

Transcript of the Testimony of  
**TxDot PTAC Meeting**

**Date:**

September 18, 2018

**Case:**

TxDot PTAC Meeting

MEETING, PUBLIC 09-18-2018

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TRANSCRIPTION OF

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TEXAS DEPARTMENT OF TRANSPORTATION

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PUBLIC TRANSPORTATION ADVISORY COMMITTEE

11

PUBLIC MEETING

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TUESDAY, SEPTEMBER 18, 2018

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10:00 A.M.

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200 EAST RIVERSIDE DRIVE, ROOM 2B.1

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AUSTIN, TEXAS 78704

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REPORTED BY: PAIGE S. WATTS, TEXAS CSR NO. 8311  
MEETING, PUBLIC 09-18-2018

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APPEARANCES

COMMITTEE MEMBERS PRESENT AND PARTICIPATING:

- John McBeth, Chair
- Jim Cline, Vice-Chair
- Ken Fickes
- J.R. Salazar
- Marc Whyte
- Dietrich Von Biedenfeld

TxDOT PRESENT AND PARTICIPATING:

- Eric Gleason, PTN Director
- Josh Ribakove, PTN Communications Manager
- Kelly Kirkland, PTN Business Operations Manager
- Mark Sprick, Program Specialist
- Theo Kosub, Strategic Programs Development Manager

OTHER SPEAKERS:

- Eric Backes, Executive Director of TTA

MEETING, PUBLIC 09-18-2018

## MEETING AGENDA

## ITEM

- 1 Call to Order.
- 2 Safety Briefing.
- 3 Introduction of Public Transportation Advisory Committee (PTAC) members and comments from PTAC members.
- 4 Approval of minutes from May 8, 2018 meeting(Action)
- 5 TxDOT's Public Transportation Division Director's report to PTAC regarding public transportation matters.
- 6 Discussion of Federal Transit Administration (FTA)-required Transit Asset Management plans. (Action)
- 7 Discussion of performance trends noted in the 2017 Texas Transit Statistics Report. (Action)
- 8 Discussion of FY19 work program topics including, but not limited to:
  - \* Implementation strategies in anticipation funding included in TxDOT's 2020/2021 Legislative Appropriations Request
  - \* Administrative rule revisions in response to FTA Public Transportation Safety Program final rule (672,673)
  - \* Review of Intercity Bus Program priorities and practices(Action)
- 9 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.
- 10 Propose and discuss agenda items for next meeting; confirm date of next meeting.
- 11 Adjourn. (Action)

1 MR. MCBETH: Well, it's 10:00 o'clock.  
2 The meeting is supposed to start at 10:00 o'clock. I'm  
3 John McBeth. I'm the Chair of the Public Transportation  
4 Advisory Committee, and I'll call the meeting to order.

5 And, Josh, if you would, the safety  
6 briefing.

7 MR. RIBAKOVE: Sure. Welcome to 200 East  
8 Riverside Drive. We're in Room 2B-1. If there's a  
9 medical emergency, please call 9-1-1. This is, again,  
10 200 East Riverside Drive, 78704. There is an AED unit.  
11 It's downstairs on Level 1 in the main lobby at the  
12 security booth. First aid kits are marked and located  
13 on each floor.

14 In case of a fire or any need to evacuate  
15 the building, fire extinguishers are also marked and  
16 located on each floor. The one on this floor is right  
17 out in the little hallway by the restrooms next to the  
18 elevator. We'll evacuate the building if we need to by  
19 walking down the stairs and exiting the front door of  
20 the building. Then, we'll turn left and gather near the  
21 sidewalks and fenceline of the parking lot facing  
22 Riverside Drive.

23 We're not expecting it; but in case of  
24 tornado or inclement weather, stay inside and move away  
25 from exterior walls and windows; and we proceed down the

1 stairs and into the large auditorium, which the entrance  
2 is right by the guard's desk there. When we get down  
3 there, that's a large and windowless room; and that's  
4 the safest place in the building should we have that.

5 In case of active shooter or a bomb  
6 threat, follow instructions from the public address  
7 system and on-site security personnel. Thanks for your  
8 time and have a safe and productive meeting.

9 MR. MCBETH: Great. One less  
10 housekeeping thing, if everybody would please put your  
11 phones on silent and if your tablet or laptop is set up  
12 for audible alerts, put that on silent also.

13 As is our custom, we have people who are  
14 listening in on one of these monitors up here. And  
15 Christina Crain, a member, I don't know if she's online  
16 yet; but she is here. So when you're going to make  
17 comments, please preface your comments with your name so  
18 that we all know who is speaking.

19 And with that, we'll move to the  
20 introduction of Public Transportation Advisory Committee  
21 Meeting, committee members. And let's start with our  
22 new members Dietrich Von Beidenfeld.

23 MR. VON BIEDENFELD: Okay. I'm Dietrich  
24 Von Beidenfeld. I live in West Columbia, Texas. The  
25 first capitol of the Republic of Texas. I cannot see

1 Alaska from my house, but I can see the first Capitol or  
2 the replica. It's very nice if you'd like to visit.

3 MR. MCBETH: Marc?

4 MR. WHYTE: Marc Whyte. I'm from San  
5 Antonio. I'm looking forward to helping out and being  
6 part of a good discussion and moving things forward.

7 MR. SALAZAR: My name's J.R. Salazar.  
8 I'm the General Manager of Central Texas Rural Transit  
9 District. It's a medium-to-large-sized rural transit  
10 district. We have about 11 counties, 11,000 square  
11 miles.

12 MR. FICKES: Ken Fickes, Harris County  
13 Transit Services. We handle everything east of  
14 Beltway 8 outside the metro service area and we have  
15 countywide event response.

16 MR. CLINE: I'm Jim Cline from  
17 Carrollton, Texas, representing the general public.

18 MR. MCBETH: And I'm John McBeth. I'm  
19 the General Manager and CEO of Brazos Transit District.  
20 We serve 16 counties in central and far east Texas, both  
21 small urban and rural.

22 J.R. is our longest-lived member of the  
23 Public Transportation Advisory Committee.

24 MR. SALAZAR: That's what I was going  
25 for.

1 MR. MCBETH: Yeah, you've outlasted --  
2 you've outlasted them all. Just so everybody knows  
3 that; and we'll move on then to approval of the minutes,  
4 Agenda Item No. 8 of May 8, 2018.

5 MR. CLINE: So moved.

6 MR. GLEASON: John, I don't know if  
7 Christina is on or not.

8 MR. MCBETH: Christina, are you on?

9 MR. GLEASON: Not yet, okay.

10 MR. MCBETH: I didn't think so.

11 MR. FICKES: I'll second.

12 MR. MCBETH: We have a motion from Jim,  
13 and a second from Ken. Is there any discussion?

14 Hearing none, I'll call for a vote. All  
15 those in favor, signify by saying aye.

16 (Chorus of ayes)

17 MR. MCBETH: All opposed by nay. All  
18 ayes and no nays, the minutes are approved.

19 And, Josh, I'm signing those as I speak.  
20 I will leave them right -- I'll give them to Kelly for  
21 safekeeping.

22 Item No. 5, the TxDOT Public  
23 Transportation Division Director's report to PTAC  
24 regarding public transportation matters, Mr. Gleason.

25 MR. GLEASON: Thank you. I'm Eric



1 Gleason, TxDOT Director of Public Transportation. For  
2 my Director's report, I have a number of items. It's  
3 been a while since the committee has met. We weren't  
4 able to pull a meeting together as we typically do in  
5 July, in conjunction with our semiannual business  
6 meeting. So May was the last time that the committee  
7 convened and since then, just to bring you up to speed  
8 on some items, so May and June -- as they typically  
9 are -- were big meetings for us with the commission.

10           You-all have in your packet a press  
11 release announcing \$82 million of federal and state  
12 funding, which were awarded between those two meetings  
13 for a variety of different programs and program  
14 purposes; but that was a watershed moment for us in the  
15 last year.

16           MR. RIBAKOVE: Eric, may I clarify?  
17 That's not in the packet.

18           MR. GLEASON: I thought it was. Okay. I  
19 thought I read something that said it was. My bad.

20           So, secondly, we also in May I believe  
21 reported to the committee that we were expecting our  
22 State safety oversight certification shortly from  
23 Federal Transit Administration. We did get that in July  
24 finally, and that is a certification that was required  
25 for the Department to carry out its functions as the

1 State safety of oversight agency for rail fixed guideway  
2 public transportation systems in Texas. And so it's not  
3 necessarily a topic that the committee has dealt with in  
4 the past, and I don't necessarily see that on the -- on  
5 an upcoming agenda for you; but it is significant to the  
6 State if for no other reason than if we do not get  
7 certified, then the Federal Transit Administration is  
8 precluded from distributing any transit funding  
9 whatsoever to the State of Texas. So that was a big  
10 deal for everybody, whether folks realized it or not.

11           The third item I will mention is that  
12 also in this timeframe, there was a congressional  
13 appropriation in the aftermath of Hurricane Harvey.  
14 There was a congressional appropriation into the Federal  
15 Transit Administration emergency relief fund. This is  
16 the 5324 program that only gets the money put into it  
17 when it is congressionally appropriated for a specific  
18 emergency related purpose. It has only been used one  
19 time previously, and that was after Super Storm Sandy.

20           So Congress did appropriate funds for  
21 Maria and Harvey and Irma, I believe, were the three  
22 hurricanes, if I got those names right.

23           MR. FICKES: You got them right.

24           MR. GLEASON: And so as a part of that,  
25 the State received two pots of funding, most of which

1 went directly to transit recipients to repair damage  
2 caused by Hurricane Harvey. There was a relatively  
3 small amount of funding -- \$6.7 million -- which is a  
4 part of the program, but it is under a subprogram called  
5 "Resiliency Project Funding." And Resiliency Project  
6 Funding are -- is intended to address areas of risk and  
7 vulnerability in transit operations to reduce the risk  
8 of damage from a future event. So not to help you  
9 recover or not to help anyone recover from the damage of  
10 Hurricane Harvey, but to better prepare for the next  
11 storm.

12           The way this program is intended to work  
13 is a bit different than what we're used to from a  
14 standpoint of project selection and under the Resiliency  
15 Program for 5324, TxDOT is responsible for putting out a  
16 call for projects in the emergency declaration area of  
17 the state and for coming up with a recommended list of  
18 projects that gets forwarded to FTA for final approval.

19           So and in this instance, unlike any other  
20 project call that we have done as a Department, this is  
21 a call that Houston Metro would respond to, as well, for  
22 example. So, you know, our job with this program is to  
23 develop a recommended project list, to forward that to  
24 FTA for their final approval and depending on the  
25 projects that are selected and the recipient of those

1 projects, direct and designated recipients will find  
2 directly their take of that funding. If there is a  
3 rural program provider that is selected for funding,  
4 then that would come down through the commission as it  
5 typically does.

6           So from a schedule standpoint, we are  
7 looking at putting something out by the end of this  
8 month, which will be a call for projects. There's an  
9 application that will be attached to it with information  
10 that FTA is requesting as a part of their determination  
11 of what they'll approve. So we will include an  
12 application in it based on that. We're looking at about  
13 30 days to respond, and then this doesn't require  
14 commission action; but we would like to be in a position  
15 as a State DOT to forward our recommended list of  
16 projects to FTA in late November or early December.

17           So I'm going to stop at that because I  
18 see a couple members whose areas were impacted by Harvey  
19 that have quizzical looks on their brows. Any  
20 questions?

21           MR. FICKES: Yeah. We -- this is Ken  
22 Fickes. We received notification that we received a  
23 direct allocation for Resiliency Funds and --

24           MR. GLEASON: You did.

25           MR. FICKES: -- so did Metro. So does

1 this -- does that fall under this, what you're talking  
2 about or are we still on the side with that?

3 MR. GLEASON: So there are -- within the  
4 emergency relief program --

5 MR. FICKES: Right.

6 MR. GLEASON: -- the majority of funding  
7 was for recovery.

8 MR. FICKES: Right.

9 MR. GLEASON: Damage recovery.

10 MR. FICKES: Right.

11 MR. GLEASON: Resiliency Funding, there's  
12 6.7 million for Texas and you -- Houston Metro said that  
13 they had gotten some money?

14 MR. FICKES: We got some. They got some.

15 MR. GLEASON: You didn't get Resiliency  
16 Funding.

17 MR. FICKES: That's what I understood.  
18 It could be used for resiliency.

19 MR. GLEASON: Let's circle back.

20 MR. FICKES: Okay.

21 MR. GLEASON: Because that was not my  
22 understanding, Ken.

23 MR. FICKES: All right.

24 MR. GLEASON: If you got money, it was  
25 for damage -- damages which FTA had certified.

1 MR. FICKES: Okay.

2 MR. GLEASON: And this is a separate pot  
3 of funding that has not yet been allocated. So  
4 people -- let's circle back on that, and let's make  
5 sure.

6 MR. FICKES: So --

7 MR. GLEASON: Because Houston Metro will  
8 talk about it as if it's theirs.

9 MR. FICKES: Right.

10 MR. GLEASON: But that's just been the  
11 conversation.

12 MR. FICKES: We've talked to our grant  
13 people, and that's what I understood; but I'll  
14 double-check that because I could be wrong. It was a  
15 very small conversation.

16 MR. GLEASON: Okay, good. All right.

17 John, you were another -- I don't know if  
18 you've heard of this program or not.

19 MR. MCBETH: Yeah, we got -- this is John  
20 McBeth. We got our -- we went through the hurdles with  
21 Federal Transit Administration and got all our stuff  
22 done.

