Transcript of the Testimony of

TxDOT PTAC Meeting

Date:

October 29, 2019

Case:

TxDOT PTAC Meeting
TEXAS DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION ADVISORY COMMITTEE (PTAC)

October 29, 2019, Meeting

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The above-entitled committee meeting was taken
before Patrick Stephens, Certified Court Reporter,
commencing at 10:00 a.m. on this, the 29th day of
October, 2019, at 200 East Riverside Dr., Bldg. 200,
Room 2B.1, Austin, Texas 78704.

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Patrick Stephens
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APPEARANCES

Committee Members Present and Participating

  John McBeth, Chair
  J.R. Salazar
  Marc Whyte

Committee Members Participating via Webex

  Jim Cline, Vice Chair
  Ken Fickes
  Dietrich Von Biedenfeld

TxDOT Present and Participating

  Eric Gleason, PTN Director
  Josh Ribakove, PTN Communications Manager

Other Speaker

  Michael Walk, Texas A&M Transportation Institute

Comments by the Public

  Robert McHaney, The Goodman Corporation
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MR. MCBETH: Good morning. This is John McBeth, the Chairman of the Public Transportation Advisory Committee. It's 10 o'clock. The meeting is posted for 10 o'clock, October the 29th of 2019 here at TxDOT. We will start by the call of order, which I just did, so we're called to order. And the next item on the agenda is going to be the safety briefing. Who is giving the safety briefing today?

MR. RIBAKOVE: (Gesturing.)

MR. MCBETH: Josh, please go ahead.

MR. RIBAKOVE: Welcome. We are at 200 East Riverside Drive in Austin. For medical emergencies, please call 911. We're located at, again, the 200 East Riverside Drive 78704.

There is an AED unit located downstairs on Level 1 in the main lobby at the security booth. First-aid kits are marked and located on each floor. In cases of fire or other need to evacuate the building, fire extinguishers are marked and located on each floor. The one here is right by the bathrooms right across the lobby. We will evacuate walking down the stairs and exiting the front door of this building, turn left and gather near the sidewalks and fence line of the parking lot facing Riverside Drive.

In case of tornado, which we're not expecting, or
inclement weather, stay inside, move away from exterior walls and windows. We will proceed downstairs to a large auditorium, which is right by the stairs when you get down there, and that is the safest place to be in that case.

Finally, in case of an active shooter or bomb threat, we will follow instructions from the public-address system and the on-site security personnel. I would like to also just point out that we do have a sign-in sheet by the door and we'd like to have everybody who is not a TxDOT person or committee member on that. And, if you'd like to speak during the meeting, we also have speaker cards right next to the sign-in sheet. Put your name on one -- it takes a moment to fill it out -- and then just pass it to me and we'll make sure you get your chance. Thank you.

MR. MCBETH: Thank you, Josh. Using the prerogative of the chair, I have a couple of things: First of -- first off is congratulate Josh and the people in I.T. at TxDOT for getting this all converted to a WebEx so that we are more inclusive than we have ever been, and, hopefully, it's all going to go swimmingly well today. If not, well, then that's just how it is.

Second of all, we're going to flip on our agenda. We're going to do Item Number 6, Presentation and Discussion on the TxDOT-PTN's Intercity Bus Program
Strategic Direction Final Report. We're going to make it Item Number 5 and we're going to make Item Number 5, Presentation and Discussion on Upcoming Work to Determine the 2020 Census Impacts to Public Transportation Funding for Texas, Item Number 6.

And then, third, a personal thing: Today, at 11 o'clock, we will be burying our ex-representative, Ray Allen. Nobody in this room probably knows who Ray Allen is, but Ray Allen served in the House from 1993 to 2006, one of the very first Republicans elected to the House. Extremely conservative gentleman.

The way -- the reason I am talking about him today is, in 2008, the Texas Transit Association -- at that time, I was the legislative director for TTA -- we hired a little company called Gov Biz after we issued an RFP for a professional lobby service, much to the chagrin of all of the other lobby groups in Austin that lobbied for everybody else.

We -- we chose this little group, which was surprising because they were -- it was made up of Ray and three people that were as staunchly conservative as himself and then another person who was more liberal than anybody in Austin named Jeff Heckler. It was called Gov Biz.

And we gave them a contract for two years, and then we renewed that contract for another two years and then
we gave them a contract for the fifth year to manage the Texas Transit Association because we had lost our executive director.

Their goal, which we set the first year, was to get us an entrance into the state capitol. We could go over there, they would listen to what we have to say and then they would wad it up and flush it down the toilet. We thought the best way to get that done was to hire, basically, a Republican's Republican, and we did.

And Ray took it and ran with it, and, within two years, everybody over there understood what rural and Small urban public transit was, something they had never understood before. And we began not just going over there and speaking, we got invited to go over and speak and we got invited into important offices that we had never had access to.

So my reason for mentioning Ray today is he was -- he was a very, very, very capable gentleman. He did a lot of good for transit. Most people don't know what Biz Gov [sic] did for transit in Texas but I do. And so, I'd just like to mention that he -- he will be missed and he -- he was just -- he deserves to be buried in the state cemetery where we're going to bury him later today.

So, with that, I will go to Item Number 3, approval of the minutes from July 25th of 2019. Do I have a motion?
MR. SALAZAR: This is J.R. I move to approve.

MR. MCBETH: Second?

MR. FICKES: This is Ken. I second.

MR. MCBETH: We have a motion; we have a second. Is there any discussion? Hearing no discussion, I call for a vote. All in favor, signify by saying, Aye.

COMMITTEE MEMBERS: (Collective Aye.)

MR. MCBETH: All opposed, No.

MR. CLINE: This is Jim Cline. I'm online. I -- I approved.

MR. MCBETH: Okay.

MR. VON BIEDENFELD: And this is Dietrich Von Biedenfeld. I also approve.

MR. FICKES: This is Ken. I approve also.

MR. MCBETH: Thank you. The minutes are approved unanimously and, Josh, I signed them. You didn't have to chase me down to my car to get them this time.

TxDOT Public Transportation Division Director's Report to the Public Transportation Advisory Committee Regarding Public Transportation Matters is Item Number 4.

Eric?

