

Transcript of the Testimony of  
**TxDOT PTAC Meeting**

**Date:**

October 29, 2019

**Case:**

TxDOT PTAC Meeting

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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  
Ptrckstephens1@gmail.com

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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 Transportaion Institute

Comments by the Public

Robert McHaney, The Goodman Corporation

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1 ( P R O C E E D I N G S ) 10:00 A.M.

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

9 MR. RIBAKOVE: (Gesturing.)

10 MR. MCBETH: Josh, please go ahead.

11 MR. RIBAKOVE: Welcome. We are at 200 East Riverside  
12 Drive in Austin. For medical emergencies, please call 911.  
13 We're located at, again, the 200 East Riverside Drive  
14 78704.

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

25 In case of tornado, which we're not expecting, or

1 inclement weather, stay inside, move away from exterior  
2 walls and windows. We will proceed downstairs to a large  
3 auditorium, which is right by the stairs when you get  
4 down there, and that is the safest place to be in that  
5 case.

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

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

23 Second of all, we're going to flip on our agenda.  
24 We're going to do Item Number 6, Presentation and  
25 Discussion on the TxDOT-PTN's Intercity Bus Program

1 Strategic Direction Final Report. We're going to make  
2 it Item Number 5 and we're going to make Item Number 5,  
3 Presentation and Discussion on Upcoming Work to Determine  
4 the 2020 Census Impacts to Public Transportation Funding  
5 for Texas, Item Number 6.

6 And then, third, a personal thing: Today, at  
7 11 o'clock, we will be burying our ex-representative,  
8 Ray Allen. Nobody in this room probably knows who  
9 Ray Allen is, but Ray Allen served in the House from 1993  
10 to 2006, one of the very first Republicans elected to the  
11 House. Extremely conservative gentleman.

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

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

24 And we gave them a contract for two years, and then  
25 we renewed that contract for another two years and then

1 we gave them a contract for the fifth year to manage the  
2 Texas Transit Association because we had lost our executive  
3 director.

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

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

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

24 So, with that, I will go to Item Number 3, approval  
25 of the minutes from July 25th of 2019. Do I have a motion?

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

2 MR. MCBETH: Second?

3 MR. FICKES: This is Ken. I second.

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

7 COMMITTEE MEMBERS: (Collective Aye.)

8 MR. MCBETH: All opposed, No.

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

11 MR. MCBETH: Okay.

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

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

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

18 TxDOT Public Transportation Division Director's  
19 Report to the Public Transportation Advisory Committee  
20 Regarding Public Transportation Matters is Item Number 4.  
21 Eric?

22 MR. GLEASON: Thank you, Mr. Chair. Eric Gleason,  
23 Public Transportation Director for TxDOT. Today's agenda,  
24 two important items on them: We're going to bring to close  
25 a conversation with the committee we've been having over

1 the last 8 to 9 months on the intercity bus program --  
2 hopefully to close, assuming the committee agrees.

3 And then we're going to open up a new one, and that  
4 is a discussion of upcoming census impacts. And for folks  
5 who have been following the committee over a number of  
6 years, the census-impact discussion, anticipating those  
7 impacts and trying to position ourselves as a state and as  
8 an agency to -- to address them is a very, very important  
9 conversation, and we're going to -- we're going to kick it  
10 off today and, hopefully, over the next several meetings,  
11 kind of try and tease out where we think the 2020 census  
12 is going to -- is going to land us. So two important  
13 conversations today: One coming to a close and the other  
14 starting for the committee to focus on.

15 Rail and bus-safety rules: You may recall we  
16 discussed the need for these with the committee. The  
17 committee decided that they didn't necessarily see a  
18 policy role for -- for them in that discussion. We did  
19 say we would report back to you on progress. We are  
20 scheduled to go to the commission later this week on  
21 Thursday with proposed rules and anticipating final rule  
22 adoption at the January commission meeting.

23 All of the changes in the rule package are required  
24 of the federal program -- of us by the federal program.  
25 So there's no -- there's nothing in there of any

1 substantive policy shifts or discussion for the committee  
2 to be concerned about. So that's where we stand with  
3 those. There will be an open comment period, which will  
4 be open until December 16th. Again, we're not anticipating  
5 a lot of feedback, if any, on those.