23 MR. GLEASON: You got your recovery  
24 funding, correct?

25 MR. MCBETH: We got our recovery funding.

1 We haven't heard anything about Resiliency Funding.

2 MR. GLEASON: Okay.

3 MR. MCBETH: But all of our stuff has  
4 been directed.

5 MR. GLEASON: Okay.

6 MR. MCBETH: We spent all of our money.

7 MR. GLEASON: This will be -- you know,  
8 so in case, you know, the next time they let the water  
9 out of Lake Conroe on you, if you needed some kind of  
10 bunker to, you know, shield the water.

11 MR. MCBETH: Or a generator?

12 MR. GLEASON: Yeah, something like that.  
13 That would be --

14 MR. MCBETH: Generator would be on real  
15 high stilts, at least six and a half feet above the  
16 water.

17 MR. GLEASON: There you go.

18 Also during this timeframe since you met  
19 last, there was a notice of funding opportunity put out  
20 by FTA, 5339, bus and bus facility funding. I've  
21 forgotten the amount that's available. I think it's  
22 360 million roughly that is available nationwide for bus  
23 and bus facility programs, and no less than 10 percent  
24 of it will be allocated to rural areas.

25 So the Department prepared a rural fleet

1 replacement application. We submitted a request for  
2 \$16 million of 5339 discretionary funding and we will  
3 add to that 10 million of flex funding -- money that has  
4 been flexed over to our program for fleet replacement  
5 from the highway side -- for a combined total of  
6 \$26 million. Now, if we are successful in getting all  
7 16, that will allow us to replace about 350 vehicles.

8           Again, it's going to depend on the  
9 average price of the replacement fleet; and it's  
10 intended to address not only the current need for  
11 replacement, but the anticipated need over the next two  
12 years. Our history with these opportunities seems to be  
13 that we get successful about once every three years, and  
14 so we're thinking and hoping that we are due. It has  
15 been since 2015 since the Department got TIGER funding  
16 for this purpose. And so without really any reason,  
17 other than just optimism on my part, I'm thinking that  
18 we are due some level of award with this.

19           We did suggest to them that if 16 million  
20 wasn't possible, that another cut at it would be  
21 10 million, which actually would represent the need  
22 through one additional year of fleet replacement funding  
23 and that we would match any amount they gave us up to  
24 10 million with the flex funding. So if they gave us  
25 6 million, we'll put 6 million of flex funding. If they



1 give us 16, we'll put 10 million in, which is our  
2 maximum on that.

3 We have been told that they want to make  
4 an award later this fall, which is relatively quick from  
5 a turnaround standpoint; but that's what the information  
6 we have from the 5339 program back in D.C. So hopefully  
7 we'll get some good news on that before we meet next.

8 MR. MCBETH: This is John. Eric, is this  
9 combination of -- with the fleet, is it a combination of  
10 small urban and rural?

11 MR. GLEASON: Just rural.

12 MR. MCBETH: Just rural.

13 MR. GLEASON: Just rural.

14 MR. MCBETH: Whoa.

15 MR. GLEASON: Three years, though. So  
16 it's anticipated to keep us in pretty good --

17 MR. MCBETH: No kidding.

18 MR. GLEASON: -- state of repair through  
19 2021, right? Is that right? Okay, yeah.

20 MR. MCBETH: Wow. Thanks.

21 MR. GLEASON: Don't thank me yet.

22 MR. CLINE: If you had -- are you -- this  
23 is Jim Cline. Are you preserving the 10 million for  
24 matching funds for future grants if you don't get all of  
25 the 16 or if you get less than 10?

1 MR. GLEASON: We've -- it's -- what we've  
2 tried to do with the flex funding is leverage it and  
3 with additional federal funding so we can do more. In  
4 the event that we are unsuccessful, the other program we  
5 now have in place is a routine fleet replacement program  
6 where every other year, we include these funds as part  
7 of a call for project proposals and ask that agencies  
8 look at their other funding sources -- 5339, 5307,  
9 5311 -- to bring to the table for that.

10 We are more than willing to take  
11 development credits that we have and put those on the  
12 table for match purposes. So we're not looking for  
13 folks to necessarily come up with local money to support  
14 this, but we are asking them to look at their budgets  
15 and to make determinations within their budgets with  
16 money they get to allocate for this program.

17 MR. CLINE: Thank you.

18 MR. GLEASON: Any questions on that?

19 MR. MCBETH: I have one general question.  
20 This is John again. Since we've been investing in fleet  
21 for several years now, could we -- at maybe the next  
22 meeting -- get a report on where we are on fleet for the  
23 rural program and for the small urban program, if  
24 possible? How many -- how many buses have we bought?  
25 Have we made a dent in that number that the rural fleet

1 was all about to fall apart and die? Just a general  
2 number. Are we making a dent in that?

3 MR. GLEASON: Sure. So in your mind, how  
4 far -- are you thinking maybe start with Recovery Act  
5 funding.

6 MR. MCBETH: Yeah, uh-huh. Yeah, yeah.

7 MR. GLEASON: Okay.

8 MR. MCBETH: Back that far.

9 MR. GLEASON: That was the first start  
10 of --

11 MR. MCBETH: Yeah. I'd just like to see  
12 if we're actually -- are we making a dent in that huge  
13 mountain?

14 MR. GLEASON: You're going to hear later  
15 on today with a significant subset of the rural program  
16 that is included in our asset management plan. You'll  
17 hear that, generally, we're in a pretty good position.

18 MR. MCBETH: Yeah.

19 MR. GLEASON: As everyone knows, though,  
20 when you -- you know, every time you get a big slug of  
21 money like we got with TIGER most recently, then it  
22 comes due four or five years down the road when that big  
23 slug of investment is beyond its useful life and needs  
24 to be replaced.

25 MR. MCBETH: Yeah.

1 MR. GLEASON: So, and that's what we're  
2 trying to get ahead of with this discretionary --

3 MR. MCBETH: Right. That's another part  
4 of my question is: Are people actually conforming and  
5 beginning to replace their equipment before it all falls  
6 apart? Are we making progress on that particular side  
7 of it?

8 MR. GLEASON: We can -- why don't we try  
9 and put something together --

10 MR. MCBETH: Yeah.

11 MR. GLEASON: -- for the committee on  
12 that for the next meeting.

13 MR. MCBETH: Okay.

14 MR. GLEASON: That's fine.

15 MR. MCBETH: Great, thanks.

16 MR. GLEASON: The Department has also  
17 sent over to the State legislature its 2020-2021  
18 Legislative Appropriations Request. It included in that  
19 request the committee's request for an additional  
20 \$41 million a year to support expanded coverage and  
21 expand service in the state. That was included as an  
22 exceptional item in the Appropriations Request. Meaning  
23 that it would require additional funding from outside of  
24 the Department's regular sources of funding in order to  
25 us -- for us to be able to use it. So we're looking for

1 general revenue funding or whatever.

2           It's a large number. You know, I think  
3 it's -- well, I know it's a larger number than this  
4 committee and this Department has ever included before  
5 as a statement of need. It is perhaps our best informed  
6 number that we've had on this topic. And so the extent  
7 to which we'll be successful with the request, I think,  
8 you know, I think everyone would recognize it's a very,  
9 very steep slope we'd have to climb to get there; but it  
10 is a statement of need. It is a defensible statement of  
11 need; and we'll talk a little bit later about, you know,  
12 in Agenda Topic 8, we'll talk a little bit later about  
13 what we might need to do if that money were to be found,  
14 what are some of the things we would need to consider  
15 from an implementation standpoint.

16           So other than the exceptional item  
17 request, everything in the baseline is as it is today.  
18 So there are no changes to the amount allocated to  
19 transit state grant funding amounts. It remains as it  
20 was in the previous biennium.

21           Coming up in September at commission, we  
22 have a one-minute order. It's got three projects in it.  
23 Just real quickly, the Beaumont MPO allocated CMAC  
24 funding in southeast Texas for rural fleet replacement  
25 and I should mention that because of that action by the

1 Beaumont MPO, the Southeast Texas Regional Planning  
2 Commission is the only rural agency which is not  
3 included in our discretionary fleet application because  
4 the allocation by the MPO dealt with their needs. So  
5 that is the only rural transit district that is not  
6 included.

7           There is an award to the Lower Grande  
8 Valley Development Council. It is our final award  
9 coming out of the Springs Coordinated Call, and it's for  
10 an intercity cross Valley bus service that all four  
11 agencies down there are partnering to keep in place.  
12 And finally, we are -- there's about \$60,000 to go to --  
13 it's actually going to Project Amistad in the El Paso  
14 area, but it's for use on the upcoming TTA Southwest  
15 Transit Association Conference in El Paso the first week  
16 of March.

17           So we are funding a significant amount of  
18 training; and as a part of that, there were -- we were  
19 able to secure, I think, two-thirds of the seats  
20 available in the training that TxDOT is purchasing for  
21 the conference. Two-thirds of those seats are set aside  
22 for Texas properties and I think Kristen will hold those  
23 seats for Texas up until about 30 days before, and then  
24 she has our permission to release those seats so that  
25 folks from the other states can take part in training if

1 Texas doesn't want to; but that was -- we're willing to  
2 pay for it, as long as we got that kind of an  
3 arrangement to make sure that Texas properties could get  
4 the training. So we'll be sponsoring training there;  
5 and we'll be sponsoring the TTA Rodeo, as well.

6           So that's it for September. We have a  
7 leadership seminar. Version 6 is scheduled to start on  
8 October 28th. We have a full class of 25. Everyone  
9 from Texas. It's actually one of our easier classes to  
10 fill. I was talking to Kristen about the possibility  
11 that if we did not have 25 from Texas, that she could  
12 open it up to some of the surrounding states, as long as  
13 they paid the entire amount of the expenses, of course.  
14 So didn't need to go there. We got 25 from Texas. So  
15 we're happy.

16           MR. FICKES: That's good.

17           MR. GLEASON: So that ought to be in  
18 October; and then the second session, which  
19 traditionally falls in January, that's actually going to  
20 be moved to the end of February to be just before the  
21 Transit Conference in El Paso. So folks can go to that,  
22 and then just stay for the conference if they want.

23           And finally -- I know I'm taking a lot of  
24 time on this, Mr. Chair; but a lot of things going on.  
25 Finally --

1 MR. MCBETH: We've got all the time in  
2 the world.

3 MR. GLEASON: -- just to let the  
4 committee know that the Department, we did conduct a  
5 very short customer satisfaction survey where we sent a  
6 four-or-five question survey out to 75 agencies that we  
7 provide funding to. We heard back from 57 of them. So  
8 that's a pretty good response rate. And we were asking  
9 them questions about some basic attributes of customer  
10 satisfaction, how satisfied they were with what we did,  
11 and did they have any recommended areas of improvement.

12 So, overall, very happy with the results.  
13 Very satisfied/satisfied, 93 percent of the respondents.  
14 Two areas were identified for us to make improvement on.  
15 One was response time. You know, that whole interaction  
16 between agencies and ourselves when assistance is  
17 needed. And then finally, knowledge. And I think what  
18 knowledge -- knowledge is a reflection of two things, I  
19 think. We work with a lot of different programs and  
20 sometimes field staff are not as up to speed on the  
21 specifics as possible and so sometimes they've got to go  
22 back to Austin to get the question and that can take  
23 some time.

24 We are also experiencing a fairly high  
25 degree of turnover in our staff -- succession, turnover,



1 if you will. Folks are retiring. Folks with lots of  
2 knowledge are retiring and we're bringing new people on  
3 and a combination of either in the field or in Austin  
4 here, we're just having to get up to speed from a  
5 knowledge standpoint. So, but we will focus on those  
6 two things to try and do a better job. That concludes  
7 my report.

8 MR. MCBETH: A bunch a good news.

9 MR. GLEASON: Yes.

10 MR. MCBETH: Thank you very much.

11 Outstanding. Particularly, I would note the commission  
12 in their Legislative Appropriate Request, requesting the  
13 \$41 million that this committee recommended; and for our  
14 new members, that was a year's worth of work. It was  
15 more than fully vetted by the people in this room.

16 Whether we get it, it's always a  
17 crapshoot with this legislature. We don't know, but  
18 that's the largest amount of money that we've ever asked  
19 for. That's \$82 million a biennium. That's a big, old  
20 chunk of money; and if we get it, we'll change the shape  
21 of transit in Texas. It's pretty amazing. So,  
22 basically, we'll double what we're currently getting in  
23 our base budget. We'll double it.

24 MR. GLEASON: Little bit more than double  
25 it.

1 MR. MCBETH: Yeah, yeah. So  
2 congratulations to this group of people. This was hard  
3 fought -- hard fought little battle; but outstanding  
4 news, as is all the other stuff you've talked about.

5 Okay. With that being that, we'll move  
6 on to Item No. 6.

7 MR. GLEASON: The real briefing,  
8 Mr. Chair, I will introduce this and then turn it over  
9 to Theo Kosub --

10 MR. MCBETH: Okay.

11 MR. GLEASON: -- who's been doing this  
12 work for us. Y'all may recall that -- well, not all of  
13 you; but those of you in transit will know that the  
14 Federal Transit Administration is requiring recipients  
15 of 5307 and 5311 funding to have asset management plans  
16 in place by October 1st of this year. And so we are  
17 nearing the endgame on that effort; and we have, I  
18 think, briefly spoken to the committee about this  
19 before. But Theo is here today to quickly walk you  
20 through and briefly walk you through our plan.