MR. GLEASON: Thank you, Mr. Chair. Eric Gleason, Public Transportation Director for TxDOT. Today's agenda, two important items on them: We're going to bring to close a conversation with the committee we've been having over
the last 8 to 9 months on the intercity bus program --

hopeful to close, assuming the committee agrees.

And then we're going to open up a new one, and that

is a discussion of upcoming census impacts. And for folks

who have been following the committee over a number of

years, the census-impact discussion, anticipating those

impacts and trying to position ourselves as a state and as

an agency to -- to address them is a very, very important

conversation, and we're going to -- we're going to kick it

off today and, hopefully, over the next several meetings,

kind of try and tease out where we think the 2020 census

is going to -- is going to land us. So two important

conversations today: One coming to a close and the other

starting for the committee to focus on.

Rail and bus-safety rules: You may recall we

discussed the need for these with the committee. The

committee decided that they didn't necessarily see a

policy role for -- for them in that discussion. We did

say we would report back to you on progress. We are

scheduled to go to the commission later this week on

Thursday with proposed rules and anticipating final rule

adoption at the January commission meeting.

All of the changes in the rule package are required

of the federal program -- of us by the federal program.

So there's no -- there's nothing in there of any
substantive policy shifts or discussion for the committee
to be concerned about. So that's where we stand with
those. There will be an open comment period, which will
be open until December 16th. Again, we're not anticipating
a lot of feedback, if any, on those.

The rail agency side is relatively straightforward.
With rail agencies that we have oversight responsibility
for in Texas -- there's six of them: Those are DART,
Dallas Streetcar, McKinney Avenue, Transit Authority,
Houston Metro, and El Paso Streetcar and Galveston Trolley.

They all have, in one shape, form or another, an
existing safety plan that will need to be modified to
accommodate some of the new -- the new direction that --
that the FTA wants us to take with that program.

More significant is on the bus side where any -- any
bus program in Texas receiving 5307 funding needs to
prepare an agency safety plan. If you're one of those
that gets 5307 funding and you run less than a hundred
buses in the peak period, you have to work with us to do
it.

So we are engaged with 38 some-odd different agencies
across the state that received 5307 funding that run less
than a hundred buses in the peak hour to put those plans
together. And those plans need to be in place with an
accountable executive at each agency and then certified as
being complete by us by July 20th of 2020, so working hard on that.

Discretionary grant application for fleet replacement and facility development. You may recall that in -- when was it? -- June of last year -- June of this year -- May or June of this year, we submitted an application for $13.8 million in federal funding to do two things: Help us bring the rural fleet to a state of good repair through 2021 with replacement funding and then, also, just under $4 million to advance a number of facility projects either to construction or through their project-development phases to be ready for construction.

We're still waiting to hear the result of that application. Our understanding is the FTA has made its decisions. It is -- those decisions are with the office of the secretary, and, given all that's going on in DC these days, there are considerations of timing, we are told, when -- when they will announce that.

So we -- I communicated with our federal-relations people this morning. They're going to do due diligence and check. I suspect we're going to run into a cone of silence but we'll keep asking until we find out. So no news on that.

That's important because it would be really great to hear the result of that because we -- in -- in about two
weeks on November 15th, the department is going to release its biannual coordinated call for projects, and this is a call for projects that -- for federal-program discretionary funding that we administer. We do it every other year, and this is the normal rotation, if you will, of the normal place where folks would apply for fleet-replacement funding and for facility-development needs.

And our preference, of course, would be to know the results of the federal application before we release that. I'm not optimistic we're going to know those results, so we will have to include everything in the call as if we do not get any funding and then adjust when we do receive notice, if we have been successful at all. Unfortunate but that's how we're -- we're proceeding.

There are three program specific webinars, which have been scheduled, in conjunction with the release of that call, and we'll be sending information out on that. The -- the fleet-replacement element is a November 19th webinar. Planning and RTAP funding is a webinar on November 20th and then, on November 21st, we have a -- a webinar for the rural discretion and the intercity bus program element of the call.

Finally, I will mention that we are in -- we're under the microscope this year -- this fiscal year for federal triennial reviews. We have two them. We have a review
of our state safety oversight program on the rail side; we have a review next week, and we're going to be spending three days in Dallas with federal-program reviewers looking at our program and understanding the extent to which, in those agencies -- in our rail agencies that we have oversight responsibility for, the extent to which we're doing our work to confirm that they're doing what they should be doing.

So, again, it's a review of us, not of them. But, as always, FTA likes to go out to the subrecipient or out to the agency to -- to confirm that, in fact, we're doing what we say we're doing. So that's that one.

The other one we have -- we don't have a date for it yet -- is our state-management review. That's supposed to occur every three years, which would have had it happening last fiscal year. It did not happen last fiscal year and it is going to happen this year. So we have gotten or we will be getting our -- our kickoff request for recipient information shortly, and I would expect it to be scheduled -- or for us to know the schedule sometime after the first of the year.

So we're kind of in a microscope this year, and -- and one other thing that's important about that for subrecipients and ourselves is, if there are findings -- particularly on the state-management review, if there
are findings, those findings often translate into changes
in the way we manage the program in Texas. So, one way
or the other, it -- it all -- it all kind of rolls
downhill, if you will. So that concludes my report.

MR. MCBETH: Great.

MR. GLEASON: I'd be happy to answer any questions
the members might have.

MR. MCBETH: Anyone have any questions of Eric? Guys
on the -- on WebEx? There being no questions, we will move
on.

MR. CLINE: Nothing -- nothing from -- nothing from my
end there, John. Thanks.

MR. MCBETH: Jim, do you have a comment? Jim?

MR. CLINE: No, no, no. I just wanted to acknowledge
that we had -- I had no comments, so thank you.

MR. MCBETH: Okay. Thanks. Okay. We'll move on to
Item Number 5, which is presentation and discussion on
TxDOT's PTN Intercity Bus Program's Strategic Direction
Final Report.

MR. GLEASON: Yes. Actually, Item 6 on the agenda --
MR. MCBETH: Previously Number 6, which we moved --
MR. GLEASON: -- moved to Item 5. Yes, sir. Okay.

So, Josh, you're going to tee this up for me?

MR. RIBAKOVE: I am.

MR. MCBETH: That's something we've all been waiting
for. Some more so than others. Don't mess it up.

MR. GLEASON: Don't mess it up. All right. All right. There it is. Ready to roll?

