything on my calendar right now. Yeah, I will put
5 that on the calendar right now.

6 MR. STEPHENS: Okay. We can certainly do
7 both. When would you need that letter prepared, Eric?

8 MR. McBETH: Just in case they have
9 questions, it's a good idea for us to be there.

10 MR. GLEASON: I think if the committee gets
11 that letter out in the next ten days or so is just fine.

12 MR. STEPHENS: Good. Okay.

13 MR. CLINE: Is it -- is it good if Rob's
14 there, or everybody need to be there, or just a couple
15 of reps?

16 MR. GLEASON: Nobody needs to be there. As
17 many of you who want to be there can. I think we'll
18 limit it to one spokesperson from the committee.

19 MR. CLINE: I'll be happy to defer to Rob.

20 MR. GLEASON: If you're there, you'll be
21 recognized by the commission; and I'm sure you might
22 even get a few questions. The commission's very
23 interested in the advisory committee work, and we very
24 much appreciate it. I think they have a history with
25 this committee. They know the influence this committee

1 had on the last appropriations request in the last
2 session, so . . .

3 MR. McBETH: This is John. I'd just like
4 to make a comment that of all the rules changes that I
5 have been through since 1982, this is certainly the most
6 collegial and the best organized, laid-out,
7 matter-of-fact that it's ever, ever been. The staff,
8 TxDOT staff, Eric, your people did an outstanding job
9 with this.

10 MR. GLEASON: Thank you, John. I
11 appreciate that. I'll pass that along.

12 MR. McBETH: It's great to be able to do
13 this and everybody walk away with a smile on their face.

14 MR. STEPHENS: Agreed. Thank you, John.
15 Agreed.

16 So we'll put a letter together in the next
17 ten days, and I'll have something for you, Josh.

18 MR. GLEASON: And then just so the
19 committee knows, after the proposed rules are adopted,
20 we'll go into a 30-day public comment period, which I --
21 I forget the dates on it, Josh. I don't know if you --

22 MR. RIBAKOVE: I believe September 15th
23 through October 16th.

24 MR. GLEASON: That sounds right.

25 And at that point in time, you know,

1 we'll -- and we'll host a hearing at the end -- toward
2 the end of that period. We will accumulate all the
3 comments we get, we will address each of those comments
4 in the preamble, and we -- we have a meeting tentatively
5 scheduled for the committee out there sometime, correct?

6 MR. RIBAKOVE: We are -- the last thing
7 that we -- one of the things we need to do at this
8 meeting will be to determine the dates for the next
9 committee meetings.

10 MR. GLEASON: So we will -- and at that
11 point in time, we would propose to review any
12 potential -- or any changes that occurred because of the
13 comments with the committee.

14 At this point, we're targeting a December
15 commission action only because at the end of the
16 calendar year the commission meetings come early in the
17 month as opposed to last of the month. Normally I think
18 we'd go for an end-of-November action; but the November
19 meeting is likely to be around the 15th or 16th, so
20 we'll go for middle of December.

21 Rules become effective just after the first
22 of the calendar year, and we should be in a position to
23 make the award at the January 2018 commission meeting.

24 MR. STEPHENS: Okay. Very good. We've
25 concluded discussion on ItemNo. 5. We'll move to

1 Item No. 6, discussion and development of PTAC Work
2 Plan. This is something that is a -- our guiding
3 principle, but it has been in our packet and, every
4 month at least, on the agenda for us to discuss or, you
5 know, have comments about it.

6 So does anyone have any comments about our
7 work plan? None at all?

8 Anyone online? John, Michelle, Christina?

9 MS. CRAIN: No.

10 MR. STEPHENS: Awesome.

11 MS. BLOOMER: No comments from Michelle.

12 MR. STEPHENS: Thank you, guys.

13 I don't have anything on this agenda item
14 either. So I think we have a good plan. As John
15 stated, we work really well together, the TxDOT guys.
16 Eric, you did a great job. Thank you and your staff.