21 And so with that, Theo.

22 MR. KOSUB: Good morning, Mr. Chair,  
23 members of the committee. I'm Theo Kosub. I'm the  
24 Division's Strategic Program Coordinator. Like Eric  
25 said, I'm going to talk to you about our transit asset

1 management plan today. Well -- oh, all right.

2 Technical difficulty.

3           So first, what is the purpose of a  
4 transit asset management plan? It's to maintain a state  
5 of good repair for the State's public transportation  
6 assets. The transit asset management rule came out in  
7 October of 2016. So we're working to meet the deadline  
8 of October 1st, 2018, to have our asset management plan  
9 in place.

10           Right here, you will see these are the  
11 main elements you would find within the transit asset  
12 management plan. You have to have an inventory of your  
13 assets. What's out there? A condition assessment of  
14 those assets for a rolling -- asset that's in rolling  
15 stock, that might be how many miles does it have on it,  
16 how old is it, what condition is it in. For a facility,  
17 you know, how are its various components functioning.

18           The useful life benchmark is really about  
19 how that asset's age or miles relate to its standard.  
20 For facilities, you have the transit economic  
21 requirements model that basically is a scale that helps  
22 you evaluate your facility. For rolling stock and  
23 equipment, a useful life benchmark is going to be that  
24 age and mileage. And once you have those useful life  
25 benchmarks, you have something by which you can measure

1 your assets. So once you've done that, the investment  
2 prioritization is really: How will you replace those  
3 assets over the course of the next few years and  
4 maintain a state of good repair?

5 So developing our asset management plan  
6 has been a collaborative process. We have 37 entities  
7 who are participating, and we started this process in  
8 March of this year. We held a webinar to inform  
9 potential participants, and they were given the  
10 opportunity to opt out or opt in. Two rurals have opted  
11 to do their own plan: Fort Bend County and PTS. All of  
12 our open-door service, 5311 -- oh, excuse me, 5310  
13 providers are in our plan.

14 There are several asset categories of  
15 which y'all are probably familiar. Rolling stock,  
16 that's your revenue vehicles. Facilities, this is your  
17 admin, maintenance, passenger facilities. And then this  
18 last category can be a little bit misleading. It's  
19 equipment, but it's referring to assets that are above  
20 \$50,000 in value. If it's a piece of equipment, like, a  
21 very advanced security system or an expensive lift; but,  
22 generally, this is going to be your support and  
23 maintenance vehicles.

24 MR. GLEASON: So let's -- Theo, let's  
25 stop right there, if we can, Theo. Let's -- I want to

1 make sure folks understand the plan participants and  
2 what's going on here. The first thing some of you may  
3 notice is we have -- we currently have 36 rural transit  
4 districts in the state, but only 25 of those 36 are in  
5 this plan. And, in fact, there's a -- you know, some of  
6 those folks are urban transit districts, as well. And  
7 so in that case if you're an urban transit district and  
8 you also provide rural transit service and this is --  
9 there's some confusion here. But here in Texas, you're  
10 doing your own plan and it's to include the rural  
11 element of your service and that is how we understood  
12 the direction in the FTA rule.

13           Subsequent to that, they have come out  
14 with some information that seems to be not so black and  
15 white about that and you'll see that we have one small  
16 urban district as a part of our plan and it's an  
17 imperfect world. That's all I have to say. But the  
18 main thing I think here and I want folks to recognize  
19 it, as a State, we needed to offer rural transit systems  
20 the option of what is called a "group plan." And that  
21 is where we do a plan that has multiple sub-recipients  
22 as a part of it.

23           And so that is why you see that this plan  
24 includes 25 of 27 standalone rural transit systems. So  
25 of our 36, 27 of them are just rural transit operations;

1 and of those 27, 25 chose to be in it. So this -- as we  
2 go through this today, one of the odd things about this  
3 plan, is this plan doesn't represent the entire need of  
4 our rural systems. It is a subset. And we may move  
5 over time toward making a decision that we will be  
6 inclusive of everyone in our asset management plan.  
7 It's just that this first one out of the gate to the  
8 meet the basic requirements of the rule, is not.

9 So let's go onto the next slide.

10 MR. CLINE: This is Jim Cline. Just  
11 your -- the obligation is actually on the entity  
12 receiving the funds, not on TxDOT, right, to have a  
13 transit asset management program?

14 MR. GLEASON: Well, TxDOT is the  
15 designated recipient for the rural program. There has  
16 to be an asset management plan for all agencies. I  
17 think from a compliance standpoint, we will need to  
18 ensure that everyone has one. That the feds will look  
19 to us from a compliance standpoint to -- even if they're  
20 not part of our group plan --

21 MR. CLINE: They still have --

22 MR. GLEASON: -- it's going to be our  
23 responsibility to make sure that everyone has one.

24 Did I say that right?

25 MR. KOSUB: That's correct.

1 MR. FICKES: This is Ken. So you're  
2 just -- your plan is just for rural. So if you're small  
3 urban, it's something different?

4 MR. GLEASON: They're doing their own.

5 MR. FICKES: They're doing their own.  
6 Okay. All right.

7 MR. GLEASON: As direct recipients.

8 MR. FICKES: Got it.

9 MR. GLEASON: With one exception, and  
10 that's just the weirdness. I mean, I think I'm still --  
11 I think there was some subsequent guidance that FTA put  
12 out, as often happens, which, you know, was a little  
13 different than what the rules say. And one of our small  
14 urbans -- voracious readers as they are -- called us and  
15 said, "Hey," and we looked at it and it was, like, okay.  
16 So they're in there.

17 But the initial direction everyone in  
18 this state received, is that you -- if you are an urban  
19 transit district getting 5307 funding, then, yes, you do  
20 your own. If you are also a rural transit district,  
21 then you will include your rural transit district needs  
22 in that plan.

23 MR. FICKES: All right.

24 MR. KOSUB: So let's talk a little bit  
25 about targets here. When you're developing a transit

1 asset management plan, there are three asset categories  
2 that you have to set performance targets for. So the  
3 first one, that rolling stock there, if you have 100  
4 buses, you would hope -- your target would be that 15 or  
5 fewer would be past their useful life benchmark for age  
6 or mileage.

7                   For facilities, it's a little bit  
8 different. They use the TERM scale. It's an FTA  
9 guidance that helps people to evaluate the condition of  
10 their facility. So a three is middle of the road. The  
11 worst would be one, poor. Five would be excellent, it's  
12 brand new. Three would be adequate. And then,  
13 likewise, for equipment you're looking at 15 percent or  
14 less of equipment assets operating beyond their useful  
15 life. Difference being, you know, rolling stock you  
16 tend to put on a lot more mileage. For some of the  
17 equipment, you may have maintenance or service vehicles  
18 that typically don't have as many mileage or are -- they  
19 might be older with less mileage.

20                   This is to a question earlier. If you're  
21 a -- perhaps you're an urban or you're an NTA, there's  
22 an additional target. You would have to do  
23 infrastructure, which would be rail; but that doesn't  
24 apply to any of our rural providers. So you won't see  
25 that here.



1           Our targets were based on historic use  
2 and disposal patterns that we've witnessed over the past  
3 few years -- well, really more than that -- the past  
4 decade or so. And that's based on our public  
5 transportation management system, data that we obtained  
6 from that. Typically, TxDOT gets -- sees a lot more  
7 mileage from their rural units. They look at 40 to  
8 50 percent more mileage than, say, an Altoona bus  
9 testing standard, based on what we've seen. So TxDOT  
10 set a useful benchmark life that corresponds to about 40  
11 to 50 percent more life for light-duty vehicle types.

12           In terms of these targets, you may think,  
13 well, 15 percent. What happens if we don't meet that?  
14 What happens if we exceed it?

15           Well, initially, there are no penalties  
16 for not meeting your targets; and there's no reward for  
17 meeting your targets. So they're not hard with  
18 penalties. So what did we learn from our asset  
19 management plan?

20           Well, as Eric said earlier, there are  
21 about 1,120 vehicles in this TAM plan. So that's  
22 roughly two-thirds of our total rural fleet. Compared  
23 to those targets we saw earlier, our rolling stock is in  
24 pretty good shape. It's at 88 percent. So we're  
25 obtaining that 15 percent target right now. For

1 facilities, we have a vast majority of them who are  
2 rated adequate, which would be 3.0 or higher on the TERM  
3 scale; but we did see that facilities, although they are  
4 above that TERM scale, some are right around three. So  
5 we made need some future focus on facility investment.

6           Equipment, we're a little bit below our  
7 target. Equipment represents a much smaller fraction of  
8 the assets within this plan. We covered about 81 pieces  
9 of equipment within this plan. Most of which of those  
10 support and maintenance vehicles. For facilities, we  
11 actually had 53 total facility assets. And if you're  
12 curious, about 5310 providers. They're also covered  
13 under this plan. We had about 55 total vehicles in that  
14 plan. As far as vehicle types, light-duty and medium  
15 cutaways were the most common, followed closely by  
16 minivans.

17           Now, the most important part: How much  
18 will it cost to maintain a state of good repair?

19           We estimate that it will -- through 2022,  
20 it will cost about 39.1 million; but as I mentioned  
21 earlier, that's only two-thirds of the fleet. So that's  
22 not the whole picture. In terms of next steps, we  
23 will -- this plan covers a four-year horizon; but by  
24 September of 2022, we will do this again. Take some  
25 lessons from our effort this time, and that will be our

1 next update.

2 So with that, I'm happy to answer any  
3 questions y'all may have.

4 MR. GLEASON: If I may, Mr. Chair. So  
5 the FTA, if I understand this correctly, we need to have  
6 a plan and it needs to speak to the elements that Theo  
7 has gone over. FTA will confirm that we have a plan  
8 that meets the elements of the rule requirement. They  
9 don't see themselves as approving these plans. If  
10 that's -- you know, it's kind of an interesting approach  
11 on their part. They seem to be taking the same approach  
12 with safety and everything else, as well.

13 I think they're in a position of  
14 recognizing that they're -- you know, everything would  
15 tell them that there's not enough money in the federal  
16 program to bring everything to a state of good repair  
17 and so they're kind of just finessing that whole issue  
18 by saying, you know, "You guys put together what you  
19 think makes sense. We'll review it to make sure it's  
20 complete, but we're not necessarily going to challenge  
21 the specifics of it." That's my interpretation of what  
22 they mean. We'll see.

23 Jim.

24 MR. CLINE: Eric, if this is for  
25 two-thirds of the fleet and presuming the other third

1 has a plan and they use this information to make capital  
2 investment decisions, right? Some money's flowing down  
3 from TxDOT. How are you going to overcome the challenge  
4 of normalizing these results if they're really  
5 different?

6           Like, say, someone comes in and says, "I  
7 have a 5 percent" -- or instead of, you know, less than  
8 or equal to 15 is 5 percent. So you have an agency that  
9 now has a greater need than someone else, although it's  
10 the same -- maybe the same mileage and the same years.

11           MR. GLEASON: So I think we're going to  
12 have to see what we get, and see what other agencies  
13 have done. This is -- as Theo said, this is based on  
14 history and not -- and it's also got in it a level of  
15 history that includes funding, if you will. Reasonable  
16 funding expectations for this program. So as long as  
17 agencies sort of stay with that general practical  
18 approach, I'm not anticipating being too far off; but I  
19 don't know.

20           You know, we're going to have to get  
21 copies of everyone's and understand where they're at;  
22 and we may find ourselves a year from now in a position  
23 of updating this plan just because we know a lot more.  
24 I think everyone is just trying to meet the basic  
25 requirements, and then we'll see what we have.

1 MR. CLINE: Thank you.

2 MR. MCBETH: Motion for -- Ken.

3 MR. FICKES: I was just going to say I'll  
4 make a motion to approve.

5 MR. MCBETH: Do we need a motion?

6 MR. GLEASON: We do not.

7 MR. MCBETH: Oh, okay.

8 MR. GLEASON: So --

9 MR. FICKES: It's an action on the  
10 agenda.

11 MR. GLEASON: We put action -- just as a  
12 reminder and not to bring it up, that is on there in  
13 case the committee desires to take action.

14 MR. FICKES: Oh, okay.

15 MR. GLEASON: It is not necessarily a  
16 requirement. If you wish to take action on this, you  
17 may.

18 MR. FICKES: I leave it up to the  
19 Chairman.

20 MR. MCBETH: I see no reason to take  
21 action.

22 Okay. Let's move on to the fun issue.

23 MR. GLEASON: All right. This is mine.

24 MR. MCBETH: Agenda Item No. 7 and  
25 Eric --

1 MR. GLEASON: Performance.

2 MR. MCBETH: -- this is yours.

3 MR. GLEASON: Yeah. Nobody else  
4 volunteered.

5 MR. MCBETH: I don't see any hands in the  
6 air.

7 MR. GLEASON: Yeah. So, now, first  
8 things first. We sent out an updated version of this  
9 yesterday, and I don't -- if everyone was able to  
10 download that or look at it, there was a significant  
11 change; and I'll highlight that when I get to it.

12 All right, performance trends. So this  
13 is -- you know, every year, as background, the  
14 Department prepares for the State legislature a required  
15 report which summarizes performance data collected from  
16 every trend system in the state for the previous fiscal  
17 year. So, for example, this spring we submitted a final  
18 report to the Legislature summarizing FY '17 transit  
19 data from not only the systems that we provide funding  
20 to, but from the MTAs, as well.