MR. RIBAKOVE: Almost ready to roll. They make us do a couple of interesting little extra things. Ready to roll.

MR. GLEASON: Okay. Let's go to the first slide. You can change it.

MR. RIBAKOVE: All right.

MR. GLEASON: I'll let you change it. Okay. So we are in the green box here. This is where we've been, a short little roadmap. We started this conversation in January and we are now, hopefully, at this meeting, in a position with a final report that meets the needs of the committee and the committee sees fit to take action on that.

Now, you know, three basic choices the committee has today: They can adopt the report as is, they can adopt it with modifications or they could tell us to go back and do it over again and do it better next time.

So, with that, the last thing we did, when we talked in July, we had you express your support and -- and -- and confirm agreement with a draft that we sent out to stakeholders. And we got a number of comments back from a number of -- of stakeholders and we have made some
adjustments to the report itself in response to those comments. So let's go to the next slide, Josh.

So here's a summary of the comments we've heard. Now, I -- I -- we can, if the committee wants, go into the report in detail and look at the exact wording. What I would propose to do is just to describe to you generally how we responded to these comment areas and then go on from there.

So there was -- there were a number of comments that kind of got to concern over where we were headed with respect to the level of how prescriptive the program would be versus maintaining and retaining flexibility.

And I -- reading through the comments, I think what happened was the -- the discussion on the Washington model, which, as you know, is the most prescriptive model that we could find in terms of the program, I think folks felt as though we were headed in that direction.

Our intent is not to go that far, and we have clarified in the report specifically that our intent is to land somewhere on the strategic side of this, which is more closely associated with the Colorado and the North Carolina DOT programs, and we added a sentence that we are not intended to go as far as the Washington program is going. So, hopefully, that will clarify that.

And it is important, in our minds, to keep some
flexibility to allow the ideas to bubble up from the local areas, believing very strongly that -- that those are the areas that know what they need best. So we're going to try and stay strategic and -- and -- and flexible and not go as far or as descriptive as -- as Washington State has done.

There was the second bullet. You know, we have talked about, you know, what are the markets for intercity bus, how can we increase use, you know, and, in that context, in supporting that, there was a desire expressed to make sure that we didn't lose track of the primary roots of the program, which was to, you know, support and -- and develop, and sustain the intercity bus program.

And so, we have added language in the report that -- that clarifies the focus on supporting and developing the intercity bus areas and identifying intercity bus connections as a primary market for the program even as we pursue other markets.

Third point: Mode-appropriate performance measures. People are tuned into the move toward more of a performance-based model. They wanted to make sure that as we develop performance measures that we developed measures based on intercity bus experience and not introduce general rural program measures or other measures that these services will be held accountable for. And so, we have
clarified in the report that we will develop intercity bus measures from the intercity bus services.

The fourth area: Emphasize trip and ticket integration among connecting services. We have added to our strategy of integration and coordination; we've added a -- a sentence that says, We will emphasize seamless ticket integration and trip -- and trip making among providers.

Now, in the intercity bus program, this is often referred to as interlining. We didn't use that word because interlining can mean more things in the general transit industry. When I first heard the term, I interpreted it as how I knew it, which was interlining schedules, meant that you moved a bus between one schedule and another.

In this instance, interlining refers to the ability of -- of a passenger to move between -- a ticket between systems. So, emphasizing tip and -- trip and ticket integration along connecting services.

Freight was commented on in that program -- the federal program does identify and allow for freight to be a part of this. So we aren't requiring freight but we are highlighting -- we are including a specific reference to freight as being an eligible activity as part of this program.

And then, finally, I think there was a concern, as we
move toward a more prescriptive-looking model, that that
would somehow affect program branding and marketing, and
I think the desire is to be able to retain that either at
the local level or at the intercity bus company level, and
we're certainly comfortable with that.

So that -- that's -- that's what we've heard in
general. I hope those on the phone, making the comments
here, that we've addressed their concerns and we've made
changes and adjustments to the language to -- to cover
those.

The next slide is, then, just focusing on Texas. The
-- you know, what we do currently, organized under some
characteristics down on the left-hand side and where we --
where we're headed as a program. This hasn't changed
since the draft that you looked at in July.

So, again, the key -- the key issues are the delivery
model, introducing the notion of state priorities -- on
the right (indicating) -- no minimum levels of service
moving toward having target levels of service, evaluation
criteria, some -- just, I think, more focused criteria to
be more easily identified with outcomes and results,
performance measures -- none in the current one --
looking at establishing targets in a number of different
areas and looking at making sure that we are looking at
outcomes for investments in terms of making progress toward
those targets as something that we would consider in our
discussions on whether to continue funding programs.
Subgrantees, no change there.

So that's -- in general, this is what the last nine
months have been all about, is this slide. Assuming that
the committee takes action to approve this today -- next
slide, Josh -- three areas of next steps: Coordinated
call for projects, as I mentioned, it's coming out next
month. We've already looked at our current application
on the intercity bus elements of it. We've made some
minor modifications to questions and then to some of the
descriptive material that the applicant will see that
we're looking for in that. Not a lot of major changes to
the way we approach the program in this call.

We will move out on seeking consultant support to do
an intercity bus study. I would propose that we would
be ready in January or in mid-February to come to the
committee with a scope of work for your review. I don't
really know what kind of time frame the study will need,
but we would be looking at being able to be in a position,
at not this coordinated call but the next one, in the fall
of 2021, to put in place any major changes and approach the
program that the study might -- might reveal for us.

And then, finally, depending on where we end up,
again, in that same time frame, looking at changes in the
administrative code and anything significant, we'd like to have in place, again, by September of 2021 in advance of the coordinated call. So that's where we go, assuming the committee is comfortable with what we've got, and that concludes my report.

MR. MCBETH: Eric, this is John. On the intercity bus study --

MR. GLEASON: Yes, sir.

MR. MCBETH: -- and the review of the Texas Administrative Code --

MR. GLEASON: Uh-huh.

MR. MCBETH: -- we're going to wait until we have the results of the study to, then, determine if we need to go to the TAC and make revisions?

MR. GLEASON: We'll probably be tracking that as we go --

MR. MCBETH: Yeah, yeah.

MR. GLEASON: -- and --

MR. MCBETH: Do you have any idea -- is there anything that needs to be done now for the TAC?