17 I'm ready to move to Item No. 7, public
18 comments.

19 Josh, do we have anyone that wants to make
20 a comment?

21 MR. RIBAKOVE: Rob, we haven't received any
22 comment sheets, but let's just say it once again.

23 Is there anybody here who would like to
24 make a comment at this meeting?

25 I'll take that as a no.

1 MR. STEPHENS: Outstanding. No public
2 comments, then.

3 We move to the next item, which we talk
4 about -- discuss agenda items for the next meeting.

5 MR. CLINE: Let me carry Michelle over here
6 so I can look at my calendar. (Carrying the phone.)

7 Michelle, tell me if you can't hear, okay?

8 MR. STEPHENS: When is our next meeting,
9 guys? August --

10 MR. RIBAKOVE: Normally I look that up on
11 my calendar on my phone, but the phone is in use.

12 MR. CLINE: Can you still hear me,
13 Michelle?

14 MR. SALAZAR: Use mine.

15 MR. RIBAKOVE: Having had a July meeting,
16 we would be talking about September, normally. And we
17 would be talking about the last Tuesday in September,
18 which is the 26th.

19 MR. GLEASON: I will recommend, Mr. Chair,
20 that the committee look at not having a meeting in
21 September, because we're in the middle of public
22 comment, and that you look at the latter half of October
23 for your meeting. Because, at that point, we'll be able
24 to summarize for you anything that may have come up
25 during the public comment period.

1 MR. RIBAKOVE: Final Tuesday in October is
2 Halloween, the 31st.

3 MR. McBETH: I vote against that.

4 MR. RIBAKOVE: The Tuesday before that is
5 the 24th.

6 MR. McBETH: That works for me.

7 MR. CLINE: 24th of October?

8 MR. STEPHENS: Yeah. Everybody okay
9 with -- check your calendars. Everybody okay with
10 October 24th?

11 MS. CRAIN: I think so.

12 MR. CLINE: It's good for me.

13 Michelle?

14 MS. BLOOMER: Yeah.

15 MR. STEPHENS: J.R.?

16 MR. SALAZAR: I'm fine.

17 MR. STEPHENS: Good. I'm good. All right,
18 then, guys, we won't have a meeting in August. We won't
19 have one in September because of the 30-day comment
20 period. October will be a good one to summarize if
21 there's anything going on and if any further action is
22 needed. Lock and load. Looks good to me. So we'll
23 meet October 24th.

24 All right. Any agenda items other than
25 what we've got on the table now?

1 John, Michelle, Christina, anything you
2 want to talk about?

3 MR. McBETH: Nothing from me.

4 MR. STEPHENS: Thank you, guys.

5 MS. CRAIN: Nothing from me. This is
6 Christina.

7 MR. STEPHENS: Michelle?

8 MS. BLOOMER: None from me.

9 MR. STEPHENS: Okay, good.
10 Anybody? J.R.?

11 MR. SALAZAR: No.

12 MR. STEPHENS: Okay. I don't have anything
13 either. Looks like we're done.

14 MR. CLINE: Can I ask one question? On
15 August 31st, what time is that -- do we --

16 MR. GLEASON: The commission meeting starts
17 at 9:00. There is an update of the UTP schedule, so I
18 typically am up and down in the first 90 minutes.
19 Sometimes that can get delayed if there's a large
20 discussion topic ahead of me. It's usually over by
21 noon.

22 MR. CLINE: Okay, cool.

23 MR. STEPHENS: Good deal, guys. Any more
24 questions or comments or anything before we close?

25 Awesome. Okay, then I will, Item No. 9,

1 adjourn, then, if we hear a motion.

2 MR. McBETH: Move to adjourn.

3 MR. STEPHENS: You got John, motion to
4 move -- move to adjourn. Do I hear a second?

5 MR. SALAZAR: Yep.

6 MR. STEPHENS: No discussion, I would
7 imagine. All in favor, please say aye.

8 PANEL MEMBERS: Aye.

9 MR. STEPHENS: Also, anybody opposed, same
10 sign.

11 Hearing none, we are adjourned. Thank you
12 everybody. See you in October.

13 MR. RIBAKOVE: Thank you so much everyone.

14 (Proceedings concluded 2:17 p.m.)
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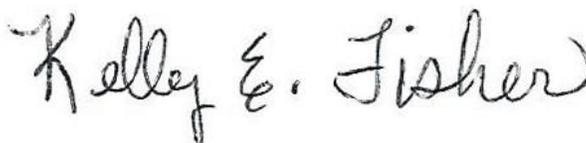
C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, Kelly E. Fisher, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me and later reduced to typewritten form by me or under my supervision and control and that the foregoing pages are a full, true, and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2017.



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