21 This is an enormous data collection  
22 effort on our part and it has a history of continuous  
23 improvement associated with it and it can prove to be  
24 difficult to get everybody in in an accurate fashion.  
25 What we've done for you here, is we've done a couple

1 sort of broad slices or broad swipes of that data. For  
2 some key conclusions coming from the report, we have an  
3 annual snapshot which we'll compare '16 to '17 and  
4 identify changes. We took a five-year look from '13 to  
5 '17; and then we also, for the first time, prepared for  
6 every system we provide funding to, sort of a quick  
7 system at a glance.

8           Now, we're only choosing to highlight for  
9 you those things which seemed significant and in some  
10 cases, we have explanations for the change that we've  
11 highlighted and in other cases, we don't. So let's kind  
12 of walk through this. And we've got ridership. So  
13 beginning with our '16 versus '17, we see a relatively  
14 small uptick in ridership on the rural side. So whether  
15 or not an additional 20,000 is anything, you know, to  
16 signify that we're, you know, trending upward generally,  
17 we'll have to find out; but that was a trend, a positive  
18 trend.

19           Seniors and individuals with  
20 disabilities, we see a pretty sharp decrease. This is a  
21 program that can show swings from year to year,  
22 depending on the recipients of funding; and I'm not sure  
23 to what extent we are able to explain this drop today  
24 for you. It's something that we will be researching and  
25 be able to provide the committee with a better

1 explanation at a further date.

2 Safety incidents, the urbanized area  
3 program has seen an uptick in safety incidents. Again,  
4 it seems a relatively significant increase. We are  
5 researching the triggers for that, but it is some cause  
6 for concern. Metropolitan areas are showing a slight  
7 decrease in safety and, you know, those two -- in my  
8 mind -- they're counterintuitive. My expectation would  
9 be that with the increasing congestion and complexity of  
10 the metropolitan operating environment, that that is  
11 where you would see a tendency for these incidents to be  
12 on the rise and not so much in the smaller urban areas  
13 of the state. So it's relatively counterintuitive to me  
14 that we would have this going on, and we're certainly  
15 going to explore that a little further.

16 The next slide then gets into a five-year  
17 look and this is where, at least from my standpoint, we  
18 find things that are perhaps more significant and I'm  
19 actually looking at the old presentation here. So I'm  
20 going to look at the slide. The first packet we  
21 provided to you and actually the information we provided  
22 to the transit districts at our annual -- at our  
23 semiannual meeting in July, showed a rural decrease in  
24 ridership of 26 percent. The packet that you have today  
25 shows it at 10 percent and we believe that the



1 10 percent number is a more accurate reflection of a  
2 trend that the committee can focus on as meaningful and  
3 you'll see a box on the side there. We had to exclude  
4 four rural transit districts from the calculation. Two  
5 of those were based on what we know now to be inaccurate  
6 reporting, significant inaccurate reporting. One of  
7 those -- Galveston, no surprise to anyone -- for census  
8 impacts, it's just too difficult to understand the  
9 changes in ridership in the Galveston area as it  
10 transitioned out of an urbanized area and into a rural  
11 area. So that data was not reliable.

12           And then the fourth example we have,  
13 which the transit folks will recognize, is we had one  
14 entity in this timeframe that was operating at  
15 significantly inflated level of service. Well beyond  
16 their means to sustain. And that, of course, resulted  
17 in a pretty significant ridership increase. So when  
18 they concluded they couldn't sustain it and they reeled  
19 everything in, we saw a pretty significant drop.

20           So when we removed those four systems for  
21 those reasons, we go from a 26 percent drop to a  
22 10 percent drop, which we think is a much more reliable  
23 indicator. Significant by itself, but it's certainly  
24 not 26 percent. Of that 10 percent, about 20 percent of  
25 it is related to the Medicaid Medical Transportation

1 Program.

2 This is a timeframe between FY '13 and  
3 '17 where there were significant changes in the Medicaid  
4 Medical Transportation Program, with the State moving to  
5 a full-risk broker program. And traditional primary  
6 recipients of funding for this program moved to a  
7 subcontract role in many cases, with a lot of challenges  
8 associated with that. So we have seen a falloff of that  
9 program, but they represent about a fifth -- they  
10 explain -- that explains about a fifth of this  
11 10 percent.

12 When you go down to vehicle revenue  
13 miles, again, you know, urbans are trending up in  
14 ridership and a slight increase in mileage. The rurals,  
15 we're kind of headed in the wrong direction. If  
16 ridership is decreasing and mileage is increasing,  
17 that's not a combination you want to see.

18 MR. MCBETH: Eric, this is John. I  
19 think -- I think a percentage of that 9 percent can  
20 easily be attributed to the Medicaid Program and I think  
21 the reason is that the brokers -- whereas when TxDOT was  
22 running the program, you tried to keep everybody that  
23 was a Medicaid rider within their rural transit  
24 district. It's not uncommon for us and for all the  
25 other rural programs that are working for the brokers,

1 to get trip requests that we honor because, otherwise,  
2 we lose our contract -- in our case, from Bryan-College  
3 Station to Dallas, from Bryan-College Station to  
4 Texarkana, from Bryan-College Station to San Antonio.  
5 Every day we carry people into Houston and instead of  
6 grouping those people, there will be one person that  
7 needs to be there at 6:00 in the morning. There will be  
8 another that needs to be there at 10:00, and there will  
9 be another one that needs to be there at noon.

10 So our rider -- our mileage is  
11 skyrocketing and Liz Bruches, who keeps on top of that  
12 for us on the Medicaid Program, she keeps a notebook of  
13 just how stupid it is that we're getting these requests  
14 that we -- and they pay for them. I mean, they're  
15 willing to pay whatever we want to charge them to carry  
16 a person from Bryan-College Station. And many  
17 occasions, we'll carry people from Bryan-College Station  
18 to Scott and White in Temple and we will pass Carole  
19 Warlick on our way over there bringing somebody to Scott  
20 and White in Bryan.

21 MR. GLEASON: Are you going to the speed  
22 limit?

23 MR. MCBETH: Oh, yeah. Oh, yeah. Oh,  
24 yeah. You always go the speed limit on -- there is no  
25 easy road between Bryan-College Station and Temple. So

1 I think that also -- a portion of that 9 percent, at  
2 least in our case and I know in Carole's case and in a  
3 lot of other cases, is going to be as critical to the  
4 Medicaid Program and how poorly the brokers are  
5 operating the program.

6 MR. SALAZAR: I agree with that; and, you  
7 know, John's right. We have to do those trips because  
8 we have to adhere to the contract. You know, we've got  
9 a hospital discharge from Lubbock to Abilene Friday, a  
10 San Antonio to Abilene on that same day. So we're going  
11 to these cities to pick people up, bring them back to  
12 our place. Going to my point is when we actually had  
13 the contract for the Medicaid TSAP -- Transportation  
14 Service Area Providers -- we didn't do those kind of  
15 trips.

16 We didn't go to San Antonio. We  
17 didn't -- we tried to stay within our little service  
18 area and we didn't put those miles on like we are now  
19 and so I don't know really -- I really don't know what  
20 happened and why we now are getting hospital discharges  
21 from all over the state and we're having to go to pick  
22 them up and bring them home just because we have to  
23 because they tell us to. I agree with that. I think  
24 that's a big reason why that 9 percent is --

25 MR. MCBETH: A large portion of that is

1 deadhead miles. We'll get a hospital discharge from  
2 Dallas. We deadhead all the way to Dallas with an empty  
3 bus, pick that person up, and bring them home. They pay  
4 for it. They pay both ways, but it's just -- and you  
5 may as well be talking to a wall when you're trying to  
6 explain to them how stupid what they're doing is.  
7 There's better ways to do it. They could put them in an  
8 ambulance and bring them home cheaper than having us do  
9 it, but we get nowhere.

10 MR. GLEASON: So we will look a little  
11 more closely at the mileage data and see if we can't  
12 split out the Medicaid element to that, as well.

13 MR. MCBETH: I'll bet you that it's going  
14 to account for a minimum of a third of that.

15 MR. GLEASON: So even with the ridership  
16 going down on the Medicaid Program, the mileage -- the  
17 per trip mileage is increasing at a faster rate than --

18 MR. MCBETH: Yeah, yeah.

19 MR. GLEASON: Okay, interesting. And so  
20 we looked at ridership, vehicle revenue miles, and then  
21 operating expense for revenue hour and we didn't see  
22 anything in the operating expense for revenue hour that  
23 looked out of line to us. In fact, that looked pretty  
24 good, honestly, over a five-year --

25 MR. CLINE: Eric, this is Jim. The

1 ridership drop, isn't that about consistent with the  
2 national averages? I mean, there's a drop across the  
3 country in bus rider -- or in ridership in general.

4 MR. GLEASON: So for all systems --

5 MR. FICKES: For all systems.

6 MR. GLEASON: -- yes. I haven't seen a  
7 rural program breakout nationally. You know, Texas,  
8 it's a -- there's an area of the rural program -- the  
9 western half of the state -- where, you know, the  
10 population is either holding steady or even declining,  
11 even though the characteristics of that population are  
12 more and more in line with the customers that these  
13 programs serve.

14 Eastern part of the state, we've got  
15 rural areas that are becoming more dense, you know, even  
16 though they're still categorized as rural. So even  
17 though the demand base may be going up, the  
18 environment -- the operating environment versus, you  
19 know, whether or not the funding is keeping pace with  
20 that ridership is the challenge there.

21 So, okay. So those are the key five-year  
22 trends that we identified with our look at the data.  
23 The next slide then just scares a bit. And at our  
24 meeting in July, as I mentioned earlier, we provided  
25 each provider with a profile of their system, of their

1 FY '17 system, that looked at the five characteristics  
2 that are listed up there. And this was something new,  
3 and there's an example of that on the next slide. Let's  
4 just go to the next slide.

5           There's the example that, you know, we  
6 provided. So everyone got their own. We had to be very  
7 careful we're not giving them someone else's, but -- and  
8 this triggered quite a bit of feedback and, actually, I  
9 was pleased to get this.

10           Mark, if we could go back to the previous  
11 slide?

12           The most interesting thing about this is  
13 it was Item No. 3, the compliance information, that  
14 triggered the greatest level of interest. For those of  
15 you not familiar with our program, we do a risk  
16 assessment on each of our program sub-recipients that  
17 looks at a combination of performance and what I have  
18 learned to call "inherent" risk factors.

19           Performance risk factors go to, you know,  
20 whether or not the agency is operating in compliance  
21 with all the rules and regulations that we come and  
22 exercise our oversight on. The inherent factors are  
23 things that the agency can't do so much about. Either  
24 they get a lot of money and then, therefore, that puts  
25 them higher on the risk. They have a new CFO. They get

1 an external audit finding that stayed with them for  
2 three years, even though they fixed it. There's some  
3 other elements that play into this. But in any event,  
4 we started getting calls, "Why is my system high risk?  
5 Why is my system high risk?"

6 And so this has actually been a very  
7 helpful opportunity for us to try and describe how we do  
8 our risk assessment. So that was -- that's where we got  
9 the most feedback on, honestly. We really put it  
10 together more so to focus on the performance measures  
11 and the expenditure by program area just to give folks  
12 an idea and what we did with that, is we gave folks an  
13 average, as well, to compare their performance and their  
14 expenditure by area against, just to see how they  
15 trended against that.

16 And so our intent will be to do this  
17 every year. It's just like a little report card, if you  
18 want; and so that's there for the committee's  
19 information.

20 That's our overview, and then I'm looking  
21 for feedback. Is this helpful? I think in the context  
22 of moving forward with future discussions, are there  
23 areas the committee is interested in getting into based  
24 on what you saw here, Mr. Chair? So we would entertain  
25 a discussion if the committee wishes to on that topic.



1 MR. CLINE: Can I ask one question?

2 MR. MCBETH: Sure.

3 MR. CLINE: Just, Eric, is this going to  
4 tie back to NTD and all these same stats?

5 MR. GLEASON: Many of these stats are  
6 also reported to NTD, yes. Obviously, we don't --

7 MR. MCBETH: And for the new members, NTD  
8 is National Transit Database, which is a -- the most  
9 esoteric report. You do it on an annual basis and then  
10 there are these dwarfs that live in a basement in  
11 Baltimore and each one of them has 15 telephones and  
12 they spend the rest of the year calling you, asking you  
13 "Why is this 1,000 of 1 percent off of what you reported  
14 last year?"

15 MR. CLINE: The only reason I ask that --

16 MR. GLEASON: I can't wait for the  
17 minutes for the next meeting.

18 MR. MCBETH: It's true. It's a true  
19 story.

20 MR. CLINE: Not to disagree with the  
21 esteemed Chair, my question was to make sure that if you  
22 get questioned on these results compared to NTD, they  
23 should -- just making sure they sync up or there's a  
24 good reason they don't.

25 MR. GLEASON: Correct.

1 MR. CLINE: And, again, the same -- you  
2 know, where I was before, we ran into all kinds of  
3 issues with, you know, there's the truth and then  
4 there's sometimes what happens, you know, just because  
5 of the way that -- not necessarily the truth, but  
6 certain things are excluded and certain things are not.

7 MR. GLEASON: Yes.

8 MR. CLINE: And it gets confusing when  
9 you try to compare the two and particularly if we have a  
10 critic that comes in that is harping on -- and I went  
11 through this process where somebody pulled down all the  
12 NTD data and then was slamming our numbers and trying  
13 to, you know -- we've all been there, right? I mean,  
14 it's just not putting an easy target out there for  
15 someone to say we're not telling -- you know, look at  
16 one set and another set is different numbers.