MR. GLEASON: No, no.

MR. MCBETH: Okay. That's what I was wondering.

MR. GLEASON: No. We have looked at that in the context of moving out on a coordinated call.

MR. MCBETH: Great. Thanks.
MR. GLEASON: But I do anticipate that we will want to get in there and -- and look at the TAC. So I'll --

MR. MCBETH: This is John --

MR. GLEASON: -- turn it over to you.

MR. MCBETH: This is John, and I -- I particularly like the performance measures. That's one of the things that I have wanted to see for quite a long time. I may be a group of one in that respect but it's something that we certainly need and something all of us who have sat here and watched and seen the report know has to happen because we can be so easily attacked right now over at the legislature for some of the costs that -- when you look at these costs for trips, I mean, it -- we're -- we're a sitting duck.

So that -- that's something we have to bring -- in order for this to be a sustainable program, we have to bring that in line with current thinking of how we can't spend that much money taking one person from one place to another place, no matter how far off it is. So I'm glad to see that. And those are my only comments. Does anyone else have any comments?

MR. WHYTE: I'll just echo that -- this is Mark Whyte -- that you are not a committee of one or a party of one. I fully echo what you said on the cost. You've got to have performance --
MR. CLINE: Hey, John --
MR. WHYTE: -- measures in place. And so, I'm happy to see that as well.
MR. CLINE: Hey, John. This is Jim Cline.
MR. MCBETH: Yes, Jim?
MR. CLINE: Hey, I just -- I -- one of the things that I -- I particularly liked about it is introduction of state priorities. I think that really gets us -- you know, allows -- because that's something that may change over time. It allows us to introduce that. And so, how we spend -- how the money is spent to address the specific issues of the state, and that, to me, seemed one of the most -- it does seem very positive. So I -- I fully support whatever the staff's proposing.
MR. MCBETH: Great. Thank you.
MR. SALAZAR: And this is J.R. I just want to echo, again, what everybody else has said. And I agree. I think performance measures are something that needs to be in place and probably a long time coming. But I also want to thank PTN for capturing the thought process that, you know, I think all of us had into a pretty nice way of presenting it in, so I think y'all did a good job.
MR. MCBETH: Mr. Fickes, are you still alive?
MR. FICKES: I am still here, listening intently.
MR. MCBETH: Okay. With that, I would entertain a
motion to adopt the report that Eric just gave. Do I have a motion?

MR. FICKES: This is Ken -- this is Ken, and I make a motion to approve it.

MR. MCBETH: Ken Fickes makes the motion --

MR. CLINE: Second.

MR. MCBETH: -- do we have a second?

MR. CLINE: Jim Cline, second.

MR. MCBETH: Jim Cline seconds. Is there any further discussion? Hearing none, I'll call for a vote. All of those in favor of the motion, signify by saying, Aye? Aye.

PTAC MEMBERS: (Collective Aye.)

MR. MCBETH: All opposed, Nay. All ayes, no nays. The report has been adopted. And, to echo J.R.'s sentiment, thank you very much, Eric. This is a topic that we've needed for a long time.

MR. GLEASON: Good deal.

MR. MCBETH: So thank you. And now onto us policy wonks' favorite thing in the world: A Presentation and Discussion On the Upcoming Work to Determine the 2020 Census Impacts to Public Transportation Funding for Texas Transit Providers.

MR. GLEASON: All right. So let me -- let me introduce this, Mr. Chair, and then Michael Walk from Texas A&M Transportation Institute is here today to walk
the committee through an introduction to this topic.

So, as I mentioned earlier, we did something very much like what we're going to talk with you about back in 2009 in anticipation of the 2010 census. And -- and where that topic back then -- where we ended up with that was we actually ended up with a successful recommendation to the department in its baseline legislative appropriations request to -- to include state funding -- additional state funding to allow us to address anticipated impacts of the census.

So, you know, 9 years ago -- 10 years ago, this conversation resulted in a significant result, and that was an increase in funding to deal with those impacts at the time. Now, whether or not that -- that we will get the same result this time, I think the -- the focus for this committee -- that one of the focuses should be on -- at the end of this discussion, identifying a similar outcome, and that is: Here are the anticipated impacts, here is an amount of funding that we've identified to help mitigate some of the negative impacts associated with those and it's our recommendation that the commission do the following.

So I'm just kind of laying that out for the committee as to where this conversation could end up. I think, from a timing standpoint, we are looking at needing to
have the committee in position in the spring to be able
to wrap your arms around a number so that it can be a
part of a -- an appropriation-request process the
department is going through. So, with that, I'll turn
it over to Michael.

MR. WALK: Okay. Thank you, Eric. This is Michael
Walk with the Texas A&M Transportation Institute. Thank
you for having me today, and Eric pretty much finished my
presentation, so...

MR. GLEASON: Well, you had a doughnut in there you
knew how to explain (ph).

MR. WALK: I do have a doughnut, yes. So we'll just
go ahead and start with -- you know, my -- my goal here
today is just to give you an overview of the approach of
the study, give you a quick sense of timeline and what will
be accomplished through the study.

Just a quick recap of the schedule. The US Census,
of course, you know, every 10 years, with the next census
in 2020 -- you know, starting in 2020 is when all of the
data collection will begin. Of course, it takes time
for the results of all of that data collection to be
aggregated, summarized, distributed, cleaned, et cetera.

And so, the -- you know, there's a couple of ways that
that census data is used. Of course, in drawing of
district lines, you know, that data will be released in
2021 and then we expect, in 2022, to have the urban and rural population numbers and all of the demographic characteristics for urbanized and rural areas throughout the US, and that data then to be used when calculating the FY '23 FTA apportionments to states and urbanized areas.

All right. And, of course, the data from the census is critically important. It's used by many stakeholders for here, in the public transportation world, in Texas, of course. The FTA uses the data, the population numbers in both urbanized and rural areas as well as demographic characteristics of those areas when it calculates federal formula apportionments, both to states and urbanized areas, and TxDOT will use that data also in its funding formulas to allocate state transit funding to Texas transit districts.

This chart just gives you a little hint at how many places the census data touches when it comes to the state formula funding. So everything that's highlighted in yellow is impacted by results from the census. For instance, in the top layer here, whether an area is a rural district, a small urban district or a large urban district which, then, of course, determines, you know, which pot of money is available to that set of districts. That's determined by the census and the results from the
census.

