

Transcript of the Testimony of
TxDOT PTAC HEARING

Date:

October 24, 2017

Case:

Public Transportation Advisory Committee

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PUBLIC TRANSPORTATION ADVISORY COMMITTEE
(PTAC)
PUBLIC HEARING
Tuesday, October 24, 2017
TEXAS DEPARTMENT OF PUBLIC TRANSPORTATION
200 East Riverside Drive, Room 1A.1
AUSTIN, TEXAS 78704
1:00 PM

reported by: Debbie D. Cunningham, CSR

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APPEARANCES

Committee Members Present and Participating:

Rob Stephens, Chair

J.R. Salazar

Committee Members Participating via Teleconference:

John McBeth, Vice Chair

Jim Cline

Michelle Bloomer

TxDOT Present and Participating:

Eric Gleason, Director,
Public Transportation Division, PTN

Josh Ribakove, Communications Manager, PTN

Kelly Kirkland - Business Operations
Project Manager, PTN

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INDEX

Agenda Item Number	Page
1. Call to Order.....	3
2. Safety Briefing.....	3
3. Approval of minutes from July 25, 2017 meeting. (Action).....	4
4. TxDOT's Public Transportation Division Director's report to the Public Transportation Advisory Committee (PTAC) regarding public transportation matters.....	12
5. Discussion of public comments regarding proposed rule changes to Title 43, Texas Administrative Code, Chapter 31 and recommended final rule package. (Action)....	5
6. Discussion and development of PTAC Work Plan based on PTAC's guiding principles and comments made at the January 22, 2015 meeting. (Action)..	21
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: 1-855-437-3563 [US] with attendee access code: 598 304 40. The meeting transcript will be placed on the Internet following the meeting.....	24
8. Propose and discuss agenda items for next meeting; confirm date of next meeting. (Action)	24
9. Adjourn. (Action).....	31

1 (Tuesday, October 24, 2017, 1:02 p.m.)

2 P R O C E E D I N G S

3 AGENDA ITEM 1

4 CHAIRMAN STEPHENS: I'll call the meeting
5 to order. It looks like it's just 1:00 o'clock.

6 And, Mr. Josh, do you want to do a safety
7 briefing for us?

8 AGENDA ITEM 2

9 MR. RIBAKOVE: I sure will.

10 Welcome, to 200 East Riverside, TxDOT's
11 Riverside Campus.

12 First of all, the restrooms are right out
13 in the lobby, men's and women's both to the right, back
14 by the door.

15 Should we need to evacuate this building
16 for any reason, we'll just go straight out the doors
17 that you came in, out to the parking lot and turn right.
18 You'll see an apartment complex back there, and we'll
19 meet right there back by the apartment complex.

20 Should we need to shelter in place, this
21 is the place to do it. Just stay here.

22 Aside from that, we've got a very good
23 cafeteria in this building. I can't tell you what the
24 specials are today, but they're probably pretty good.
25 It's right down the hall, down that way and to the left.

1 Please keep in mind -- well, I guess all
2 of Texas is hands free now. So that's good for
3 everybody, but we do have enforcement in Austin. It's
4 good to not be on your cell phone while you're driving
5 around. And that's our safety briefing.

6 CHAIRMAN STEPHENS: Thank you, Josh.
7 Thank you very much.

8 Did someone else join us? I heard
9 someone else join us.

10 MR. CLINE: Yeah, this is Jim Cline
11 joining in. Sorry I was delayed. I apologize.

12 CHAIRMAN STEPHENS: No, no. Perfect,
13 perfect. We got started kind of in anticipation you'd
14 join in here shortly. So we've called to order, and
15 we've gotten the safety briefing.

16 AGENDA ITEM 3

17 CHAIRMAN STEPHENS: So what I'll do is
18 approval of minutes. Has everyone had a chance to
19 review the minutes?

20 MR. McBETH: Move for approval. This is
21 John.

22 CHAIRMAN STEPHENS: John, thank you.

23 If you guys would also just identify
24 yourselves when you speak, that way the transcriber can
25 get you down.

1 So, John, we have approval.

2 MR. SALAZAR: I'll second.

3 CHAIRMAN STEPHENS: J.R. seconds.

4 Let's vote. All approved say "aye."

5 (Chorus of ayes.)

6 CHAIRMAN STEPHENS: All opposed same
7 sign.

8 (No response.)

9 CHAIRMAN STEPHENS: Hearing none, the
10 motion passes. Minutes are passed.

11 So what we'll do here is jump from Item
12 Number 3 to Item Number 5. We'll get right into the
13 discussion of the rule changes. That way we'll be
14 sensitive to those that are on a time schedule.

15 Eric.

16 AGENDA ITEM 5

17 MR. GLEASON: My name is Eric Gleason.
18 I'm the Director of the Public Transportation Division
19 at TxDOT. The packet you have in front of you of rules
20 is, for the most part, largely unchanged since you saw
21 it last time in July. These rules went to the
22 Commission, as proposed, in August. They have been
23 through a public comment period, including a public
24 hearing; and no comments were received on those proposed
25 rules throughout that timeframe. So we are moving ahead

1 with these rules as written, and we are scheduled for
2 final approval at the November 16th Commission Meeting.

3 I do want to point out that between the
4 time this committee met last at the end of July and the
5 introduction of proposed rules at the August 31st
6 Commission Meeting, we were able to make a change. We
7 were able to make an increase in the amount of funding
8 available for the rural program through what PTN was
9 already working on in the summertime, had started in the
10 spring.

11 We have some new eyes looking at our
12 budget and how the Division spends money. We get State
13 money in our Division budget, which is more than just
14 the State money which we have traditionally handed out
15 for grants; and that State money is used to help with
16 Division administration expenses. Staff had been
17 looking at how we had been using those State funds over
18 the last several years; and we had determined that from
19 an overall administration standpoint, we did not need
20 approximately \$1.15 million of the State funding for
21 those purposes in each year of our program.

22 So we took this effort up through TxDOT
23 administration. The Commission was briefed on it.
24 Individual members were briefed on it before Commission
25 action in August; and consistent with the discussions

1 that this Committee had around the development of the
2 legislative appropriation request used during the last
3 session where the Committee had recommended a 3-and-a-
4 half-million-dollar annual increase in rural program
5 funding, we felt it to be consistent with that direction
6 to take these \$1.15 million and to put them into the
7 rural program as a part of the formula.

8 So in your rule packet, they're not
9 tabbed; but if you look at the bottom right-hand corner,
10 you'll see the pages are labeled Exhibit A, B, C, D and
11 so on. If you will find the first page labeled
12 Exhibit C in the bottom right-hand corner -- if you look
13 at that and find the first page labeled Exhibit C, I'm
14 going to use -- J.R.'s found it. All right.

15 Rob, have you got it?

16 CHAIRMAN STEPHENS: Yes, yes.

17 MR. GLEASON: Jim, Michelle, John?

18 (Collective affirmative response.)

19 MR. GLEASON: All right. So I'll direct
20 your attention to line 16 and line 19 on page 1 of
21 Exhibit C. The two numbers you see there, the
22 69,982,134 on line 16 and the 42,863,386 on line 19,
23 reflect an overall increase in State grant funding of
24 \$2.3 million; and that entire amount was added to the
25 rural district allocation.