17 So just a thought or with a -- or some  
18 kind of caveat in this. If it's not going to match, say  
19 it won't and that's okay because this is good data. I  
20 mean, this is good information. I mean, to compare  
21 both -- I mean, so you can show performance; but just,  
22 again, that's one of the dangers is you're getting on --  
23 just a personal note having been through that, I mean,  
24 you can just get slammed by that stuff. That -- no easy  
25 targets for the critics. That's all I suggest.

1 MR. GLEASON: Appreciate that.

2 MR. MCBETH: Any other comments?

3 Okay. There being none, thank you very  
4 much, Eric. And we're moving on to Item No. 8,  
5 discussion on FY '19 work program.

6 Did you want action on that one, on the  
7 performance thing?

8 MR. GLEASON: I would say not needed  
9 unless the committee is interested in pursuing any piece  
10 of this, a piece of it.

11 MR. CLINE: Would it make sense for us to  
12 say, "Endorse this," say --

13 MR. GLEASON: Yes.

14 MR. MCBETH: -- "Move forward as it's  
15 worded"?

16 MR. GLEASON: I think just leave it. I  
17 don't think we're looking for that. It's -- you know,  
18 the report's in. We do this every year. We probably  
19 should come back to --

20 MR. MCBETH: Come back with it. Good  
21 report.

22 Item No. 8, discussion on FY '19 work  
23 program, topics including but not limited to the  
24 following three items. All right, Eric.

25 MR. GLEASON: Mr. Chair and members of

1 the committee, so this is -- this conversation will  
2 really help shape the committee's agenda for the next  
3 year or so. And it follows on a discussion we had in  
4 May, I believe, where we touched on a number of  
5 potential future topics for the committee to look at.  
6 It is a somewhat different list than that based on some  
7 things that have transpired since then; but what I  
8 want to -- what we want to use this discussion for  
9 today, is to make sure that with these three topics or  
10 any other topic that the committee is interested in,  
11 that we have a full and complete understanding of what  
12 you'd like to see the discussion entail.

13           So we're calling this a scope of -- a  
14 proposed scope of effort. We included a one pager on  
15 three topics. First topic was if the additional funding  
16 that has been asked for as a part of the LAR as an  
17 exceptional item, if that were to become real, then  
18 there would be -- I think everyone recognized there  
19 would be significant challenges from an implementation  
20 standpoint of getting that money out the door to  
21 accomplish the purpose it was intended for. And I think  
22 the committee felt in May that there needed to be  
23 discussion of that even now, so that we understood the  
24 implications of the new funding and what it might mean  
25 for the program if it were to become available. So we

1 prepared a one pager summarizing our thoughts on that.

2           The second topic we have a one pager on  
3 is since we met last, FTA's finally coming out with  
4 their final safety rule, which has been in the works  
5 for, I think, for five years is what someone has told  
6 me. So they finally have come out with that. It does  
7 have implications for recipients of 5307 and 5311  
8 program funding. Well, just 5307 program funding,  
9 anyone who gets it. That, we think, will translate into  
10 rulemaking for this committee to help us with.

11           And then finally, there's a one pager  
12 that we are -- and this is not something that we  
13 discussed, that I recall, at our meeting; but we do  
14 think it is time that we take a considered and  
15 deliberate look at our intercity bus program. How the  
16 money gets spent today? How well it's performing? What  
17 opportunities there might be out there and given how  
18 other states do the program for Texas to consider; and  
19 fundamentally, whether or not we're getting out of the  
20 program what we can get out of it for intercity bus  
21 travel purposes?

22           So three topics. Three one pagers. I  
23 would suggest we take them one at a time. I --  
24 Mr. Chair, I'll leave it up to you. I can certainly  
25 kind of walk through each one or if folks have had a

1 chance to look at them and you just want to dive in,  
2 I'll leave it up to you.

3 MR. MCBETH: I would prefer that you go  
4 ahead and take them one --

5 MR. GLEASON: Just a quick walk through?

6 MR. MCBETH: Yeah, walk us through them.

7 MR. GLEASON: All right.

8 MR. MCBETH: And then we can ask  
9 questions on each one when you're --

10 MR. GLEASON: So we'll start with the  
11 first one. Again, keep in mind that where we want to  
12 leave this conversation is making sure that we've got  
13 everything that the committee feels is important to talk  
14 about on this topic. So we've laid out in each of  
15 these, there's a context, there's a purpose and scope,  
16 and then key topics for committee discussion.

17 First piece is on the additional  
18 41 million a year. Again, this is what's in the LAR  
19 request as an exceptional item. The 41 is comprised  
20 of two basic elements. Thirty-eight million of that 41  
21 is an ongoing operating expense associated with creating  
22 service coverage and span of operation, time of day  
23 operation across the entire state of 14 hours of  
24 service, five days a week, Monday through Friday.

25 So something that Dietrich and Marc --

1 from our previous meetings, if you were to create a map  
2 today of where that level of service existed and where  
3 that coverage existed, it's in a very, very small part  
4 of the state. And to turn the entire state into Monday  
5 through Friday, 14-hour service, every county covered,  
6 it's about \$38 million a year in ongoing additional  
7 operating expense. Then, there is 3 million in there  
8 that is an annual replacement cost of the fleet, the new  
9 fleet, associated with that new service.

10           So when you put new service out, many  
11 times you have to buy new fleet and so we want to keep  
12 that fleet in a state of good repair and it costs about  
13 3 million a year to do that, even if you replace them  
14 once every five to seven years.

15           So that's how we got to 41 million. And  
16 so I want folks to take a look at how we've described  
17 the purpose and the scope, and I want to make sure that  
18 that description is consistent with the committee's  
19 expectations at this point in time. It's a bit of a  
20 difficult thing to know going into session as we are,  
21 how much of this conversation to have and to what extent  
22 any conversation in this committee over the next six to  
23 seven months, how we could characterize that  
24 conversation on behalf of the entire industry as opposed  
25 to a conversation that's been had here at the committee,

1 what does that represent and how could that be  
2 represented in this timeframe during the session?

3 MR. CLINE: Eric, just one thing that  
4 struck me is the -- if this is going -- presuming that  
5 this is achieved, this is going to be monumental for the  
6 rural -- I mean, for the programs that TxDOT does. And  
7 there's a second order of impact to that, which is the  
8 decisions to do service are actually done by the  
9 districts, not by Public Transportation Division. But  
10 the reporting back to the Legislature is going to be  
11 done by the -- you know, we're basically -- I say "we,"  
12 the big we, right -- making a promise to say, "If you  
13 give us \$41 million, we will have 14-hour service five  
14 days a week," and how do we keep -- in two years --  
15 reporting back, showing a map that says, "You gave us  
16 the money," and map is all colored in, not -- it didn't  
17 quite make it for something like -- or there's a -- it's  
18 that closing -- it's closing the loop back, right?

19 We asked for money based on a certain  
20 need. You gave us the money, hopefully. And did we  
21 achieve that objective? And I think that would be a  
22 real -- just something to keep in mind. I hope that --

23 MR. FICKES: No, I understand. You're  
24 talking about exception to the transit provider deciding  
25 how to spend that money.



1 MR. CLINE: Right.

2 MR. FICKES: So that's --

3 MR. GLEASON: So under the key topics,  
4 that first bullet point -- under key topics is what  
5 we're trying to get at. I think, to a large extent,  
6 it's going to depend on the nature of the conversation  
7 with the Legislature and the extent to which that  
8 picture that we have, is that expressed as a commitment  
9 or is it expressed as a possibility?

10 The issue, historically, we do not  
11 exercise -- at the Department level, we do not exercise  
12 a prescriptive approach to how transit districts choose  
13 to spend their money. If the discussion at the  
14 Legislature creates an expectation and a commitment to  
15 create a specific event -- i.e. change the state to this  
16 kind of coverage -- then it does seem as though we're  
17 moving from, at least with these funds, from what a  
18 traditional flexible format might be, which might be  
19 just to allocate them out by formula and let local  
20 boards make their decisions versus a more prescriptive  
21 approach that says, "Got 41 million for this purpose.  
22 Now, we're going to do the following things to make sure  
23 that happens."

24 And so it's a fundamental shift in how  
25 this program has been managed, I think, is on the table.

1 And that depends on how the discussion happens with the  
2 Legislature and what their expectations are if they were  
3 to give us this money and to what extent that could be  
4 communicated following conversations that this committee  
5 has versus a more extensive conversation that would be  
6 inclusive of the entire industry.

7 MR. CLINE: Well, as an agency person,  
8 you're going to want to be able to dictate your -- how  
9 you control things. And if it -- if it's -- the  
10 estimate for the 41 million is based on -- we just based  
11 it on 14-hour service, and that's how we got to the  
12 number. That's reasonable. Now, we're going to let the  
13 agencies decide how to do it. That's one story versus a  
14 story that says, "No, we promised you 14 hours of  
15 service and we either delivered or failed to deliver  
16 that."

17 I think they're going to be coming all  
18 guns to be pointed right at Public Transportation  
19 Division if that's the case. If that's the promise  
20 that's made.

21 MR. GLEASON: So our purpose today is to  
22 just make sure we've captured that. We're not trying to  
23 make a decision or have a conversation about what that  
24 means so much today, but to make sure that that issue is  
25 something that we all -- that we've captured, as we've

1 explained it here in this case maybe in Bullet 1; and  
2 that, yeah, we need to talk about that. And so this is  
3 the kind of stuff we're interested in hearing about  
4 that. This is the kind of stuff, but let's just kind of  
5 move through this to make sure we've hit the key issue  
6 areas. So that's the first one.

7           The second one then is sort of the  
8 phasing and the timing of how it happens. You know, how  
9 do we imagine this thing coming online? You know,  
10 usually you go out and spend your first couple years  
11 getting spent on capital. Making sure you've got the  
12 capital to run the service and support the service and  
13 then the service comes a little later. So what's that  
14 look like, and how do we get into that? You know, what  
15 do these agency plans look like?

16           Maybe the first thing we need to do is  
17 turn around and have everybody do a plan that says, you  
18 know, sure, TTI's work estimated that, you know, it  
19 would take you, you know -- Hill Country Transit  
20 District, if you take an extra \$2 million of operating  
21 money and 20 more vehicles for you to do that at the  
22 Hill Country Transit District. Well, then the Hill  
23 Country Transit District comes back and says, "Wait a  
24 minute. You know, we need 2.2 million and 22 vehicles,"  
25 or "We can do it for 1.6 and we only need 18."

1           But we need to kind of -- one step could  
2 be -- step one could be go verify the amounts, and get  
3 everybody on board that way. So we kind of laid out,  
4 again, what we think some of the subtopics would be  
5 below each of those items in bold. And what do we do if  
6 we only get a tenth of what we asked for?

7           So which is a very likely, if not  
8 historical, outcome is you don't get 41 million. You  
9 get five. And do we use that five in a very small  
10 portion of the state to create this picture? Because if  
11 we just plug it into the formula, we're not going to get  
12 anything. And we've just spent 5 million that, in  
13 theory, was based on a longer term picture that showed a  
14 commitment. So those are -- I don't know what we do  
15 with that right now, but I think we need to kind of walk  
16 our way through those conversations and talk about the  
17 different approaches we might take with them and how we  
18 might do it and what it might mean for this program and  
19 how it's managed.

20           Then we're into, you know, this loop  
21 back, performance and accountability. How do we  
22 communicate to people that we're doing what has been  
23 expected of us with these funds? What kinds of  
24 measures? You know, is this all about putting the  
25 service out there and we're done because that's what we

1 said we'd do; or at some point, does it flip and become  
2 about performance? Well, how well is that investment  
3 being used? Independent of the fact that it's a span in  
4 coverage investment. If it's not being used, is that  
5 the right thing to do with the money?

6 And then, you know, sustaining the  
7 investment. How do we lock in the additional funding?  
8 You know, we could be successful with 41 million in each  
9 of the next two years and not get it the next biennium.

10 MR. MCBETH: That's exactly right.

11 MR. CLINE: That's the scary -- that is  
12 the scariest option because then you build all this  
13 expectation in the public, and then you pull the rug out  
14 from underneath them.

15 MR. GLEASON: Again, these are -- so  
16 we're putting these out here as: Is this the universe  
17 issues that this committee feels needs to be talked  
18 about in the context of what if we got this 41 million  
19 or what if we got some portion of it? What else would  
20 we need to cover? What else is on your mind?

21 MR. MCBETH: Well, this is John. From my  
22 perspective, there has to be a requirement from the very  
23 beginning -- if we got the money -- that no one gets any  
24 of this money until they've submitted an adequate plan  
25 as to how they're going to spend it; what their timeline

1 is, both for getting the capital that you've got to  
2 have -- because I don't think any of us have buses  
3 parked that we're not using -- as well as a requirement  
4 that we all have local communities that are not being  
5 served. What does that -- what are those local  
6 communities going to do as far as coming up with cash to  
7 put into the system for sustainability?

8 But I think the first thing is that you  
9 have a plan, and I'm not saying give everybody \$50,000  
10 to go out and hire a consultant to do their plan because  
11 that's the consultant's full employment act. I think  
12 everyone is capable of doing their own plan. You know  
13 the areas that you have, and you know why you're not  
14 serving them.

15 MR. GLEASON: Right. So we can --

16 MR. MCBETH: I think we're all able to do  
17 that. So I think the plan has to be the first thing  
18 before anybody gets any money at all.