When you -- if you are a rural district, the population numbers for that rural district and the land area for that rural district will be determined by the census. And so, the same thing goes with the urbanized areas. One of the outcomes that might happen with the upcoming census is that the boundaries of urbanized areas might change in 2020. We've seen that happen before in 2010. And so, that -- that changes the boundaries of what is rural and what is urban.

There's likely to be impacts. You know, this -- this data's from 2017, so we just looked at the change from census 2010 to 2017, comparing the overall United States population growth of 4.7 -- 40 -- sorry -- 4 percent in that time frame; Texas grew by 9 percent in that same time frame.

Texas is becoming a larger proportion of the overall national population, going from 8.1 percent to 8.5 percent by 2017. We expect that to continue to grow very likely in that the census 2020 that Texas might be an even larger proportion of the overall national population, which does impact the amount of federal funds that will be available to Texas.

Another potential outcome is that we have to eat doughnuts, apparently. The urban doughnut is a problem
also that is created or related to changes in census boundaries. And so, just to expound on this a little bit, you know, we just did a little zoom in on San Antonio.

So what you're seeing on this graph -- graphic here is that the orange area is where the urbanized-area boundaries in 2000. The green areas were the additional -- or how the urbanized area was expanded in census 2010; right? So the urbanized area actually grew in land area and population, of course, as a result of the 2010 census.

We don't know right now what that boundary or what that area will look like in 2020 but, if the urbanized area does grow again -- right? -- just in this one case, places that used to be classified as rural would now become urban; they'll be part of the urbanized area and all of the funding changes that happen there where urban money goes to urbanized areas and rural money goes to rural areas will impact this.

And this, of course, creates a significant issue when there's no transit provider that exists in these urban doughnut areas or what we call urban gaps outside of -- outside the municipality -- right? -- where the city of San Antonio is, you know, provided service within its boundaries but now there's these urbanized areas outside of the city that all of a sudden have become urban and no longer rural, and that can create a service problem and a
funding challenge for the area.

And just to give you another example of things we already know is that, you know, different parts of the state are growing at different rates. This -- this slide just shows you a few examples of some of the fastest growing areas in Texas, both fastest growing cities including Georgetown, Conroe, Frisco and McKinney as well as fastest growing counties, which are the light red areas. And so, you know, the different rates of growth throughout the state will also impact those funding apportionments and allocations.

And so, these will all be things that we will look at under the study. You know, we're going to be looking to anticipate overall population change, changes in urbanized boundaries, changes in classifications of areas from rural to small urban, small urban to large urban or vice versa from what an urban district now is in a rural area. Those will happen.

So we're going to project all of that. Looking at population projections, and that's what you see, the October through December time frame is when we're working on those population projections, not just within Texas but we have to do this across the entire US in order to understand what the -- how much funding will likely come to Texas or how the formulas will change.
And so, we expect, by the next PTAC meeting, we'll be able to talk to you, like Eric said, about anticipated impacts in terms of population change, and then, based on those population-change impacts, then we're going to run through and have an idea on the funding numbers in terms of what it looks like the formula-funding change might be and then that will lead us towards getting closer to a need -- a dollar value to offset those -- those impacts. So that's the end of my presentation. If there's any questions, I'll be happy to take them.

MR. MCBETH: I have a couple. I think you've already answered one of them. On Page Number 4, Texas State Funding, when you come back to the next PTAC meeting -- which, by the way, the next PTAC meeting we'll discuss later but it's going to be in February. So January -- because we don't have time for them to get all of the data that they need to do anything in January, so there's no reason to have a meeting if we can't get something done.

But on this chart, when you come back in February, will you -- will you be able to review this chart just as a possible, maybe, a proposed chart of what it will look like after 2020?

I mean, I know Bryan-College Station is going to move over to a large urban transit district. I have a sneaky
suspicion that Lufkin's going to move out of the rural transit district into a smaller urban transit district. I'm pretty sure of that. Nacogdoches won't but I know Lufkin will, because we're watching that.

But I'd like, just -- just for discussion purposes, to see -- I know we're going to get one new large urban district -- it's going to be Bryan-College Station -- but I -- I assume there's some others, and probably down in the Valley's my guess, but I don't know.

MR. GLEASON: Amarillo.

MR. MCBETH: Oh, Amarillo for sure. Yeah, I -- I can't -- I don't understand why it isn't already. That's -- that's just -- so, anyway, I was just wondering if y'all will be able to do that. That's my first question.

MR. WALK: Yeah.

MR. MCBETH: Okay.

MR. WALK: Do you want me to answer?

MR. MCBETH: Yeah.

MR. WALK: In short, the answer is yes.

MR. MCBETH: Yes.

MR. WALK: In the February meeting, we'll have the population changes completed. And so, we'll be able to come back and -- and talk about, you know, which -- what those changes look like -- what the classification changes will look like. Yeah, so that'll be in February.
MR. MCBETH: Now on Number 7 -- Page Number 7, the San Antonio user guide --

MR. WALK: Uh-huh.

MR. MCBETH: -- if I'm correct in assuming that as these UZAs get bigger and more rurals become urbanized, they're going to take a larger chunk of the money; is that correct?

MR. WALK: They will take a larger chunk of the large urban money.

MR. MCBETH: Large urban money.

MR. WALK: Yeah.

MR. MCBETH: Right.

MR. WALK: Correct. But not the state, of course --

MR. MCBETH: Right. Not the state money, the large urban money.

MR. WALK: Uh-huh.

MR. MCBETH: So that would impact the funding -- will that -- well, Eric, will that impact the funding we've got for the several large urban areas?

MR. GLEASON: So the --

MR. MCBETH: Is it state funding?

MR. GLEASON: -- 3-and-a-half million of state funds, no.

MR. MCBETH: It won't.

MR. GLEASON: No. The amount of funding associated
with each of the buckets is fixed.

MR. MCBETH: Fixed, correct.

MR. GLEASON: It's independent. It's how it gets distributed among the entities within each bucket if that changes based on the rate of growth --

MR. MCBETH: Right.

MR. GLEASON: -- and the proportionate share of overall populations. That's -- this doesn't represent any of that.

MR. MCBETH: That money, okay.