1 So you may recall that through the work
2 of the Committee, the Committee had already decided to
3 move the \$3.2 million per biennium numbers associated
4 with Census impact. The Committee had already decided
5 to move that into the rural program. The action we were
6 able to take with our administration funding added
7 another 2.3 million to that 3.2. So the total biennium
8 increase for the rural program is \$5.5 million.

9 CHAIRMAN STEPHENS: Thanks.

10 MR. GLEASON: So we were unable to brief
11 the Committee on these efforts in July. They weren't
12 concluded and didn't have any level of administrative
13 approval for use in this manner; but we were able to
14 secure that with the Commission's blessing in the August
15 timeframe.

16 And so with that, the Committee today can
17 choose to recommend to the Commission that they approve
18 these rules as final rules at the November meeting; or
19 you could decide not to do that, take no action, or make
20 comments on them.

21 So, Mr. Chairman, I'll turn that back to
22 you.

23 CHAIRMAN STEPHENS: Thank you, Eric. I'd
24 like to applaud your efforts in securing those extra
25 dollars for the rural programs. I know we worked really

1 hard on the other, but that was a great effort on your
2 part and the staff's. Thank you so much.

3 I want to open it up to discussion, guys,
4 on the line.

5 John, Michelle, and Jim, do you have any
6 comments?

7 THE COURT: This is John. I move
8 approval.

9 CHAIRMAN STEPHENS: All right. We have
10 an approval.

11 Anyone else want to talk or --

12 MS. BLOOMER: I have a question for Eric.

13 So, Eric, the old amount was the 57,482;
14 and the new number 69 million? That's almost a
15 12.5-million-dollar increase, of which the 5.5 million
16 went to the rural program?

17 MR. GLEASON: Yes.

18 MS. BLOOMER: Did the remainder go --
19 where?

20 MR. GLEASON: To the urban program. So
21 the Department, in its appropriations, increased the
22 urban program by 3-and-half million a year or 7 million
23 for the biennium; and that was approved by the
24 Legislature as a part of the Department appropriations.
25 That was already included. And so, on the rural side,

1 you're right. That number increased by 5-and-a-half for
2 a total of 12-and-a-half million.

3 MS. BLOOMER: Thank you.

4 CHAIRMAN STEPHENS: Jim, have you got
5 anything to add?

6 MR. CLINE: No. I'd second the motion.

7 CHAIRMAN STEPHENS: Awesome. So we have
8 a motion made by John, and Jim Cline seconded the
9 motion. So all those in favor, please say "aye."

10 (Chorus of ayes.)

11 CHAIRMAN STEPHENS: All those opposed,
12 same sign.

13 (No response.)

14 CHAIRMAN STEPHENS: Hearing none, that
15 motion passes.

16 MR. McBETH: This is John. I would like
17 to also second your accolades to Eric and the Division
18 and the staff of PTN for recommending that the rural
19 program get the additional money that their auditors
20 found. That's just stupendous news.

21 We got real close to the amount we wanted
22 for rural by just the actions of Eric and the
23 Department. That's stupendous. So that money will be
24 very well spent, I know, at Brazos; but it will be very
25 well spent by every rural program out there.

1 CHAIRMAN STEPHENS: Oh, yeah. Thank you,
2 John, for those comments. I agree.

3 All right. So --

4 MR. GLEASON: If I may, Mr. Chairman --

5 CHAIRMAN STEPHENS: Sure.

6 MR. GLEASON: -- before we close the
7 conversation on this -- this is Eric -- if the Committee
8 is intending to make comment to the Commission at the
9 November meeting, do you wish to send a letter on this,
10 just kind of checking off the boxes here?

11 CHAIRMAN STEPHENS: John, do you plan on
12 being at the November meeting?

13 MR. McBETH: I do plan on being at the
14 November meeting, and I also think that just for
15 formality sake; we should go ahead and we should send a
16 letter from the PTAC, again, thanking the Commission for
17 their speedy movement on adopting these rules and just
18 basically thanking them for looking out for our
19 interests in putting together and adopting a set of
20 rules that came to them with the full consensus of
21 pretty much -- I don't know anyone that -- I've had no
22 negative comments from anyone about these rules. That's
23 unheard of.

24 CHAIRMAN STEPHENS: Agreed.

25 MR. McBETH: We do good work is all I've

1 got to say about the PTAC.

2 CHAIRMAN STEPHENS: You bet. I agree.

3 Does anyone else have comments they want
4 to add about whether you're going to be there or what
5 kind of letter we should send the Commission?

6 MR. SALAZAR: This is J.R. I agree that
7 we need to send a letter and be represented there.

8 John, if you'll represent us there in
9 person, we sure would appreciate it.

10 MR. McBETH: I will be there. I wouldn't
11 miss it in a million years.

12 CHAIRMAN STEPHENS: All right. Then,
13 I'll work on a letter.

14 MR. GLEASON: Josh will work with you,
15 Mr. Chairman, on the letter. A fairly short
16 to-the-point letter is good enough.

17 CHAIRMAN STEPHENS: All right. Perfect,
18 guys. Thank you so much.

19 AGENDA ITEM 4

20 Before we close that and move on, if
21 we're ready, we'll go back and skip up to Item Number 4,
22 the Public Transportation Division Director's report to
23 the Public Transportation Advisory Committee regarding
24 transportation matters.

25 MR. GLEASON: All right. Well, I have

1 three things I want to mention to the Committee today.
2 All three, I believe, are mostly for information
3 purposes. As usual, if there's anything in what I say
4 that the Committee is interested in hearing more about,
5 we can bring it back at a subsequent meeting for you.

6 The first thing that I want to mention to
7 the Committee is that the Department has made a decision
8 that effective November 1st, that the FTA State Safety
9 Oversight Program, which is currently housed in the
10 Traffic Operations Division, along with the balance of
11 the Rail Safety Program, the FTA element will be coming
12 back in under the wing of the Public Transportation
13 Division.

14 Some of you may recall that, I guess,
15 gosh, it must be eight, nine years ago, the program was
16 housed in Public Transportation. When the Department
17 stood up a Rail Division, it was combined with the Rail
18 Safety Program under the Rail Division. And then a
19 subsequent decision was made several years ago to move
20 it over to traffic operations, largely because of the
21 interaction between the freight rail program and the
22 traffic safety program at grade crossings.

23 So the decision has now been made to move
24 that effort, the FTA portion of the effort, back to PTN.
25 That is largely in an effort to sharpen the Department's

1 focus on the certification effort which is underway
2 within all states that have rail transit agencies
3 falling under FTA oversight.

4 Both MAP-21 and the FAST Act
5 significantly increase the emphasis of the State Safety
6 Oversight Program really in two ways. Historically, the
7 State Safety Oversight Program was an unfunded mandate
8 from the Federal Government. Beginning with MAP-21 in
9 fiscal year '13, the Federal Government did begin
10 providing funds to states to conduct their functions
11 under that program. At the same time when they provided
12 funding, they really tightened up and put a lot more
13 emphasis on enforcement and accountability and the
14 expectation that States will carry that out.

15 And so with that, they concluded that
16 they wanted each state that had a rail program -- and
17 there are 30 states that do -- each State having a rail
18 program needed to proceed through what they call a
19 certification process, which is where FTA concludes that
20 the State is actually in a position to enforce and hold
21 rail programs accountable to their safety programs.