19 MR. GLEASON: So, again, today we're  
20 just -- I think what we're trying to do today is just  
21 make sure we've got the right areas --

22 MR. MCBETH: Yeah.

23 MR. GLEASON: -- to be covered --

24 MR. MCBETH: Yeah.

25 MR. GLEASON: -- in these four bullets.

1 And that's an example, I think, of a discussion we could  
2 have at the next or future meeting about that  
3 specifically, the idea of doing a plan. So, you know,  
4 we've got four areas here. We've got flexible versus  
5 prescriptive investment and the implications of that for  
6 our program. We've got phasing and timing, measuring  
7 performance and accountability, and sustaining the  
8 investment. Is that going to cover what needs to be  
9 talked about at this point in time over the next eight  
10 to ten months?

11 MR. MCBETH: Yeah.

12 MR. GLEASON: Okay.

13 MR. MCBETH: I think it does.

14 MR. GLEASON: Okay.

15 MR. CLINE: Yes.

16 MR. GLEASON: We can come back to these  
17 if thoughts occur to this committee later on.

18 So next is the safety rule, which has  
19 come out. I'm going to turn this over to Mark Sprick to  
20 walk you through real quickly here on what we think this  
21 effort entails.

22 So, Mark.

23 MR. SPRICK: Thank you, Eric.

24 So I am Mark Sprick with TXDOT's Public  
25 Transportation Division. FTA came out with their new

1 safety rules a couple of months ago now. As Eric  
2 mentioned earlier, this has been about a five-year  
3 progress to get from proposed or draft rules all the way  
4 to this point.

5 We have some good news with this for this  
6 committee. The final rules, as published, they dropped  
7 the requirement for standalone rural agencies and 5310  
8 agencies to develop a safety rule plan. I always like  
9 to lead with a little good news.

10 MR. GLEASON: They deferred it.

11 MR. SPRICK: They deferred it, yeah.

12 That's the phrase they used. So maybe the next  
13 administration will pick it up.

14 So what we produced here -- or what I  
15 produced here is a little one pager on sort of  
16 summarizing what that involves now for us. As you can  
17 see at the very bottom of the page, we're proposing that  
18 we're going to be coming to you early next calendar year  
19 with some revisions needed to the current TAC rules and  
20 the public transportation part of the TAC.

21 Five years ago when FTA put out the draft  
22 rules, we went ahead and stuck a little provision in  
23 there to the best that we knew at the time. It's going  
24 to require some changing now. We also are thinking you  
25 might want to consider discussing funding of this



1 effort. There was no money attached to the requirement  
2 to develop these safety plans for either us or the urban  
3 agencies. So that might be something to talk about, as  
4 well, and we'll share with you information that FTA  
5 generously provided about what funding we could use and  
6 it's basically the funding we're already using.

7 MR. GLEASON: For another purpose.

8 MR. SPRICK: For another purpose. So  
9 thank you very much.

10 So a little background. This all came  
11 out July 19th, and they gave the States and the urban  
12 providers who receive 5307 funds essentially two years  
13 to get to a final plan that we all have to approve. So  
14 by July 20th, 2020, these plans are due to FTA. The way  
15 they broke it out for who gets to write the plan is they  
16 divided it into small and large urban providers and, of  
17 course, it's not the definition you're used to based on  
18 the area of population. Instead, they defined small and  
19 urban as basically a breaking point between 100 revenue  
20 vehicles in peak service. If you have 100 or more,  
21 you're a large; and fewer than 100, you're a small.

22 If you're a large, you have to write and  
23 adopt and give to FTA your own plan. The caveat with  
24 that is -- and I'll start off with the good news that  
25 standalones don't have to do a safety plan; but if

1 you're an urban provider and you have a rural program,  
2 your safety plan has to cover both, both your 5307  
3 funded and other funded urban program and your rural  
4 program. Again, thank you FTA.

5           If you're a small agency with fewer than  
6 100 buses in peak revenue service, you get a choice.  
7 You can develop your own. So it's kind of like the TAM  
8 plan option. You can develop your own or you can allow  
9 TxDOT to develop one for you. You will have to have an  
10 accountable executive sign it and approve it and then  
11 you'll have to implement it and live with it, but we  
12 here at TxDOT will work with you to write it and get it  
13 drafted.

14           The good news on that is FTA has already  
15 published a fillable template. So there's some things  
16 out there. And I failed to mention at the beginning,  
17 Theo is going to be helping us with this as soon as he's  
18 done with the TAM plan next week; and we'll be putting  
19 out some information and guidance to get everyone kind  
20 of oriented and primed. So we could be here at PTN  
21 developing up to, what we consider at this point, 35  
22 individual safety plans across the state, depending on  
23 who decides to do their own and who decides to ask us to  
24 do it.

25           Besides the accountable executive

1 requirement, there's some new requirements around safety  
2 management system; and we'll, I'm sure, have to develop  
3 some information and training and briefing materials on  
4 what SMS is. In a nutshell, I've got it here. It's  
5 basically bringing everyone in the agency together to  
6 talk safety, look at safety data and incidents, analyze  
7 safety, determine targets and other benchmarks, and then  
8 to document what you're doing about it. It's a pretty  
9 comprehensive requirement that I anticipate will require  
10 a fair amount of documentation.

11           Additionally, the FTA has published their  
12 own national safety plan; and I think fortunately for  
13 us, this is based mostly on the National Transit  
14 Database, things that we report already. But you can  
15 see here they've listed four measures that all of our  
16 safety plans for bus have to address in one way or  
17 another. I think there's flexibility on what those  
18 specific numbers are, just like we had in the TAM plan;  
19 but they're going to have to be in each agency safety  
20 plan, I think, to make that connection up to the  
21 national goals and objectives. These aren't too  
22 controversial or new; but they are going to have to be  
23 specific, and they could vary by agency. They will vary  
24 by agency, I'm sure.

25           And so at the end of two years, we're all

1 going to have a document for each agency that receives  
2 5307 funds. We're going to have to develop rules to  
3 address and manage that; and then I'm sure just like  
4 TAM, as we go along, FTA is going to be coming back to  
5 us with additional feedback and guidance. The word I  
6 got so far through the ASTA working group on this is  
7 that they're going to do it just like TAM plan. They'll  
8 accept it. They'll check you off; and then as you get  
9 your state management reviews or your urban triennial  
10 review is every three years, that will be one of the  
11 things they look at and give you feedback on it. So  
12 this will be evolving, I'm sure.

13           That, in a nutshell, is the bus safety  
14 plan rule effort. And, again, if there's anything about  
15 this in the next year that you would like for us to  
16 bring back and talk about with you, I'm certainly  
17 willing to add it to our key topic's list.

18           Eric, anything you want to add to that?

19           MR. GLEASON: Well, I think the committee  
20 has a choice here. I think the committee can choose to  
21 say this is not a significant opportunity for us to  
22 advise the commission of matters of transit policy and  
23 division, we don't need to be part of the rulemaking  
24 effort, just go ahead and do what you think is best; or  
25 you could say we want to be part of rulemaking and bring

1 us a presentation on, say, sources of funding and  
2 where -- you know, where we think some of the tradeoffs  
3 or choices might need to be made to fund this program  
4 versus other opportunities.

5 So I think the committee has a -- they  
6 could either back off of this one entirely, or just  
7 focus your efforts if you want.

8 Ken.

9 MR. FICKES: This is Ken. Quick  
10 question. So you're going -- you need to amend the TAC,  
11 right?

12 MR. GLEASON: Yes. All likelihood, yes.

13 MR. FICKES: Will that amendment affect  
14 agencies that are on their own way -- on their own plan?  
15 In other words, will there be a conflict in the rules if  
16 TAC -- if you have a TAC requirement, is that going to  
17 affect a non-TxDOT recipient?

18 MR. GLEASON: I think the TAC rule  
19 revisions are more than likely to be more sort of  
20 process-type revisions --

21 MR. FICKES: Right.

22 MR. GLEASON: -- and not prescriptive,  
23 you know, you must do that or you must do this because  
24 the purpose of the TAC is to tell everyone how we're  
25 planning to administer the program.

1 MR. FICKES: Yeah. We have a plan.  
2 We've had it for a number of years, as I was telling  
3 Kelly earlier this morning. When we have incident, like  
4 a hurricane or whatever, we become part of emergency  
5 management. So it's -- that encompasses part of that.  
6 So I have issues with having to go to somebody else now  
7 and, oh, we have to comply with that. So I just wanted  
8 to make sure that's not going to happen.

9 MR. GLEASON: Yeah.

10 MR. FICKES: Okay.

11 MR. GLEASON: So that may be, you know,  
12 one reason the committee wants to see what we're  
13 thinking about doing on the rules.

14 MR. FICKES: Okay.

15 MR. GLEASON: You know, it's just to make  
16 sure we're, you know, not going off the reservation on  
17 you somewhere.

18 MR. FICKES: That's the only question I  
19 have.

20 MR. CLINE: Eric, the question I have is  
21 to kind of flip that around. In order to get the  
22 funding and the Administrative Code changes done, would  
23 it be helpful to have the endorsement of the PTAC to  
24 carry those items forward? It seems like it would help.  
25 That's up to you. That's a question that I have from

1 the staff is that --

2 MR. GLEASON: So my take on this, is that  
3 the rules are going to be fairly methodical. The rules  
4 are probably not going to be all that much of a leap of,  
5 you know, imagination in what they're going to entail.  
6 I think the conversation around where the fundings come,  
7 may be worth a conversation at the committee because I  
8 think, you know, we're going to have to go into the 5304  
9 program or whatever it is and, you know, carve out  
10 funding for this effort. And so it's probably worth a  
11 discussion. The rules, we can do a perfunctory review  
12 for you; but it may not be such a big deal and certainly  
13 not like we're opening up the formula in that.

14 MR. MCBETH: Well, this is John. I would  
15 like -- I would like to see us reserve the right for the  
16 committee to review whatever you come up with, the  
17 rules --

18 MR. GLEASON: Okay.

19 MR. MCBETH: -- particularly the funding.  
20 That's what I'm really interested in. Reserve the right  
21 to review it and endorse it.

22 MR. GLEASON: Okay.

23 MR. MCBETH: Not approve it, but just  
24 endorse it. And I think Jim's right. The commission is  
25 accustomed to hearing from us.

1 MR. GLEASON: They are.

2 MR. MCBETH: That we look at it, and  
3 we're all for it.

4 MR. CLINE: And that may be very  
5 perfunctory for the rule piece, and more advisory for  
6 the funding piece.

7 MR. GLEASON: Okay. All right, that's  
8 helpful.

9 MR. MCBETH: Okay.

10 MR. GLEASON: The final topic we have for  
11 you today is a review of the intercity bus program  
12 policies and practices. So real quickly, as most of you  
13 may know, the rural program funding that comes down to  
14 us from FTA has a required 15 percent that's set aside.  
15 So 15 percent of what we get as a state is set aside  
16 for -- to enhance intercity bus services. You know,  
17 what -- that is about \$6.2 million right now. That's  
18 what that represents.

19 And we -- historically, we've used our  
20 coordinated call process. That's a process we do every  
21 other year where we bundle up discretionary funding  
22 opportunities from multiple transit grant programs. We  
23 bundle it all up into one call and get proposals back on  
24 all those programs, as opposed to doing separate calls  
25 for each of them. We use that process to identify both



1 service and capital investments for these funds.

2           You know, we think it's time to ask  
3 ourselves, you know: Is the way we do this program  
4 resulting in the highest and best use of these funds for  
5 Texas?

6           And we want to engage the committee in  
7 that conversation. We'd like some feedback and advice  
8 from the committee on that. We are proposing to do that  
9 in a number of different steps. We would put in front  
10 of you everything we know about the current investment  
11 and how well it's doing, what it's being used for, what  
12 kind of performance it's showing. We would -- we did  
13 some work back in 2015 where we had a consultant go out  
14 and look at other states and the models they used for  
15 how they did their intercity bus program. We think that  
16 will be an interesting conversation in case it becomes  
17 apparent that maybe, you know, our sort of step-back  
18 approach, we let the proposals come to us, we review  
19 them and pick the best one as opposed to saying, "We  
20 want to do this connection." That's sort of the other  
21 end of the spectrum. You know, how prescriptive or how  
22 proactive are we as a program in terms of what we get?

23           So following on that review of what other  
24 states do, what's the best option for Texas and then  
25 what's the implementation strategy. Recognizing that

1 depending on what the decision could be, that too could  
2 result in a rulemaking process at the commission, for  
3 the commission to look at a significant change to our  
4 program.

5           Pursuing this conversation is going to be  
6 of interest to the intercity bus industry, and so we  
7 will -- part of our effort between now and the next time  
8 we talk about this, will be to engage them in this  
9 topic, letting them know that we plan on talking about  
10 this. And for those of you who have been around long  
11 enough, this can be a pretty sensitive issue for them;  
12 but I do think it's something we need to talk about.

13           MR. MCBETH: Well, this is John. I mean,  
14 pretty much everybody knows my opinion of the intercity  
15 bus thing. It's a minefield. The intercity bus guys --  
16 the few of them that participate in this program -- they  
17 refer to it as their money. It's really not their  
18 money. It's the rural transit system's money. I would  
19 like to see this topic completely vetted, and it would  
20 be the first time it's ever been done in Texas.

21           It is a minefield because you're talking  
22 about removing money that the private sector is using,  
23 and I'm not saying they're misusing it; but there's so  
24 few of them using it, it's not being spread across the  
25 whole state of Texas. It's not being spread not even

1 equally. It's just certain intercity bus people doing  
2 certain -- subsidizing certain routes.