MR. GLEASON: This situation on the San Antonio slides are areas in green that were previously rural and, with services provided by a rural transit district with 5311 funding and state rural funding that have now been absorbed into -- not only in federal terms, a large urbanized area, a metropolitan area --

MR. MCBETH: Yeah.

MR. GLEASON: -- and, on the state level, they're precluded now from receiving state funds.

MR. MCBETH: State funds. Yeah, exactly.

MR. GLEASON: So the onus -- and they have no service provider now, which is -- they're -- you know, the doughnut describes the addition -- the concept of an urban gap --

MR. MCBETH: Yeah.

MR. GLEASON: -- which is also how we've talked
about this, goes to the very important issue of, There is no provider.

MR. MCBETH: Right.

MR. GLEASON: And one of the things that we, as a state, tried to position ourselves to do last time -- and I think we'll need to do it this time, is to be in a place where we can help bridge a time where the now region figured out how to cover that transit service, because it's likely outside of -- in this case, VIA's service area. They will get federal money based on the population.

MR. MCBETH: Correct.

MR. GLEASON: They'll get federal money for those areas but they have no mechanism to get that money to a provider. And so, they need time. And in the case of San Antonio, in what they've done -- in some instances, they've taken a portion of their increase amount and they actually contract with the rural transit district using their 5307 funding to provide the service, which can be done.

MR. MCBETH: Which I think they're also doing at Cap Metro with -- with CARTS here in Austin.

MR. GLEASON: But it takes time to get those --

MR. MCBETH: Yeah.

MR. GLEASON: -- relationships figured out and in
place. And so, we tried to do a bridge. And one of the things that we're talking about at the federal level is, in this next authorization, we are asking that we get the ability, as a state, for the two federal fiscal years following an urbanized-area designation, to use up to 5 percent of our rural program money in these now large urban areas -- newly urbanized areas, if we need to, as a bridge.

So we could go into the discretionary element portion of our rural program, which we can take up to 10 percent for --

MR. MCBETH: Right, correct.

MR. GLEASON: -- and, if we were authorized to be able to do that for fiscal year '23 and '24 with federal money, we could be in position of providing federal money -- rural money to still be spent in those areas until they've figured the game plan out. We can do that today.

We think we need that flexibility at the federal level, and we think a lot of places elsewhere in the country would support that notion. That would get the state off the hook from the state-funding standpoint to try to be the bridge, if you will. So that's one of the areas where we're hoping to be successful onto the next authorization.

MR. MCBETH: Is there anything that this committee can
do? Because this is a long-standing problem.

MR. GLEASON: For a growing state like Texas, yes.

MR. MCBETH: I refer to it as the Paulette problem. That's Paulette's issue --

MR. GLEASON: We'll memorialize it.

MR. MCBETH: -- is she -- well, it has definitely got -- she's a good friend, and I promised her I would try to do whatever I could to solve that problem. But, even working with Linda at PTI, we just -- Linda, myself and Liz, we just threw up our hands. Like, Wow, this is so much bigger than us. We're -- we're drowning in a swamp here, so we've kind of put it on the back burner.

But is there anything we can do at PTAC -- first of all, get all of the metros together -- I know that's a terrible thing to ask for -- to talk about this problem. I know they're all aware of it but I don't know that any of them, other than San Antonio -- and, of course, Austin Capitol Metro, they've addressed the problem.

Capitol Metro addressed it because Linda's -- was a great person, but if there's anything we can do to make that happen faster -- and I like the idea of the 5 percent. I -- I don't know if 5 percent would be enough. It would be -- it'd be better than nothing we're getting now.

MR. GLEASON: It was enough last time.
MR. MCBETH: And it's -- I know that Paulette has serious heartburn with this, and I would, too, if I was in that position and I was serving it and I don't know where we'd get money for it.

MR. GLEASON: So of the things to think about is this is not just -- this is not a scenario that is just a metropolitan-area scenario. And, actually, some of the more difficult solutions from the last census were around small urban areas that also grew --

MR. MCBETH: Yeah.

MR. GLEASON: -- like Tyler for example --

MR. MCBETH: Absolutely.

MR. GLEASON: -- and also were in a situation where they grew beyond the boundaries of their transit system. And, you know, having to make decisions about additional funding they were getting for those now new areas that were no longer served and how to go ahead and address that problem.

So it's a -- it's a problem that most every urbanized area, large or small, has in Texas to some extent as a result of the census. In many ways, the large metropolitan areas have more resources to deal with it than some of the small urban areas.

MR. MCBETH: Oh, for sure.

MR. GLEASON: I think -- and -- and so, this will be
one of the key outcomes. And the interest -- one of the
challenges that TTI has is, you know, nobody really knows
what the urbanized-area boundaries are going to look like
until the Census Bureau makes its determinations and how
it's actually going to calculate them. And that gets down
into impermeable surface and contiguous -- or continuous
things. It's really a black box.

MR. MCBETH: Leaps, jumps and bounds.

MR. GLEASON: And the last time we did this, we
identified a handful of areas we thought were going to
go from rural to small-urban status, and we identified
what we thought would be some newly-revised area
boundaries.

We got most of it wrong but we ended up with the
appropriate amount of money to address what did happen,
and that's sort of what we're trying to do here. We're
trying to be as analytical about calculating a need,
knowing full well that, at the end of the day, it may turn
out --

MR. MCBETH: Yeah.

MR. GLEASON: -- to be very different. And one --
as you brought up, and I'm glad you did, the slideshow
doesn't address the issue of areas moving their
classification, changing from rural to small urban. Like,
Eagle Pass is expected to go from rural to small urban in
the next census.

    MR. MCBETH: Really?
    MR. GLEASON: According to Sarah, yes.
    MR. MCBETH: Oh.
    MR. GLEASON: Yeah. She's -- absolutely. So -- and then we have Amarillo and Bryan-College Station, which will challenge us because now, all of a sudden, is three and a half million enough in the large urban part.
    MR. MCBETH: It's going to take --
    MR. GLEASON: So we have a lot of --
    MR. MCBETH: Yeah, so the answer to that is no.
    MR. GLEASON: This committee has -- not only in terms of coming up with the amount of money needed --
    MR. MCBETH: Yeah.
    MR. GLEASON: -- necessarily, there are a number of off-shooting issues which will come out of this work that the committee will need to address over time, not the least of which might be moving amounts and modifying groups in the formula.
    MR. MCBETH: Or increasing --
    COMMITTEE MEMBER: Hey, Eric?
    MR. MCBETH: Or increasing the amount of state funds.
    MR. GLEASON: Or attempting to increase the amount, yes, sir.
    MR. MCBETH: I bet it was a hard-fought battle to get
the three and a half million for those large small urbans
as it were.