22 And just to make sure that that message
23 was heard, after April 15th of 2019, if a State is not
24 certified under the Rail Safety Program, then FTA's
25 prohibited from distributing any and all transit funding

1 to that state. It's a pretty big hammer. They gave us
2 several years to get there. So it's not like it's, you
3 know, six months from now; but that's a pretty big deal
4 for Texas. It's about \$450 million a year for Texas.
5 So it's not just our programs. It's all transit
6 programs in Texas that fall under that.

7 So with that in mind and with the need to
8 bring focus to it, the decision was made to move it back
9 to the division in TxDOT that is most familiar with FTA
10 and how they do business, has the most connection and
11 relationship with transit industries across the state;
12 and we were working aggressively to put together a
13 timetable. We have a lot of moving pieces. A lot of
14 work has been done, really. I'm really not too anxious
15 about meeting their deadline, but we have a lot of work
16 to do.

17 Having said that and thinking then about
18 what that might mean for this Committee, my take on this
19 whole thing -- and it's clearly subject to discussion --
20 the program really is a regulatory-driven program.
21 There's a really high regulatory emphasis associated
22 with it. I don't see as much opportunity for a
23 Committee such as PTAC to exercise policy discretion
24 within the program. Certainly, when we encounter those
25 situations, we can bring those things to this Committee;

1 but right now, I don't think it's a heavy policy type
2 area to be terribly concerned about.

3 I will say that one of the very first
4 things out of the barrel that we're doing is in January
5 we will be proposing rules, administrative code rules
6 for the program, updating the current Administrative
7 Code, to reflect not only whatever it needs to reflect
8 on the Federal side of things; but also this last
9 Legislative Session, Senate Bill 1523 gave the
10 Department the enforcement powers and authority it
11 needed to be consistent with what the Federal program
12 was requiring us to do. And to the extent to which any
13 of that needs to be reflected in our rules, that will be
14 done as well.

15 So we are looking at proposed rules in
16 January with final rules in March. We will be reviewing
17 those rules with impact to the rail agencies, and I
18 should say that at this point in the state there are
19 four rail transit operations that fall under FTA
20 oversight review: Obviously, the DART and Houston
21 Metro. Those are the two big one. There is a Dallas
22 streetcar, which is operating. Then, unbeknownst to me,
23 apparently there is a McKinney Avenue Trolley that
24 operates in McKinney; and that, apparently, as of 2015
25 I'm told, decided to operate in such a way that they

1 came under FTA oversight. There are two more that are
2 in the wings. The traditional Galveston Island Trolley,
3 which was taken out of operation with Hurricane Ike back
4 in 2008, it is scheduled to come back online in November
5 of 2018; and so when that happens, that system will come
6 in under review. And then there's a new streetcar out
7 in El Paso which also is looking at a November 2018
8 startup.

9 So actually, relative to other states, a
10 fair number of rail systems. The state of Ohio, for
11 example, has two. The state of Minnesota has one. So,
12 you know, there's quite a bit going on here in Texas.
13 And, you know, we'll be putting together rules.

14 I think at this point, Mr. Chair and
15 Members of the Committee, because of our timetable on
16 this, I honestly, unless you were to schedule a special
17 meeting -- and I wouldn't recommend it -- but if you
18 wanted to, the only chance we'd have to get rules in
19 front of you would be in the January timeframe. I
20 honestly don't feel as though there really is going to
21 be too much of anything in them that would rise to the
22 level of policy significance for this Committee.

23 Josh, if our next meeting is in January,
24 I'm certainly willing to bring that to the committee as
25 an FYI just to kind of bring them up to speed; and at

1 that point, it's certainly possible to identify topics
2 that you may wish to pursue.

3 Any questions on the State Safety
4 Oversight Program before I move on to the next one?

5 CHAIRMAN STEPHENS: Does anyone have
6 questions for Eric before he moves on to the next?

7 MR. McBETH: No.

8 MR. GLEASON: Okay. The second topic is
9 the -- in August, at the August Commission Meeting, the
10 Commission approved an update to the Department's
11 Unified Transportation Program, the UTP. And we're,
12 typically, not a part of that in any large way; but in
13 this instance, they did take action with that adoption
14 to give us what is called programatic approval for the
15 use of transportation development credits.

16 And what that means is that we no longer
17 have to go to the Commission on a project-by-project,
18 request-by-request basis to award, if you will,
19 development credits. We are able to do that within the
20 division -- I am able to make that decision within the
21 division on any request we may receive for development
22 credits. So that should speed up that process for you.

23 We are in the middle of -- and I don't
24 honestly see too much change for sub recipients and how
25 they approach a request for development credits. The

1 change is more internal to the Division. But, you know,
2 if you are an agency that is working on a project grant
3 application with us for funds that we administer; and
4 want to use development credits, it would be part of
5 that application in eGrants.

6 If you are an agency that is working with
7 funds that you receive directly from FTA and you want to
8 use development credits in that application, then the
9 process will be to send an e-mail communication to your
10 public transportation coordinator. You know, we'll give
11 you a thumbs-up/thumbs-down; and at that point, if it's
12 thumbs-up, we'll expect you to go ahead and prepare an
13 application in eGrants for those development credits.
14 But we no longer have to go to the Commission as a step
15 there. So that was great news as far as we're
16 concerned.

17 The final thing I'll mention is that on
18 the rural side of the program we did go out with a call
19 for rural facility construction projects very tightly
20 defined eligibility requirements. We are in the middle
21 of reviewing applications for that, for those funds; and
22 we anticipate being able to make awards for those funds
23 at the December Commission Meeting.

24 On the Federal discretionary side of
25 things, we have an application in through the 5339

1 discretionary program opportunity, which I think was
2 sometime in the summer it came up as being available. I
3 lose track. We did submit a request for funding for FTA
4 small urban area fleet replacement. Those are due on
5 August 25th, if I'm not mistaken.

6 And then the third discretionary
7 opportunity which I will mention is the TIGER IX
8 opportunity, which the Department is allowed three
9 project applications in that; and as you recall, TIGER
10 isn't just for transit. It's across all branches of the
11 Department of Transportation. And the Department
12 concluded that there were three projects, I think two of
13 which were associated with rail crossing upgrades, that
14 it was going to submit in this round.

15 We prepared a project description for
16 consideration. It was a second phase of the rural
17 transit asset replacement project that we proposed and
18 received funding for in 2015. We proposed a second
19 phase of that. It didn't score as well as the others in
20 terms of near-term Department priorities. And I think
21 the other thing is we are about a third of the way
22 through spending down the funding for that grant, and I
23 think our feeling was that we wanted to be further along
24 in that before we went back for more.

25 So if TIGER continues at the Federal

1 level, at some point -- I would say within the next year
2 or two -- I'm reasonably confident that the Department
3 will support another TIGER program application.