3 MR. GLEASON: Correct.

4 MR. MCBETH: And I understand what  
5 they're doing; but I also know that rural transit  
6 systems serve the whole state and we do a lot of  
7 intercity transportation and we could be doing the same  
8 thing, using some of this 6.2 million. So I would like  
9 to see this as a topic added to our work plan to do  
10 something about intercity bus, and you may decide to  
11 keep it the way it is. It's only \$6.2 million; but  
12 still, that's 15 percent of the rural appropriation for  
13 the State of Texas. So --

14 MR. SALAZAR: This is J.R. I agree with  
15 John. I think what we've all seen for several years is  
16 the intercity routes being cut. Especially in the west  
17 Texas area back where we're from, we used to have that.  
18 Now, they've cut those routes; and I'm all for looking  
19 at the intercity bus program and seeing what we need to  
20 do to adjust any allocation for them, if anything.

21 MR. FICKES: I support both these  
22 gentlemen. This is Ken. I would like to know about  
23 the, you know, connectivity. What kind of connectivity  
24 does it create? Because sometimes there's -- you put a  
25 price on that and sometimes there's a lot of people that

1 get from A to B. So I would like to make sure we cover  
2 that when we do that. Also, how much money is left on  
3 the table every two years?

4 MR. GLEASON: What's that?

5 MR. FICKES: How much money is left on  
6 the table every two years? Is it all allocated, or is  
7 it not?

8 MR. GLEASON: Our current approach, about  
9 80 percent of the funding is wrapped up in ongoing  
10 operating contracts.

11 MR. FICKES: Okay.

12 MR. GLEASON: Now, historically, the  
13 program -- and this is meaning going back five, six, ten  
14 years -- there was a higher element of capital  
15 investment associated with the program. We found  
16 ourselves, we were doing a lot of ongoing renovation  
17 work in Houston and San Antonio and Dallas that seemed  
18 to have a never ending use to it. While the notion is  
19 that rural program/rural services connect into those  
20 terminals, and so that's where they make the connection  
21 to the national bus network.

22 So we've kind of moved away from that  
23 heavy capital orientation, that way, to more of an  
24 operating orientation. Leaving only about 20 percent of  
25 it for capital and that is an element of it that

1 typically will be used in the context of building a  
2 multimodal transit center, if you will, that has a share  
3 of it being used by intercity bus services. So we can  
4 help fund facility investments that rural transit  
5 providers are making if there's an intercity bus service  
6 element to it.

7 MR. FICKES: Is it capital cost of  
8 contracting or is it 80/20 capital or is there operating  
9 expenses involved?

10 MR. GLEASON: It's operating. It's  
11 operating expenses. We are not -- to my knowledge,  
12 we're not associated -- our funds are not associated  
13 with the capital costs of contracting.

14 MR. FICKES: So what's the ratio in  
15 the --

16 MR. GLEASON: 50/50.

17 MR. FICKES: 50/50 just like what was  
18 said.

19 MR. GLEASON: Over time, the FTA has  
20 allowed some pretty creative opportunities, though, in  
21 terms of unsubsidized elements of the intercity bus  
22 carrier operation to be used as match in these  
23 arrangements in order to facilitate some of these -- you  
24 know, hanging onto some of these key rural area  
25 connections. So there are some nuances to the way this

1 program -- advantages and very specific opportunities  
2 that are part of this discussion.

3           Okay. So those are the three areas that  
4 we're proposing to engage the committee in over the next  
5 several years -- not several years -- next several  
6 months, next year or so. From our standpoint, we'd like  
7 to get going on the intercity bus discussion sooner  
8 rather than later. We think the safety one will map out  
9 its own timetable; but, you know, we see perhaps  
10 proposed rules sometime after the first of the new  
11 calendar year.

12           The implementation of the 41 million, the  
13 timing of that conversation is one we're not so sure  
14 about when the committee might want to do that and to  
15 what extent you want to do that now versus, you know,  
16 toward the end of the session when you may have an idea  
17 of which way it's going. So I'll leave that up to y'all  
18 on that one, and that's one of the areas we do need to  
19 hear back from you on today is the timing of that.

20           I don't -- I don't feel as though, as the  
21 Director, that I could commit to moving all three at the  
22 same time together with the same level of detail.  
23 That's probably more than we could bite off as staff,  
24 so.

25           MR. MCBETH: Yeah, this is John. I

1 agree. The easiest piece of this is the safety piece,  
2 which is going to -- it's going to basically follow its  
3 own path. The intercity bus is something we could do  
4 something about, I think, via just a couple of meetings,  
5 if you report to us, you know, what's going on with it,  
6 what are they spending, how much of the state -- you  
7 know, based upon the 41 million exercise we did to get  
8 everybody up to five days a week, 14 hours a day, we  
9 need to apply that same thing to intercity bus. How can  
10 we spread that across the state?

11 I know it's only \$6.2 million, but I  
12 think it could be spent better. So I think that's the  
13 easiest piece and I'd like for us to have that at least  
14 on the next couple of agendas so that we can talk about  
15 and decide what direction we want to go. We -- I know  
16 that they will -- the couple of companies that use it,  
17 they will show up because they -- this is, from their  
18 perspective, their money; and it's a national thing, not  
19 just a Texas thing. Nationally that's the way it is;  
20 and I assume their Executive Vice President for  
21 Greyhound, I think he will probably show up, too.

22 We've dealt with this at the Community  
23 Transportation Association of America numerous times,  
24 and they don't like anybody to even question it. So my  
25 attitude is we should. We should be questioning it.

1 It's public money, and we should be spending it. And,  
2 you know, I'm a strong believer of the private sector.  
3 I use them a lot, but this one is just one that we need  
4 to get it under control. So that would be my  
5 perspective. And then the 41 million, I think that's  
6 something we begin to address closer to the session when  
7 we know where we're going to go.

8 MR. GLEASON: Closer to the end of the  
9 session?

10 MR. MCBETH: No. Closer to the  
11 beginning. I mean --

12 MR. GLEASON: Well, the session begins in  
13 January.

14 MR. MCBETH: -- we know it's going to  
15 be -- yeah. We know it's -- we know in January it's  
16 going to be on their radar screen. I think we look at  
17 it for the first three or four months just to see if  
18 it's dead on arrival. I hate to do a lot of planning  
19 for something that I know is dead and just right now  
20 what my people are telling me is anybody asking for any  
21 new money, it's dead on arrival with the session that's  
22 coming up, so.

23 MR. CLINE: Just if I could, just throw  
24 one thought out there. Comparing the interstate -- or  
25 the intercity program to this, that's an eight-fold



1 difference in potential, right? I mean, shift in -- I  
2 mean, that could be huge. I mean, the magnitude is so  
3 much greater with this.

4           Is there anything in -- that could help  
5 the story for asking for the 41 million? In other  
6 words, you're going to be asked the question: What are  
7 you going to do if you get it? What are you going to do  
8 if you get less?

9           Would it be better to have some input on  
10 those things or better to -- for y'all to audible that  
11 and then come back and say, "Okay, here's where it's  
12 kind of heading. This is what we ought to do," or like  
13 you said, "It's dead on arrival," you know?

14           MR. GLEASON: So the dynamic behind an  
15 exceptional item request is it gets stripped out of our  
16 appropriations request on arrival.

17           MR. CLINE: Yeah.

18           MR. GLEASON: And then it is up to a  
19 discussion during the session to bring it back to life.  
20 I'm paraphrasing, but that's -- so it doesn't  
21 necessarily follow that the Department will be asked on  
22 it, unless it is picked up and brought back to the  
23 forefront of discussion by another entity. I think I'm  
24 saying that pretty much right.

25           MR. MCBETH: Yeah.

1 MR. GLEASON: So, you know, in the past  
2 there's not been that much discussion on exceptional  
3 items that has actually gotten to, say, a committee  
4 where the Department has been asked to speak on it. So  
5 whether or not we get that far -- you know, I think  
6 maybe if we can get into the session a bit, we'll have a  
7 read on -- John, as you described -- on where it's  
8 going.

9 What I'm trying to figure out in my own  
10 mind for the committee and what I'd like to hear back on  
11 is we normally meet every other month. So our normal  
12 schedule will have us meeting sometime in November,  
13 early December. We always struggle a bit with the  
14 holidays. And then the next meeting is January, which  
15 is when the session starts.

16 MR. MCBETH: It starts.

17 MR. GLEASON: So, you know, I don't  
18 know -- my preference would be to spend November,  
19 January, and March focused on intercity bus and perhaps  
20 the safety rules or what it looks like and to pick up  
21 this conversation a little bit later; but just only  
22 because, you know, I think we'll have a better picture  
23 on whether it's necessary or not.

24 I think at this point all we could  
25 respond to is these are the areas that would need to be

1 fleshed out and -- but so I would leave it up to the  
2 committee. But one approach would have us picking the  
3 implementation issues up March, April, May timeframe and  
4 not before because we're going to spend our time before  
5 that more focused on intercity bus.

6 MR. MCBETH: This is John again. I think  
7 the first question that -- and I spend a lot of time  
8 over there. First question we'll be asked and even by  
9 friendly people -- and we do have a lot of friendly  
10 people over in the pink building -- will be: Well, how  
11 is this money going to get distributed?

12 Some of that's a selfish question, and  
13 some of that is a public policy question. So I think it  
14 would be helpful if we -- perhaps the next PTAC meeting  
15 or the one after the next PTAC meeting -- came up with a  
16 pat answer that TxDOT is going to have a prescriptive  
17 manner in which they distribute this money, you're going  
18 to have to have a plan, you're going to have to have a  
19 timeline, you're going to have to say how much money  
20 you're going to need to do it, how many more people are  
21 you going to serve, something that we can say to the --  
22 because the only way to resurrect an exceptional item --  
23 as you say, they're stripped out of our budget as soon  
24 as they get over there -- is to have the leadership  
25 resurrected and those are the guys that ask the hard

1 questions.

2 I don't know who's going to be in charge  
3 of Appropriations this time, but we know the Chair of  
4 Transportation will be on the Appropriations Committee  
5 and I don't have a real good feel on who's going to be  
6 the Transportation Chair.

7 MR. GLEASON: So here's my dilemma --  
8 it's kind of like a rock and hard place dilemma --  
9 because in this timeframe, this committee could have a  
10 conversation and reach a conclusion.

11 MR. MCBETH: Uh-huh.

12 MR. GLEASON: I don't believe we could  
13 translate that conclusion in this timeframe to a TxDOT.

14 MR. MCBETH: Okay. I know that's a  
15 tough -- that's tough, yeah.

16 MR. GLEASON: So we're willing to allow  
17 the committee to have a conversation to get to where you  
18 think you need to be. We just would need to stop short  
19 of it being anything described as a Department --

20 MR. MCBETH: As TxDOT's policy, yeah.  
21 Right.

22 MR. GLEASON: Yeah. Because I think the  
23 only answer we could give at this time is, you know,  
24 we're going to have to do rulemaking around the  
25 distribution --

1 MR. MCBETH: Yeah.

2 MR. GLEASON: -- of funds if it's in  
3 anything other than a formula distribution.

4 MR. MCBETH: And that will probably be  
5 adequate as an answer. TxDOT will have to do rulemaking  
6 because we have a formula, and this is going to  
7 circumvent that formula. So, yeah, I understand that.  
8 We can go -- we'll go with the March date.

9 MR. GLEASON: So that's our dilemma right  
10 now, so.

11 MR. SALAZAR: I'm fine with that.

12 MR. GLEASON: You're fine with --

13 MR. MCBETH: That works.

14 MR. SALAZAR: We can delay until  
15 March with the 41 million, and going forward with the  
16 intercity bus program.

17 MR. GLEASON: Okay.

18 MR. SALAZAR: Seeing if we can line that  
19 up.

20 MR. MCBETH: Okay. That's Agenda Item  
21 No. 8.

22 Agenda Item No. 9 is public comments.

23 Josh, do we have anybody signed up for  
24 public comments?

25 MR. RIBAKOVE: I haven't received any

1 speaker cards, but we do have sheets on the table in the  
2 front if anybody is interested in making public comment.  
3 We can take care of that.

4 MR. MCBETH: Is there anybody interested  
5 in a public comment?

6 MR. ERIC BACKES: The only public comment  
7 that I wanted to make, my name's Eric Backes. And I am  
8 the brand new Executive Director of the Texas Transit  
9 Association, and I just wanted to introduce myself.

10 MR. MCBETH: Welcome, welcome.

11 MR. ERIC BACKES: And I'm here if you  
12 have any questions for me, and I look forward to working  
13 with y'all. Thank you.

14 MR. MCBETH: Okay. No. 10, propose and  
15 discuss agenda items for the next meeting and confirm a  
16 date of the next meeting. I have one person that wants  
17 to talk about agenda items, and it's Ken Fickes from  
18 Houston.

19 MR. FICKES: Ken Fickes from Houston,  
20 Texas. Pass these around. Hopefully, I have enough of  
21 these.

22 I've talked with Eric about this before  
23 and I sent him an e-mail a few months ago, hoping I  
24 wasn't going too far off the reservation on this; but  
25 I've been want -- I've been looking at development

1 credits and the policies around the state for the last  
2 three years. And before Bobby Killebrew left, he sent  
3 me a lot of data on how much of an issue by TxDOT to  
4 most of the smaller providers.