MR. GLEASON: Correct.

MR. MCBETH: I don't know that the legislature's
going to give us more. We can always ask. They can
only tell us no. Jim, do you have a comment?

MR. CLINE: Yeah. Just -- just a real quick comment, if I could. I -- and this is -- when we look through the
study and start looking at the possibilities, one of the
-- you know, you're talking about going from rural to
small or small to large, one of the things that happens
when you fall into the big metropolitan areas -- and we
saw this in the Dallas area -- there were a lot of areas
that were part of the urbanized area that did not have a
provider and there was not a ready way to keep those
funds -- those funds often flowed to the bigger transit
authorities or to any -- you know, the established
transit authorities in those areas.

And, with no provider, you -- you -- there -- these
-- there's a lot of these areas, particularly as they
transition, that are caught between not being able to use
rural or small urban but not having access to the, you
know, bigger pot because of population increases of the
formula funds for the metropolitan area.

And so, it's -- there's an interesting model that's
out there to watch in the North Central Texas area, I know, and probably in the other ones as well, is that gap and what happens in an unserved area that will not vote in the taxes for -- to be part of a metropolitan transportation authority but, at the same time, not qualify them for rural or small-urban type service.

And so, the -- to me, the question that comes in is we'll end up with -- you know, we're going to have folks that are marooned between -- that have neither a foot on the dock or a foot on the boat and will not get served beyond the transition period of a couple of years, like you talked about Eric. But that -- that long game, we may end up with more folks that have actually less service, despite the fact that the urbanized area grows.

So just some food for thought. Maybe we'll -- we ought to look at, in terms of what happened -- you know, and particularly in the north -- northern counties in the North Central Texas area. So just some food for thought as we move forward.

MR. FICKES: Well, this is Ken. We actually have programs created for that very reason, Jim. The -- it became obvious that the urbanized area and Houston area that's thrown into Chambers County and Fort Bend County and all over the eastern portion of Harris County, we've still got voted Metro back in 1979.
And so, our model for our service areas are the cities that want the service has the match to provide the service. And it's worked pretty well for the last 12 years. I believe, in 2011, with some funding from TxDOT, TTI did an evaluation on closing the gaps in the state and what we evaluated was a best practice for that. So I -- I'm pretty proud of what we've done with it.

But you are correct. That problem does exist up there in the metroplex area and has for some time, and it's probably going to happen here again as well when the new 2020 census numbers comes out.

MR. MCBETH: Thanks, Ken. That brings up a point that even if a city -- as Senator Shapiro found out when she was trying to solve the problem with the cities around Dallas DART, even if a city says they want the service and are willing to vote in that one-cents sales tax, the problem is that's -- that sales tax has to be voted in from the time that Dallas DART passed their one-cents sales tax, which makes it a Herculean rock to jump over. And so --

MR. FICKES: Well, you're right. We have the same problem -- we have the same problem here, but the bigger problem is, for our region, is we're capping our sales tax.

MR. MCBETH: Of course, yes.

MR. FICKES: You've got to go to the legislature to
get them to increase it.

MR. MCBETH: Yeah.

MR. FICKES: So I don't see that happening any time soon.

MR. MCBETH: Not -- not in my lifetime. Okay.

MR. GLEASON: So let me -- if I may. So the last census in 2010, we had -- the city of Galveston, because of Hurricane Ike back in 2008, the city of Galveston actually moved it down, if that's the right word to use; it may not be, but they moved it out of an urban -- a small-urban category to a rural, which is an enormous change for that area in terms of its funding and where it gets its funding from and the amount of funding but particularly on the federal level.

The urban-formula funding on a per capita basis is about two-and-a-half times greater than the rural-program funding formula at the federal level. So tremendous impact there. Now, having said that, Galveston had -- have, you know, in the last budget process, I think, managed to get language inserted which transitioned them back to an urbanized area for federal formula.

All of that being said, there's another area this time that has expressed to us a concern that the same fate may happen to them or may await them, and that is Port Arthur. And they -- in the 2010 census, they were at
about 53,000 population, and, with the impact of the --
of the storms up there and natural disasters up there,
they are very concerned that they are going to come in
under the 50,000 level with their census. And I have a
phone call with them tomorrow afternoon to kind of talk
them through that potential situation.

So we may have another Galveston on our hands with
Port Arthur. Now, there's not much to be done about that
necessarily, and the solution may lie with their efforts
at the federal level to get that addressed through
authorization or some other way.

MR. FICKES: Eric, this is Ken. I didn't quite
catch that. You're saying we're going to have another
situation like Galveston?

MR. GLEASON: Yes, sir, Port Arthur has --


MR. GLEASON: -- has expressed a concern that --
their 2010 population was about 53,000, and --

MR. FICKES: Right.

MR. GLEASON: And so, they are concerned that with
all of the impacts of the natural disasters up there that
they're going to come in below. And we're talking with
them for the first time tomorrow --

MR. FICKES: Okay.

MR. GLEASON: -- to kind of talk through that. So I
think --

  MR. FICKES: Well, the weather hit them really hard, so that's --

  MR. GLEASON: Yeah, yeah, so that's another -- that's another area. The census is a big deal here in Texas, for all kinds of different reasons, and -- and --

  MR. FICKES: Well, I know that -- I don't -- I don't know if you mentioned it, but I know that Galveston benefited from a provision in the Hurricane Harvey Relief Act designating them back as urban again.

  MR. GLEASON: That's where they did it. Okay. I wasn't sure where -- what vehicle they had used. It was the Hurricane Harvey?

  MR. FICKES: Well, it was -- it was one of such that any -- any community along the coast, any of the states that was designated rural -- excuse me -- urban previously, to a storm, without naming which storm it was, would now be considered urban [sic]. That was -- it was really short. I think it's like one sentence.

  MR. GLEASON: Right. Well, and then it -- but it's only good through 2020 as well, so that has to be addressed, even for Galveston, before the new --

  MR. FICKES: Right.