4 And that concludes my report.

5 CHAIRMAN STEPHENS: Thank you, Eric.

6 Does anyone on the line, John, Jim, or
7 Michelle, have questions for Eric?

8 MR. CLINE: This is Jim. No.

9 MR. McBETH: This is John. I don't have
10 any.

11 CHAIRMAN STEPHENS: Michelle, do you have
12 anything?

13 MS. BLOOMER: No, I don't have any,
14 either.

15 CHAIRMAN STEPHENS: J.R., no?

16 Okay. I don't have anything. Thank you
17 very much, Eric, for that.

18 AGENDA ITEM 6

19 CHAIRMAN STEPHENS: So that takes us to
20 Item Number 6, which is the discussion and development
21 of the PTAC Work Plan based on our guiding principles
22 and comments made at the January 22nd, 2015 meeting. It
23 is a standing action item on our meetings agendas.

24 I don't have anything that I'd like to
25 add or lead to discussion.

1 Eric?

2 MR. GLEASON: If I may, Mr. Chair, I
3 think it's already time after the first of the year to
4 begin focusing on the next legislative appropriations
5 request. It seems like we just got through that. And
6 in that context, we do have Texas A&M Transportation
7 working on an update to that sketch level means
8 assessment that they provided the Committee several
9 years ago that form the basis for the request, along
10 with the growth in Census work from last time.

11 And so we are hoping to get a much more
12 highly refined result from them with more time to
13 prepare it, and our suggestion will be that one item for
14 the Committee after the first of the year will begin to
15 make your way through that next round of needs
16 assessment material prepared by TTI. So I will offer
17 that as a topic for the Committee to kick off the new
18 year with, and there may be others.

19 MR. McBETH: This is John. I'm all for
20 that. It actually segues into something I was going to
21 mention in Item Number 8; but it's the same thing, the
22 need for more funding. So I'm all for adding that. I
23 was going to suggest that we have TTI come back and
24 refresh our memories and start working because it is
25 never too soon to start working on funding for the next

1 session.

2 CHAIRMAN STEPHENS: Perfect. Anyone else
3 have comments about our work plan or the TTI needs
4 assessment and our work for next year? Jim or Michelle?

5 MR. CLINE: No. I will follow John's
6 lead on that.

7 CHAIRMAN STEPHENS: Awesome. Thank you,
8 sir. J.R., no?

9 All right. Thank you, Eric, very much.
10 I think that's a great idea to engage TTI and refresh --
11 just do a restart, start working for the --

12 MR. GLEASON: And just to be clear,
13 Mr. Chair, they're already working. We've already
14 reengaged them.

15 CHAIRMAN STEPHENS: Awesome.

16 MR. GLEASON: So we're trying to get
17 ahead of this thing.

18 CHAIRMAN STEPHENS: I always do thank
19 you, Eric. Appreciate you very much.

20 Okay. So it's an action item. Do we
21 want to -- I mean, you're already working on that.

22 MR. GLEASON: There doesn't need to be an
23 action. You can take action if you wish, otherwise...

24 CHAIRMAN STEPHENS: Yeah, it's just
25 information. Since we're already working on that, it

1 shouldn't need anything.

2 AGENDA ITEM 7

3 CHAIRMAN STEPHENS: Okay. So with your
4 permission, we'll just move forward with the public
5 comment section, Number 7. This is the time when we'll
6 accept some public comments.

7 Josh, did anyone fill out comment cards?

8 MR. RIBAKOVE: I haven't received any
9 cards, but our audience is right here. If anybody has
10 anything that they would like to say, we can handle
11 that.

12 CHAIRMAN STEPHENS: Yes. Don't be shy if
13 you guys have got something to say.

14 (No response.)

15 AGENDA ITEM 8

16 CHAIRMAN STEPHENS: Perfect. Hearing
17 none, then we'll move on to Item Number 8, "Propose and
18 discuss agenda items for next meeting; confirm date of
19 next meeting."

20 MR. McBETH: This is John. I have two
21 items that I would like to see added. The first one I
22 just alluded to. I'd like to see on the next meeting or
23 the one after that begin talking about rural funding and
24 the need to increase it. I think we took care of small
25 urban funding for a few years down the road; but we

1 still have a very, very large problem in rural funding
2 and the need to -- I applaud Eric and his staff's effort
3 to give us some extra money based upon the audits that
4 they found, but I would like to see a set-in-stone more
5 realistic, larger funding base for rural public transit
6 in the state. And I understand there's a lot of factors
7 involved, and I also applaud the efforts of getting TTI
8 to hone in on this and get it down to a really solid
9 number that we can take to the Legislature. So that's
10 one item.

11 There's a second item that I've been
12 meaning to bring up for a while, and this seems like a
13 perfect time to do it. The Speaker just issued interim
14 charges for committees. In one of the interim charges
15 he laid out nine to the Transportation Committee; and
16 most of them don't -- most of them are all basically
17 applicable to highways, but Item Number 2 directs the
18 Committee to study the ability of TxDOT to deliver
19 highway construction projects that reduce congestion and
20 improve mobility. And it goes on to say, "...including
21 the Department's options and limitations relating to
22 contracting, making recommendations to improve the
23 Department's ability to complete complex projects on
24 time and under cost."

25 I would like to see us have a

1 conversation in that respect to change the state statute
2 that keeps TxDOT from being able to give pre-award
3 authority on capital projects. FTA routinely provides
4 pre-award authority. Because of the state statute,
5 TxDOT, as well as many any other agencies, are not
6 allowed to. I would like to see us take this
7 opportunity.

8 I know we are going to go to the
9 committee and talk about how much better it would be for
10 the State if TxDOT allowed public transit grantees to
11 have pre-award authority, meaning that we could go out
12 and spend money on a project today, betting that in the
13 future there would be a grant that we could get from
14 TxDOT that we could then use to pay off the money that
15 we already spent on that project. A perfect example
16 would be the work that we did in The Woodlands forever.
17 The Woodlands fronted the money to us to build the
18 project, a major capital project; and then as Federal
19 grants became available -- because we had a letter of no
20 prejudice, as Federal grants became available, we could
21 take those local costs that we had spent money on and
22 ask for reimbursement through the Federal Government via
23 our letter of no prejudice.

24 So I would like to see us take this
25 opportunity to go forward -- to talk about it and to go

1 forward and make a recommendation that we create the
2 ability of TxDOT to provide pre-award authority. That
3 would allow -- in my case, it would allow me, on the
4 building that I submitted requests for funding to build,
5 a 4-million-dollar building, I would be able to go out
6 and borrow the money from my bank, build the building
7 and then pay them back as grants became available, as
8 long as I'm willing to pay the interest.

9 So that's an item I'd like to see at
10 least discussed by the Committee. I know it's a weighty
11 item. We're probably going to have to have TxDOT's
12 legal people come in and explain to us what all the
13 complexities are, but I think it's an item that we can
14 at least start a discussion on.

15 CHAIRMAN STEPHENS: Thank you John.

16 MR. GLEASON: Hey, John, this is Eric. I
17 have a clarifying question, if I may: The two terms,
18 pre-award authority and letter of no prejudice, are two
19 different things.

20 MR. McBETH: They are.

21 MR. GLEASON: Okay. I just wanted to be
22 clear. The pre-award authority is the timeframe between
23 apportionment and getting something executed in the
24 Federal Grant system, as I understand it.