5           And maybe I need to back up for a minute  
6 for those of you who are not familiar with development  
7 credits. They used to be called toll credits, and  
8 they're generated by toll roads being built. They're  
9 not cash. They're not real money, but they can count --  
10 they can count for your match if you're spending federal  
11 dollars. So what I've seen is we've got a disparity in  
12 the programs around the state. There's four different  
13 policies, and none of them are even close to being the  
14 same. And even, I think, CAMPO here in Austin just got  
15 theirs revised I think in January of this year.

16           Last summer, they did their TAC and got  
17 it approved for change. They were operating under an  
18 old policy that was missing a lot of elements to it.  
19 But I would like to bring this back again for us to look  
20 at. In February of 2012, we changed our guiding  
21 principles and one of the things that we are supposed to  
22 be doing is develop a consistent and transparent method  
23 to award funds and that included development credits.

24           Well, about six months later, the  
25 commission put together a committee to review the use of

1 development credits and come up with some alternatives  
2 and so they wound up giving -- what -- 75 percent of it  
3 was divided and sent out to the MPOs for their areas if  
4 it was generated and then y'all kept 25 percent or  
5 something like that. So am I wrong? Am I close?

6 MR. GLEASON: Development credits are  
7 generated with toll projects.

8 MR. FICKES: Right.

9 MR. GLEASON: The current rules, current  
10 Administrative Code rules adopted by the commission, say  
11 that 75 percent of the development credits generated by  
12 any region, stay in that region.

13 MR. FICKES: Right.

14 MR. GLEASON: And that the MPO of that  
15 region has the ability to create its own rules on how it  
16 wants to distribute development credits. 25 percent of  
17 it is -- goes to a statewide pot for purposes for use  
18 around the remaining balance of the state, under some  
19 more specific rules that are laid out in the  
20 Administrative Code to apply only to those 25 percent.

21 MR. FICKES: Right.

22 MR. GLEASON: And that's where you see  
23 these differences in approaches --

24 MR. FICKES: Right.

25 MR. GLEASON: -- coming up with regions



1 that are generating these things, are developing their  
2 own policies and procedures on how to distribute them  
3 and who gets them for what purpose and we have a  
4 separate approach for using the other 25 percent.

5 MR. FICKES: Right.

6 MR. GLEASON: So.

7 MR. FICKES: And, like, between Houston  
8 and NCTCOG and Dallas/Fort Worth, they have a more  
9 liberal policy than, say, the City of Houston does.  
10 They have an actual carve-out for transit agencies that  
11 need funding. Whereas in our area, we don't have that.  
12 It's like pulling teeth to get development credits in  
13 the Houston region. So that's what we've evolved to  
14 over the last -- what -- seven years.

15 MR. GLEASON: Uh-huh.

16 MR. FICKES: No, six years. And I just  
17 think it merits a look-at to see if we're on the right  
18 track with this, is it okay they way we're doing it, or  
19 is it creating a disparity in the system amongst the  
20 providers. I don't know the answer to that. I haven't  
21 had the time to completely study and vet that out.

22 TTI did a review in 2013. It was fairly  
23 inconclusive, and it didn't really address that. So I  
24 just wanted to throw it out to the committee and see how  
25 y'all feel about it.

1 MR. GLEASON: So this would be an example  
2 of an action item --

3 MR. MCBETH: Uh-huh.

4 MR. GLEASON: -- if the committee wanted  
5 to add that to your work program, this discussion; and  
6 we would -- we've got some idea of what you're looking  
7 for. We would need to lead, I think, with that which we  
8 have, more or less.

9 MR. FICKES: Right.

10 MR. GLEASON: And some sort of sense of  
11 timing of when you'd like to see it.

12 MR. FICKES: Okay. Anybody else have any  
13 interest in that?

14 MR. MCBETH: This is John. I'm always  
15 open to discussing more funding. I'd like to -- I guess  
16 we could add it to the next PTAC agenda just for a  
17 discussion purpose to determine -- just get a report  
18 from TxDOT on: Is there any opportunity for this rule  
19 to be changed? I remember when this came up, the whole  
20 75 percent/25 percent. I wouldn't have a problem  
21 putting it in here for discussion. I just think we may  
22 just need to know a lot more about it.

23 MR. GLEASON: So one of the things, for  
24 example, an approach could be to bring a handful of  
25 these other folks in, for example, and ask them to

1 describe how they do the program. How does NCT  
2 calculate it, and how does H-GAC apply? So the  
3 committee could hear; and then we could talk about how  
4 we manage the statewide pot, as well. I don't  
5 necessarily think our staff would be a bit able to  
6 describe how NCT calculates its program. So we could --

7 MR. FICKES: Well, I know they -- I have  
8 the same issue.

9 MR. GLEASON: Right.

10 MR. FICKES: This is Ken. I have the  
11 same issue.

12 MR. GLEASON: So if we could arrange that  
13 kind of a conversation --

14 MR. FICKES: This is just a review of  
15 their policies. It doesn't necessarily say it's the way  
16 it is in the real world. I think that's a good idea.  
17 Also, I think we need to know how much TxDOT's issued  
18 over the last few years in development credits because  
19 it's hard to evaluate that without knowing. I know what  
20 we've done in Houston, which is pretty small.

21 MR. GLEASON: Right. So we can describe  
22 our approach, you know, and where -- you know, public  
23 transportation gets a pot every year of 15 million or if  
24 we have --

25 MR. FICKES: Or --

1 MR. GLEASON: -- multiple billion of  
2 this --

3 MR. FICKES: Or up to 50 percent of the  
4 total, if I read that correctly.

5 MR. GLEASON: What's that?

6 MR. FICKES: Or up to -- you get 15  
7 percent or no less than 50 percent of the total, is that  
8 how it reads?

9 MR. GLEASON: No. We get 15 million a  
10 year --

11 MR. FICKES: Right.

12 MR. GLEASON: -- unless the total amount  
13 available drops --

14 MR. FICKES: Right.

15 MR. GLEASON: -- at which point, we'll  
16 only get half of what the --

17 MR. FICKES: Right, that was it.

18 MR. GLEASON: It's complicate, but  
19 it's --

20 MR. FICKES: I recently read it again.

21 MR. MCBETH: Right now -- this is John.  
22 But right now, the rural and the small urban program,  
23 from my perspective, I mean, no one has called me and  
24 told me that they have not gotten the total of credits  
25 they've requested. And the commission just gave you

1 permission to distribute them basically on your own  
2 without having to come back to the commission.

3 MR. FICKES: I remember that now.

4 MR. MCBETH: So you're given an amount  
5 that you can distribute, which I think that's a -- I  
6 don't want to make the commission mad and take that away  
7 because I remember how hard it used to be to go get  
8 those. Now, it's y'all just distribute them.

9 MR. GLEASON: Just throw them off the  
10 rooftop.

11 MR. MCBETH: No, not actually. You've  
12 got to apply for them and justify them, but --

13 MR. FICKES: We do.

14 MR. MCBETH: -- it's a lot easier than  
15 going in front of the commission each and every time.

16 MR. GLEASON: That was mostly a timing  
17 issue --

18 MR. MCBETH: Sure.

19 MR. GLEASON: -- and it just took time.

20 MR. FICKES: Right.

21 MR. CLINE: I'm sorry. Just if I could  
22 offer a suggestion. Even in COG -- even in NCTCOG, it's  
23 not real easy. While they have a very liberal program  
24 in terms of what's applicable, it's still not real easy  
25 to do.

1 MR. GLEASON: It's never easy.

2 MR. CLINE: It's never easy. Okay. A  
3 suggestion would be to start with -- 25 percent is a  
4 huge chunk of money, right? I mean, 15 -- I mean,  
5 that's still a big bucket of cash, right?

6 MR. GLEASON: It's not cash; but, yeah.

7 MR. CLINE: I know it's not cash. It's  
8 CT cash. I know. This is where it really gets  
9 complicated --

10 MR. GLEASON: Yeah.

11 MR. CLINE: -- because it's not real  
12 money.

13 MR. GLEASON: Right.

14 MR. CLINE: You've got to have other --  
15 start with, okay, what are the possibilities if this  
16 money was available that we could use it for, right?  
17 How it could be utilized and then go back to the  
18 question of saying, "Do we -- A, do we have enough; and,  
19 B, do we need to talk more about that," because if the  
20 question came back: Does TxDOT -- who I think holds  
21 sway over the TDC program overall, correct -- was to  
22 say, "Really what you need to do is a certain percentage  
23 of this needs to be allocated to transit or we're not  
24 going to say that," right? Because statewide we already  
25 are, right? 25 percent?

1 MR. GLEASON: 15 million a year.

2 MR. CLINE: 15 million a year is already  
3 out there. And then how much of that is being used,  
4 right?

5 MR. GLEASON: Yeah.

6 MR. CLINE: And is there a possibility  
7 for more, right? To use more if we had more, which I  
8 think may be the harder question, right? That may be  
9 the -- that may resolve the issue right off the bat in  
10 some ways. Not to -- I mean, Ken, not -- I mean, I'm  
11 just trying to logically think through it because this  
12 is going to be a sense of the issue of how we guys are  
13 going to want it, you know, because it seems like we  
14 could get into some --

15 MR. FICKES: Well, it was a sensitive  
16 issue in 2012 and '13 when we fought it out in a TAC  
17 meeting in Houston, that there were a lot of political  
18 agendas in that room about who should have it and who  
19 shouldn't. At the end of the day, we wound up with  
20 something that nobody really likes.

21 MR. GLEASON: Well, let me -- let me --  
22 let us look at reconstructing the issue for the  
23 committee. I think there were visions back then of  
24 using the drawdown, large elements of the federal  
25 program which would allow you to pool your state

1 elements and go do something else with them that might  
2 be more expeditious for them to obtain them more  
3 quickly. I'm not sure that ever was realized. It was a  
4 contentious discussion at the time.

5 Let us look at structuring a conversation  
6 for the committee on why we are where we are today and  
7 what it is and then, you know -- I think, John, your  
8 question about whether or not the Department would be  
9 willing to consider, is probably going to take some kind  
10 of a conclusion from this committee --

11 MR. MCBETH: Right.

12 MR. GLEASON: -- as to why they ought to  
13 consider reopening it.

14 MR. MCBETH: Right.

15 MR. GLEASON: Well --

16 MR. MCBETH: Because it was a big battle.  
17 It was a big battle.

18 MR. GLEASON: It was. You know, I think  
19 this is kind of open-ended right now. I don't know  
20 where it might end up.

21 MR. FICKES: I don't either. I just  
22 think it needs to be looked at again, and I've thought  
23 that for a number of years.

24 MR. GLEASON: Okay.

25 MR. FICKES: So it's just been more



1 obvious than, you know -- you can't, though, just change  
2 their policy. In January, previous to then, their  
3 Director had the authority to do a discretionary award  
4 subject to the award approval. So, I mean, it's --  
5 they've changed a lot of stuff.

6 MR. GLEASON: Yeah. I think what it  
7 could boil down to was just in the rules where it now  
8 just allows the MPOs to do as they see fit, there may be  
9 room for a little more direction in those rules at that  
10 point that would bring a measure of consistency. That's  
11 one example of what could happen.

12 MR. FICKES: I don't remember the exact  
13 makeup of the committee that TxDOT put together, but I  
14 do recall that four of the members were MPOs and one was  
15 a very large metro. So say what you want to about MPOs;  
16 but if they want to control the money, I'm sure that's  
17 the way their vote went. So, anyway.

18 MR. GLEASON: Yeah. So, okay.

19 MR. MCBETH: Okay. Josh, when is the  
20 next meeting?

21 MR. RIBAKOVE: According to the usual  
22 schedule, that would be the last Tuesday in November,  
23 which is the 27th. Now, that's the Tuesday after  
24 Thanksgiving. So Tuesday the 20th, before Thanksgiving  
25 and Tuesday, the 4th of the December.

1 MR. FICKES: Oh, you're looking at  
2 alternates?

3 MR. RIBAKOVE: Looking at alternates if  
4 that --

5 MR. FICKES: Next date would be the 27th,  
6 is that what you're saying?

7 MR. RIBAKOVE: Normal schedule, next one  
8 would be the 27th.

9 MR. MCBETH: I would go for the December  
10 meeting. That's way before Christmas and after  
11 Thanksgiving.

12 MR. FICKES: Which date's that? The  
13 December --

14 MR. RIBAKOVE: That would be  
15 December 4th.

16 MR. GLEASON: We just need kind of -- are  
17 we heading that direction?

18 MR. MCBETH: Yeah, that's what I'd like.

19 MR. GLEASON: So that's the general sense  
20 of the committee? Stay away from the Thanksgiving  
21 holiday?

22 MR. MCBETH: Yeah, Thanksgiving holiday.

23 MR. GLEASON: Not drift any closer to  
24 Christmas?

25 MR. MCBETH: Don't drift any closer than

1 the 6th.

2 MR. GLEASON: So we'll figure it out, but  
3 it's looking like the 4th right now.

4 MR. MCBETH: All right.

5 MR. GLEASON: Okay.

6 MR. MCBETH: Okay. Anything else? There  
7 being no other, I'll take a motion to adjourn.

8 MR. FICKES: So moved.

9 MR. WHYTE: Second.

10 MR. MCBETH: I have a motion and a  
11 second. Any objections? All in favor say aye.

12 (Chorus of ayes)

13 MR. MCBETH: All opposed say no. We're  
14 adjourned.

15 (Meeting adjourns at 12:04 p.m.)

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C E R T I F I C A T E

STATE OF TEXAS )  
COUNTY OF TRAVIS )

I, Paige S. Watts, 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 Turn in date 3rd day of October, 2018.



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