  MR. GLEASON: -- census comes out. So you hadn't forgotten. So the language is general enough where, if
it's preserved in authorization, it would apply to Port
Arthur. The issue is that the federal action on Galveston
is only good through 2020 right now, so...


MR. GLEASON: Yeah.

MR. FICKES: Doesn't it until the end of 2020?

MR. GLEASON: Yes, sir.

MR. FICKES: Okay. Thanks.

MR. MCBETH: Okay. Any other questions? Our -- on
this agenda item, there being no other questions, we'll
move on to public comments, Item Number 7, and we have one
person that wishes to make a public comment, Mr. McHaney
from the Goodman Corporation.

MR. MCHANEY: Yeah. So it's on the previous agenda
item --

MR. MCBETH: Right.

MR. MCHANEY: -- and what I think's some amounts
that the committee could look at or TxDOT could look
at. So, during the -- during the urban and rural
classification, there will be a publish -- a public
comment from the Census Bureau, and last season -- I'll
call it last season -- 2010, there was a rule that I
think would affect our state greatly, and that was that
if, prior to the public comment, the rulemaking was --
is that if -- basically, the urban area would -- all of
it would become an urbanized area if you were in an urbanized area.

For instance, from Conroe to Galveston would be one -- well, Galveston not any longer -- Conroe, Texas, would be one urbanized area. So, essentially, the rule was, when they first proposed it, is that you could absorb small -- pre-existing small urbanized areas, and I think it would greatly affect our state if that was the case because we have a lot of small urbanized areas that are actually right abutting large urbanized areas.

And so, there's this -- there's quite a backlash nationally, lots of public comments. So my recommendation to the committee would be -- is to watch the rulemaking, see if that rule is in there again. I agree with you. Whether this jumps, skips and hops, gets into the weeds of how an urbanized area is developed, that's a really critical rule of whether or not a pre-existing urbanized area can be observed by a larger urbanized area, because that would affect -- I mean, you guys know this -- that would affect us greatly. But keep that in mind as the rulemaking is happening, which will happen -- that call will come out next year probably.

MR. GLEASON: So the result -- the result of that conversation -- this is Eric. The result of that conversation last time was to allow a previously
existing small urban area now consumed by a large urban area to retain its status as a small urbanized area and continue to get funding.

MR. MCHANNEY: Correct.

MR. GLEASON: So if -- as you're suggesting, watch for that.

MR. MCHANNEY: Correct.

MR. GLEASON: Okay.

MR. MCHANNEY: Yeah. Because that was -- that was -- there was -- I read all of the comments and there was by far the most comments on that proposed rule. I don't know what the policy, given different administrations, will be. It's something to keep an eye on. And so, the -- the PTAC and its members, TxDOT, can decide appropriately, but it's something to watch for. And that does come out in 2020. That rulemaking will come out likely in 2020 --

MR. GLEASON: Okay.

MR. MCHANNEY: -- late 2020 --

MR. GLEASON: Okay.

MR. MCHANNEY: -- from the --

MR. GLEASON: We'll keep an eye --

MR. MCHANNEY: -- from the Census Bureau. It's not out of a transportation department. It's --

MR. GLEASON: Sure. It comes from the Census
Bureau.

MR. MCHANENY: Correct.

MR. GLEASON: That's something we can keep our eyes out for, Mr. Chair, and -- and highlight.

MR. MCBETH: Are there any other public comments?

We have nobody else signed up but it's open for public comments. Does anybody want to make a comment? Rest now or forever hold your peace.

One item, Josh, on public comments: Effective January the 1st, we -- anybody that's all in a public meeting will be required to state, because of a new law that becomes effective then, state in their agenda public comments two times in the agenda: once at the very beginning, once at the very end. And I'm -- I assume your lawyers know all about that.

MR. GLEASON: They may.

MR. MCBETH: My lawyer warned me, so we --

MR. GLEASON: Okay. We will do --

MR. MCBETH: We had them on our agendas --

MR. GLEASON: We will do due diligence.

MR. MCBETH: We had them on our agendas forever, so...

MR. GLEASON: We will do due diligence. I appreciate that.

MR. MCBETH: I'm just throwing that out there, and you can talk to your lawyers about it. Propose and Discuss
Agenda Items for the Next Meeting and Confirm the Date.

We know it's going to be in February. Do we have a date for it in February?

MR. GLEASON: We do not have a date yet. We are looking at the second week in February, and, as soon as we can confirm with Michael and his group on kind of a time frame generally that is more specific than that, we will get -- will poll the committee to see when you can -- and I will add, as we move through this discussion, as we have in the past, if we need to convene the committee more than on a quarterly basis, we can certainly do that to expedite the discussion on this topic --

MR. MCBETH: Great.

MR. GLEASON: -- in time for the appropriations segment.

MR. MCBETH: Does anybody have a proposed agenda item for the February meeting? If you don't now, if you do, let Eric or Josh know so that we can put it on the agenda.

And, with that, I will entertain a motion to adjourn, it being 11:00 -- 11:05. If we don't have a motion --

MR. CLINE: This is Jim --

MR. MCBETH: -- we have to stay here.

MR. CLINE: -- I so move.

MR. WHYTE: Second.
MR. MCBETH: We've got a motion and a second. All in favor, signify by saying, Aye. Aye.

MR. VON BIEDENFELD: Aye.

MR. MCBETH: All opposed? Being all ayes, we can adjourn. Thank y'all.

(Whereupon, the proceedings were concluded at 11:05 a.m.)
CERTIFICATE

STATE OF TEXAS
COUNTY OF TRAVIS

I, Patrick Stephens, hereby certify that the foregoing record taken down by me, as a certified court reporter, is a true, correct and complete record of the above-entitled Public Transportation Advisory Committee meeting.

This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing proceedings, including exhibits, unless said disassembly is done by the undersigning certified court reporter and original signature and raised seal is attached thereto.

This the 13th day of November, 2019.

Patrick Stephens

PATRICK A. STEPHENS, CCR, CVR
CERTIFICATE NO. 4672-1141-4562-4064
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<td>requiring 18:21</td>
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<tr>
<td>propose 16:6 20:16 50:25</td>
<td>resources 38:22</td>
</tr>
</tbody>
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zoom 29:3