25 A letter of no prejudice is -- your

1 descriptions fit better with the letter of no prejudice.
2 We can certainly look at both and --

3 MR. McBETH: I'd like to look at both. I
4 understand the difference between the two, but I would
5 certainly like to look at both so that we can figure
6 out -- I think the Legislature would like it because it
7 relies at the local level on local people going to their
8 banks and getting banks to help them finance projects
9 with the proviso that those banks understand that they
10 will be paid back through the State of Texas at a later
11 time. I think the Legislature -- I think they would go
12 for that because they're very conservative, and they
13 also like to see a lot more of the public/private
14 participate, the three Ps. That's just something I
15 would love to start talking about.

16 MR. GLEASON: Okay.

17 CHAIRMAN STEPHENS: Thank you, John.
18 Appreciate you.

19 Anyone else, Jim or Michelle?

20 MR. CLINE: Nothing for me -- this is
21 Jim. Nothing for me.

22 MS. BLOOMER: This is Michelle. I don't
23 have anything to add at this time.

24 CHAIRMAN STEPHENS: Okay. Thank you.
25 Perfect.

1 J.R.?

2 MR. SALAZAR: The only thing I had was
3 what John mentioned on the rule allocation, see what we
4 can do about that; but that's all I have.

5 CHAIRMAN STEPHENS: All right. Perfect.
6 We'll make sure we get some of those for discussion on
7 the next agenda.

8 So when that next agenda -- when should
9 we meet again, guys?

10 MR. RIBAKOVE: The current schedule would
11 have you meeting soon, on November 28th. If we want to
12 wait until after the new year, our Operator's meeting is
13 scheduled for Wednesday, January 24th; so could do it on
14 Thursday, January 25th, probably in this same location.

15 MR. McBETH: I would prefer to do it in
16 January unless the Department and the Division have
17 something that is really pressing that we need a
18 November meeting for.

19 CHAIRMAN STEPHENS: We can't think of
20 anything that a November meeting would be required for.
21 We've taken care of that today.

22 So anyone else?

23 J.R., have you got any...

24 MR. SALAZAR: I'm fine with January 25th
25 if that's what we decide.

1 MR. GLEASON: If it's on the 25th, we'll
2 go with an afternoon meeting. The morning is a
3 Commission Meeting.

4 CHAIRMAN STEPHENS: All right.

5 MR. CLINE: Hey, J.R. -- I'm sorry. Rob,
6 I know that we have a Board meeting that afternoon, so
7 it may be tough to call in on that. I certainly
8 couldn't be there for it.

9 CHAIRMAN STEPHENS: On the 25th you have
10 a meeting, on January 25th?

11 MR. CLINE: Yes, it's a Board meeting;
12 but, I mean, that shouldn't dictate what everybody does.
13 It's just that would be one that would be hard to even
14 call in to.

15 CHAIRMAN STEPHENS: So the 24th is
16 scheduled for semiannual.

17 MR. RIBAKOVE: The 24th is scheduled for
18 the semiannual. We'll look for some dates in January.

19 CHAIRMAN STEPHENS: All right. We'll
20 look for some dates in January and possibly can shift
21 that to the week before. We'll leave it at that. We'll
22 kind of figure out with Josh and Eric what timeframe in
23 the week before that when we can schedule our next
24 meeting.

25 Anything else?

1 MR. CLINE: Not from me. Thank you.

2 CHAIRMAN STEPHENS: All right. Good
3 deal.

4 AGENDA ITEM 9

5 CHAIRMAN STEPHENS: All right, guys. So
6 that brings us to Item Number 9, time to adjourn. Does
7 anyone want to stay around and talk some more?

8 MR. McBETH: So moved.

9 CHAIRMAN STEPHENS: John McBeth moves to
10 adjourn. Do I hear a second?

11 MR. SALAZAR: Second.

12 CHAIRMAN STEPHENS: All right. J.R.
13 seconded. All in favor say "aye."

14 (Chorus of ayes.)

15 CHAIRMAN STEPHENS: We are adjourned.

16 (Proceedings concluded at 1:41 p.m.)

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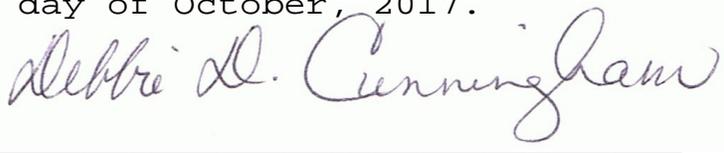
STATE OF TEXAS)

COUNTY OF TRAVIS)

I, Debbie D. Cunningham, 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 or under my supervision, later reduced to typewritten form 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 30th day of October, 2017.



Debbie D. Cunningham
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<u>\$</u>	<u>28th 30:11</u>	<u>A</u>
\$1.15 7:20 8:6	3	A&m 23:6
\$2.3 8:24	3 5:16 6:12	ability 26:18,23 28:2
\$3.2 9:3	3-and-a- 8:3	accept 25:6
\$450 16:4	3-and-half 10:22	accolades 11:17
\$5.5 9:8	3.2 9:7	accountability 15:13
1	30 15:17	accountable 15:21
1 4:3 8:20	31st 7:5	Act 15:4
12-and-a-half 11:2	4	action 7:25 9:5,19 19:13 22:23 24:20,23
12.5-million-dollar 10:15	4 13:19,21	actions 11:22
13 15:9	4-million-dollar 28:5	add 11:5 13:4 22:25 29:23
1523 17:9	42,863,386 8:22	added 8:24 9:6 25:21
15th 15:23	5	adding 23:22
16 8:20,22	5 6:12,16	additional 11:19
16th 7:2	5-and-a-half 11:1	adjourn 32:6,10
19 8:20,22	5.5 10:15	adjourned 32:15
1:00 4:5	5339 20:25	administer 20:3
1:02 4:1	57,482 10:13	administration 7:16,19,23 9:6
1:41 p.m 32:16	6	administrative 9:12 17:5,6
1st 14:8	6 22:18,20	adopting 12:17,19
2	69 10:14	adoption 19:13
2 4:8 26:17	69,982,134 8:22	Advisory 13:23
2.3 9:7	7	affirmative 8:18
200 4:10	7 10:22 25:2,5	afternoon 31:2,6
2008 18:4	8	agencies 15:2 17:17 27:5
2015 17:24 21:18 22:22	8 23:21 25:15,17	agency 20:2,6
2017 4:1	9	agenda 4:3,8 5:16 6:16 13:19 22:18 25:2,15,18 30:7,8 32:4
2018 18:5,7	9 32:4,6	agendas 22:23
2019 15:23		aggressively 16:12
22nd 22:22		agree 12:2 13:2,6
24 4:1		Agreed 12:24
24th 30:13 31:15,17		ahead 6:25 12:15 20:12 24:17
25th 21:5 30:14,24 31:1,9,10		allocation 8:25 30:3
		allowed 21:8 27:6,10

alluded 25:22	Awesome 11:7 24:7,15	budget 7:12,13
amount 7:7 8:24 10:13 11:21	aye 6:4 11:9 32:13	build 27:17 28:4,6
annual 8:4	ayes 6:5 11:10 32:14	building 4:15,23 28:4,5,6
anticipate 20:22		business 16:10
anticipation 5:13	<hr/> B <hr/>	
anxious 16:14	back 4:13,18,19 9:21 13:21 14:5, 12,24 16:8 18:3,4 21:24 23:23 28:7 29:10	<hr/> C <hr/>
apartment 4:18,19	balance 14:10	cafeteria 4:23
apologize 5:11	bank 28:6	call 4:4 15:18 20:18 31:7,14
apparently 17:23,24	banks 29:8,9	called 5:14 19:14
applaud 9:24 26:2,7	barrel 17:4	Campus 4:11
applicable 26:17	base 26:5	capital 27:3,18
application 20:3,5,8,13,25 22:3	based 22:21 26:3	cards 25:7,9
applications 20:21 21:9	basically 12:18 26:16	care 25:24 30:21
apportionment 28:23	basis 19:18 23:9	carry 15:14
approach 19:25	begin 15:9 23:4,14 25:23	case 28:3
appropriation 8:2	Beginning 15:8	cell 5:4
appropriations 10:21,24 23:4	bet 13:2	Census 9:4 23:10
approval 5:18,20 6:1 7:2 9:13 10:8,10 19:14	betting 27:12	certification 15:1,19
approve 9:17	biennium 9:3,7 10:23	certified 15:24
approved 6:4 10:23 19:10	big 16:1,3 17:21	Chair 18:14 23:2 24:13
approximately 7:20	Bill 17:9	Chairman 4:4 5:6,12,17,22 6:3,6,9 8:16 9:9,21,23 10:9 11:4,7,11,14 12:1,4,5,11,24 13:2,12,15,17 19:5 22:5,11,15,19 24:2,7,15,18,24 25:3,12,16 28:15 29:17,24 30:5,19 31:4,9,15,19 32:2,5,9,12,15
April 15:23	bit 18:12	chance 5:18 18:18
area 17:2 21:4	blowing 9:14	change 7:6 19:24 20:1 27:1
assessment 23:8,16 24:4	BLOOMER 10:12,18 11:3 22:13 29:22	charges 26:14
asset 21:17	Board 31:6,11	checking 12:10
attention 8:20	borrow 28:6	choose 9:17
audience 25:9	bottom 8:9,12	chorus 6:5 11:10 32:14
auditors 11:19	boxes 12:10	clarifying 28:17
audits 26:3	branches 21:10	clear 24:12 28:22
August 6:22 7:5,25 9:14 19:9 21:5	Brazos 11:24	Cline 5:10 11:6,8 22:8 24:5 29:20 31:5,11 32:1
Austin 5:3	briefed 7:23,24	close 11:21 12:6 13:20
authority 17:10 27:3,4,11 28:2,18, 22	briefing 4:7 5:5,15	code 17:5,7
Avenue 17:23	bring 14:5 16:8,25 18:24,25 26:12	
award 19:18	brings 32:6	
awards 20:22		

collective 8:18	costs 27:21	Director's 13:22
combined 14:17	COURT 10:7	directs 26:17
comment 6:23 12:8 25:5,7	create 28:1	discretion 16:23
comments 6:24 9:20 10:6 12:2,22 13:3 22:22 24:3 25:6	credits 19:15,19,22,25 20:4,8,13	discretionary 20:24 21:1,6
Commission 6:22 7:2,6,23,24 9:17 12:8,16 13:5 19:9,10,17 20:14,23 31:3	crossing 21:13	discuss 25:18
Commission's 9:14	crossings 14:22	discussed 28:10
committee 7:4 8:1,3 9:2,4,11,16 12:7 13:23 14:1,4,7 16:18,23,25 18:15,22,24 23:8,14,17 26:15,18 27:9 28:10	current 17:6 30:10	discussion 6:13 10:3 16:19 22:20, 25 28:14 30:6
committees 26:14		discussions 7:25
communication 20:9	<hr/> D <hr/>	distributing 15:25
complete 26:23	Dallas 17:21	district 8:25
complex 4:18,19 26:23	DART 17:20	division 6:18 7:12,13,16 11:17 13:22 14:10,13,17,18 16:9 19:20, 21 20:1 30:16
complexities 28:13	date 25:18	dollars 9:25
concerned 17:2 20:16	dates 31:18,20	door 4:14
concluded 9:12 15:15 21:12 32:16	deadline 16:15	doors 4:16
concludes 15:19 22:4	deal 16:3 32:3	driving 5:4
conduct 15:10	December 20:23	due 21:4
confident 22:2	decide 9:19 30:25	
confirm 25:18	decided 9:2,4 17:25	<hr/> E <hr/>
congestion 26:19	decision 14:7,19,23 16:8 19:20	e-mail 20:9
connection 16:10	defined 20:20	East 4:10
consensus 12:20	delayed 5:11	effective 14:8
conservative 29:12	deliver 26:18	effort 7:22 10:1 14:24,25 15:1 26:2
consideration 21:16	Department 10:21,24 11:23 14:7, 16 17:10 21:8,11,20 22:2 30:16	efforts 9:11,24 26:7
consistent 7:25 8:5 17:11	Department's 14:25 19:10 26:21, 23	egrants 20:5,13
construction 20:19 26:19	description 21:15	EI 18:7
context 23:6	descriptions 29:1	element 14:11
continues 21:25	determined 7:18	eligibility 20:20
contracting 26:22	development 8:1 19:15,19,21,25 20:4,8,13 22:20	emphasis 15:5,13 16:21
conversation 12:7 27:1	dictate 31:12	encounter 16:24
coordinator 20:10	difference 29:4	end 7:4
corner 8:9,12	direct 8:19	enforce 15:20
cost 26:24	direction 8:5	enforcement 5:3 15:13 17:10
	directly 20:7	engage 24:10
	Director 6:18	entire 8:24

Eric 6:15,17 9:23 10:12,13 11:17, 22 12:7 19:6 22:5,7,17 23:1 24:9, 19 26:2 28:16 31:22	fit 29:1	grade 14:22
evacuate 4:15	fleet 21:4	grant 8:23 20:2 21:22 27:13 28:24
executed 28:23	focus 15:1 16:8	grantees 27:10
exercise 16:23	focusing 23:4	grants 7:15 27:19,20 28:7
Exhibit 8:10,12,13,21	follow 24:5	great 10:1 20:15 24:10
expect 20:12	forever 27:16	growth 23:10
expectation 15:14	form 23:9	guess 5:1 14:14
expenses 7:16	formality 12:15	guiding 22:21
explain 28:12	formula 8:7	guys 5:23 10:3 13:18 25:13 30:9 32:5
extent 17:12	forward 25:4 27:25 28:1	<hr/>
extra 9:24 26:3	found 8:14 11:20 26:4	H
eyes 7:11	free 5:2	<hr/>
<hr/> F <hr/>	freight 14:21	half-million-dollar 8:4
facility 20:19	front 6:19 18:19	hall 4:25
factors 26:6	fronted 27:17	hammer 16:1
fair 18:10	FTA 14:8,11,24 15:3,19 16:9 17:19 18:1 20:7 21:3 27:3	handed 7:14
fairly 13:15	FTA's 15:24	handle 25:10
fall 16:6 17:19	full 12:20	hands 5:2
falling 15:3	functions 15:10	hard 10:1 31:13
familiar 16:9	funding 7:7,20 8:5,23 9:6 15:12,25 21:3,18,22 23:22,25 25:23,25 26:1, 5 28:4	hear 32:10
FAST 15:4	funds 7:17 15:10 20:3,7,21,22	heard 5:8 15:23
favor 11:9 32:13	future 27:13	hearing 6:9,24 11:14 14:4 25:16
Federal 15:8,9 17:8,11 20:24 21:25 27:18,20,22 28:24	FYI 18:25	heavy 17:1
feel 18:20	<hr/> G <hr/>	Hey 28:16 31:5
feeling 21:23	Galveston 18:2	high 16:21
felt 8:5	gave 16:1 17:9	highly 23:12
figure 29:5 31:22	give 19:14 20:10 26:3 27:2	highway 26:19
fill 25:7	Gleason 6:17 8:17,19 9:10 10:17, 20 12:4,6 13:14,25 19:8 23:2 24:12,16,22 28:16,21 29:16 31:1	highways 26:17
final 7:2 9:18 17:16 20:17	good 4:22,24 5:2,4 12:25 13:16 32:2	Historically 15:6
finance 29:8	gosh 14:15	hold 15:20
find 8:11,13	Government 15:8,9 27:22	hone 26:8
fine 30:24		honestly 18:16,20 19:24
fiscal 15:9		hoping 23:11
		housed 14:9,16
		Houston 17:20
		Hurricane 18:3

<hr/> I <hr/>	January 17:4,16 18:19,23 22:22 30:13,14,16,24 31:10,18,20	long 28:8
idea 24:10	Jim 5:10 8:17 10:5 11:4,8 22:6,8 24:4 29:19,21	longer 19:16 20:14
identify 5:23 19:1	John 5:21,22 6:1 8:17 10:5,7 11:8, 16 12:2,11 13:8 22:6,9 23:19 25:20 28:15,16 29:17 30:3 32:9	lose 21:3
like 18:3	John's 24:5	lot 4:17 15:12 16:13,15 26:6 29:13
impact 9:4 17:17	join 5:8,9,14	love 29:15
improve 26:20,22	joining 5:11	<hr/> M <hr/>
included 10:25	Josh 4:6 5:6 13:14 18:23 25:7 31:22	made 11:8 14:7,19,23 16:8 22:22
including 6:23 26:20	July 6:21 7:4 9:11	major 27:18
increase 7:7 8:4,23 9:8 10:15 15:5 25:24	jump 6:11	make 7:6,7 9:19 12:8 15:22 19:20 20:22 23:15 28:1 30:6
increased 10:21 11:1	<hr/> K <hr/>	making 26:22
Individual 7:24	kick 23:17	mandate 15:7
industries 16:11	kind 5:13 12:10 13:5 18:25 31:22	manner 9:13
information 14:2 24:25	<hr/> L <hr/>	MAP-21 15:4,8
instance 19:13	labeled 8:10,11,13	March 17:16
intending 12:8	laid 26:15	material 23:16
interaction 14:21	large 19:12 26:1	matters 13:24
interest 28:8	largely 6:20 14:20,25	Mcbeth 5:20 11:16 12:13,25 13:10 19:7 22:9 23:19 25:20 28:20 29:3 30:15 32:8,9
interested 14:4	larger 26:5	Mckinney 17:23,24
interests 12:19	lead 22:25 24:6	meaning 26:12 27:11
interim 26:13,14	leave 31:21	means 19:16 23:7
internal 20:1	left 4:25	meet 4:19 30:9
introduction 7:5	legal 28:12	meeting 4:4 7:2,6 9:18 12:9,12,14 14:5 16:15 18:17,23 19:9 20:23 22:22 25:18,19,22 30:11,12,18,20 31:2,3,6,10,11,24
involved 26:7	legislative 8:2 17:9 23:4	meetings 22:23
Island 18:2	Legislature 10:24 26:9 29:6,11	members 7:24 18:15
issued 26:13	letter 12:9,16 13:5,7,13,15,16 27:19,23 28:18,25 29:1	memories 23:24
item 4:3,8 5:16 6:11,12,16 13:19, 21 22:18,20,23 23:13,21 24:20 25:2,15,17 26:10,11,17 28:9,11,13 32:4,6	level 9:12 18:22 22:1 23:7 29:7	men's 4:13
items 25:18,21	limitations 26:21	mention 14:1,6 20:17 21:7 23:21
IX 21:7	lobby 4:13	mentioned 30:3
<hr/> J <hr/>	local 27:21 29:7	message 15:22
J.R. 6:3 13:6 22:15 24:8 30:1,23 31:5 32:12	location 30:14	met 7:4
J.r.'s 8:14		Metro 17:21

Michelle 8:17 10:5 22:7,11 24:4 29:19,22
middle 19:23 20:20
million 7:20 8:6,24 9:3,7,8 10:14, 15,22 11:2 13:11 16:4
mind 5:1 16:7
Minnesota 18:11
minutes 5:18,19 6:10
mistaken 21:5
mobility 26:20
money 7:12,13,14,15 11:19,23 26:3 27:12,14,17,21 28:6
months 16:3
morning 31:2
motion 6:10 11:6,8,9,15
move 5:20 9:3,5 10:7 13:20 14:19, 23 16:8 19:4 25:4,17
moved 32:8
movement 12:17
moves 19:6 32:9
moving 6:25 16:13

N

near-term 21:20
needed 15:18 17:11
negative 12:22
news 11:20 20:15
November 7:2 9:18 12:9,12,14 14:8 18:4,7 30:11,18,20
number 6:12 10:14 11:1 13:21 18:10 22:20 23:21 25:5,17 26:9,17 32:6
numbers 8:21 9:3

O

October 4:1
offer 23:16
Ohio 18:10
online 18:4

open 10:3
operate 17:25
operates 17:24
operating 17:22
operation 18:3
operations 14:10,20 17:19
Operator's 30:12
opportunity 16:22 21:1,7,8 27:7, 25
opposed 6:6 11:11
options 26:21
order 4:5 5:14
oversight 14:9 15:3,6,7 17:20 18:1 19:4

P

p.m. 4:1
packet 6:19 8:8
pages 8:10
paid 29:10
parking 4:17
part 6:20 8:7 10:2,24 19:12 20:4
participate 29:14
Paso 18:7
passed 6:10
passes 6:10 11:15
pay 27:14 28:7,8
people 28:12 29:7
perfect 5:12,13 13:17 24:2 25:16 26:13 27:15 29:25 30:5
period 6:23
permission 25:4
person 13:9
phase 21:16,19
phone 5:4
pieces 16:13
place 4:20,21

plan 12:11,13 22:21 24:3
point 7:3 17:18 18:14 19:1 20:11 22:1
policy 16:23 17:1 18:22
portion 14:24
position 15:20
possibly 31:20
powers 17:10
pre-award 27:2,4,11 28:2,18,22
prefer 30:15
prejudice 27:20,23 28:18,25 29:1
prepare 20:12 23:13
prepared 21:15 23:16
pressing 30:17
pretty 4:24 12:21 16:1,3
principles 22:21
priorities 21:20
problem 26:1
proceed 15:18
proceedings 32:16
process 15:19 19:22 20:9
program 7:8,21 8:4,7 9:5,8 10:16, 20,22 11:19,25 14:9,11,15,18,21, 22 15:6,7,11,16,18,24 16:20,24 17:6,11 19:4,11 20:18 21:1 22:3
programatic 19:14
programs 9:25 15:21 16:5,6
prohibited 15:25
project 20:2 21:9,15,17 27:12,15, 18
project-by-project 19:17
projects 20:19 21:12 26:19,23 27:3 29:8
Propose 25:17
proposed 6:22,24 7:5 17:15 21:17,18
proposing 17:5
provide 28:2
provided 15:11 23:8

providing 15:10	reflected 17:13	20,22 17:5,13,15,16,17 18:13,18
proviso 29:9	refresh 23:24 24:10	rural 7:8 8:4,7,25 9:5,8,25 10:16, 25 11:18,22,25 20:18,19 21:16 25:23 26:1,5
Ps 29:14	regulatory 16:21	
PTAC 12:16 13:1 16:23 22:21	regulatory-driven 16:20	
PTN 7:8 11:18 14:24	reimbursement 27:22	S
public 6:18,23 13:22,23 14:12,16 20:10 25:4,6 26:5 27:10	relating 26:21	safety 4:6 5:5,15 14:8,11,18,22 15:5,7,21,24 19:3
public/private 29:13	relationship 16:11	sake 12:15
purposes 7:21 14:3	relative 18:9	SALAZAR 6:2 13:6 30:2,24 32:11
pursue 19:2	relies 29:7	schedule 6:14 18:16 30:10 31:23
put 8:6 15:12 16:12	remainder 10:18	scheduled 7:1 18:4 30:13 31:16, 17
putting 12:19 18:13	replacement 21:4,17	score 21:19
Q	report 13:22 22:4	seconded 11:8 32:13
	represent 13:8	seconds 6:3
question 10:12 28:17	represented 13:7	section 25:5
questions 19:3,6 22:7	request 8:2 19:21,25 21:3 23:5,9	secure 9:14
R	request-by-request 19:18	securing 9:24
	requests 28:4	segues 23:20
rail 14:11,17,18,21 15:2,16,17,21, 24 17:17,19 18:10 21:13	required 30:20	semiannual 31:16,18
ready 13:21	requirements 20:20	Senate 17:9
real 11:21	requiring 17:12	send 12:9,15 13:5,7 20:9
realistic 26:5	respect 27:1	sensitive 6:14
reason 4:16	response 6:8 8:18 11:13 25:14	session 8:3 17:9 24:1
recall 9:1 14:14 21:9	restart 24:11	set 12:19
receive 19:21 20:7	restrooms 4:12	set-in-stone 26:4
received 6:24 21:18 25:8	result 23:12	sharpen 14:25
recipients 19:24	review 5:19 17:20 18:6	shelter 4:20
recommend 9:17 18:17	reviewing 17:16 20:21	shift 31:20
recommendation 28:1	RIBAKOVE 4:9 25:8 30:10 31:17	short 13:15
recommendations 26:22	right-hand 8:9,12	shortly 5:14
recommended 8:3	rise 18:21	shy 25:12
recommending 11:18	Riverside 4:10,11	side 10:25 17:8 20:18,24
reduce 26:19	road 25:25	sign 6:7 11:12
reengaged 24:14	Rob 8:15 31:5	significance 18:22
refined 23:12	round 21:14 23:15	significantly 15:5
reflect 8:23 17:7	routinely 27:3	sir 24:8
	rule 6:13 8:8 30:3	
	rules 6:19,21,25 7:1,5 9:18 12:17,	

situations 16:25	study 26:18	31:22
sketch 23:7	stupendous 11:20,23	timetable 16:13 18:15
skip 13:21	subject 16:19	to-the-point 13:16
small 21:4 25:24	submit 21:3,14	today 4:24 9:16 14:1 27:12 30:21
solid 26:8	submitted 28:4	told 17:25
speak 5:24	subsequent 14:5,19	topic 19:8 23:17
Speaker 26:13	suggest 23:23	topics 19:1
special 18:16	suggestion 23:13	total 9:7 11:2
specials 4:24	summer 21:2	tough 31:7
speed 18:25 19:22	summertime 7:9	track 21:3
speedy 12:17	support 22:3	traditional 18:2
spend 27:12	system 18:5 28:24	traditionally 7:14
spending 21:22	systems 18:10	traffic 14:10,20,22
spends 7:12		transcriber 5:24
spent 11:24,25 27:15,21	<hr/> T <hr/>	transit 15:2,25 16:5,11 17:19 21:10,17 26:5 27:10
spring 7:10	tabbed 8:9	transportation 6:18 13:22,23,24 14:12,16 19:11,15 20:10 21:11 23:6 26:15
staff 7:16 11:18	takes 22:19	Trolley 17:23 18:2
staff's 10:2 26:2	talk 10:11 27:9,25 32:7	TTI 23:16,23 24:3,10 26:7
standing 22:23	talking 25:23 29:15	tuesday 4:1
standpoint 7:19	terms 21:20 28:17	turn 4:17 9:21
start 23:24,25 24:11 28:14 29:15	terribly 17:2	Txdot 6:19 7:22 16:9 26:18 27:2,5, 10,14 28:2
started 5:13 7:9	Texas 5:2 16:4,6 18:12 23:6 29:10	Txdot's 4:10 28:11
startup 18:8	thanking 12:16,18	type 17:1
state 7:12,14,15,17,20 8:23 14:8 15:5,7,16,17,20,23 16:1,11 17:18 18:10,11 19:3 26:6 27:1,4,10 29:10	thing 14:6 16:19 20:17 21:21 23:21 24:17 30:2	typically 19:12
states 15:2,10,14,17 18:9	things 14:1 16:25 17:4,8 20:25 28:19	
statute 27:1,4	thinking 16:17	<hr/> U <hr/>
stay 4:21 32:7	thumbs-up 20:12	unable 9:10
step 20:14	thumbs-up/thumbs-down 20:11	unknownst 17:22
STEPHENS 4:4 5:6,12,17,22 6:3, 6,9 8:16 9:9,23 10:9 11:4,7,11,14 12:1,5,11,24 13:2,12,17 19:5 22:5, 11,15,19 24:2,7,15,18,24 25:3,12, 16 28:15 29:17,24 30:5,19 31:4,9, 15,19 32:2,5,9,12,15	Thursday 30:14	unchanged 6:20
stood 14:17	TIGER 21:7,9,25 22:3	understand 26:6 28:24 29:4,9
straight 4:16	tightened 15:12	underway 15:1
streetcar 17:22 18:6	tightly 20:19	unfunded 15:7
	time 6:14,21 7:4 15:11 23:3,10,12 25:5 26:13,24 29:11,23 32:6	unheard 12:23
	timeframe 6:25 9:15 18:19 28:22	Unified 19:11

update 19:10 23:7

updating 17:6

upgrades 21:13

urban 10:20,22 21:4 25:25

usual 14:3

UTP 19:11

V

vote 6:4

W

wait 30:12

wanted 11:21 15:16 18:18 21:23
28:21

ways 15:6

Wednesday 30:13

week 31:21,23

weighty 28:10

wing 14:12

wings 18:2

women's 4:13

Woodlands 27:16,17

work 9:1 12:25 13:13,14 16:14,15
22:21 23:10 24:3,4 27:16

worked 9:25

working 7:9 16:12 20:2,6 23:7,24,
25 24:11,13,21,25

written 7:1

Y

year 7:21 10:22 15:9 16:4 22:1
23:3,14,18 24:4 30:12

years 7:18 13:11 14:15,19 16:2
23:9 25:25