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

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

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

21 So we are engaged with 38 some-odd different agencies  
22 across the state that received 5307 funding that run less  
23 than a hundred buses in the peak hour to put those plans  
24 together. And those plans need to be in place with an  
25 accountable executive at each agency and then certified as

1 being complete by us by July 20th of 2020, so working  
2 hard on that.

3 Discretionary grant application for fleet replacement  
4 and facility development. You may recall that in -- when  
5 was it? -- June of last year -- June of this year -- May or  
6 June of this year, we submitted an application for \$13.8  
7 million in federal funding to do two things: Help us  
8 bring the rural fleet to a state of good repair through  
9 2021 with replacement funding and then, also, just under  
10 \$4 million to advance a number of facility projects either  
11 to construction or through their project-development phases  
12 to be ready for construction.

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

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

24 That's important because it would be really great to  
25 hear the result of that because we -- in -- in about two

1 weeks on November 15th, the department is going to release  
2 its biannual coordinated call for projects, and this is a  
3 call for projects that -- for federal-program discretionary  
4 funding that we administer. We do it every other year,  
5 and this is the normal rotation, if you will, of the  
6 normal place where folks would apply for fleet-replacement  
7 funding and for facility-development needs.

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

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

23 Finally, I will mention that we are in -- we're under  
24 the microscope this year -- this fiscal year for federal  
25 triennial reviews. We have two them. We have a review

1 of our state safety oversight program on the rail side; we  
2 have a review next week, and we're going to be spending  
3 three days in Dallas with federal-program reviewers  
4 looking at our program and understanding the extent to  
5 which, in those agencies -- in our rail agencies that we  
6 have oversight responsibility for, the extent to which  
7 we're doing our work to confirm that they're doing what  
8 they should be doing.

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

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

22 So we're kind of in a microscope this year, and --  
23 and one other thing that's important about that for  
24 subrecipients and ourselves is, if there are findings --  
25 particularly on the state-management review, if there

1 are findings, those findings often translate into changes  
2 in the way we manage the program in Texas. So, one way  
3 or the other, it -- it all -- it all kind of rolls  
4 downhill, if you will. So that concludes my report.

5 MR. MCBETH: Great.

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

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

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

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

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

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

20 MR. GLEASON: Yes. Actually, Item 6 on the agenda --

21 MR. MCBETH: Previously Number 6, which we moved --

22 MR. GLEASON: -- moved to Item 5. Yes, sir. Okay.  
23 So, Josh, you're going to tee this up for me?

24 MR. RIBAKOVE: I am.

25 MR. MCBETH: That's something we've all been waiting

1 for. Some more so than others. Don't mess it up.

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

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

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

9 MR. RIBAKOVE: All right.

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

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

21 So, with that, the last thing we did, when we talked  
22 in July, we had you express your support and -- and -- and  
23 and confirm agreement with a draft that we sent out to  
24 stakeholders. And we got a number of comments back from a  
25 number of -- of stakeholders and we have made some

1 adjustments to the report itself in response to those  
2 comments. So let's go to the next slide, Josh.

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

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

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

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

25 And it is important, in our minds, to keep some

1 flexibility to allow the ideas to bubble up from the local  
2 areas, believing very strongly that -- that those are the  
3 areas that know what they need best. So we're going to  
4 try and stay strategic and -- and -- and flexible and not  
5 go as far or as descriptive as -- as Washington State has  
6 done.

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

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

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

1 clarified in the report that we will develop intercity bus  
2 measures from the intercity bus services.

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

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

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

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

25 And then, finally, I think there was a concern, as we

1 move toward a more prescriptive-looking model, that that  
2 would somehow affect program branding and marketing, and  
3 I think the desire is to be able to retain that either at  
4 the local level or at the intercity bus company level, and  
5 we're certainly comfortable with that.

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

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

16 So, again, the key -- the key issues are the delivery  
17 model, introducing the notion of state priorities -- on  
18 the right (indicating) -- no minimum levels of service  
19 moving toward having target levels of service, evaluation  
20 criteria, some -- just, I think, more focused criteria to  
21 be more easily identified with outcomes and results,  
22 performance measures -- none in the current one --  
23 looking at establishing targets in a number of different  
24 areas and looking at making sure that we are looking at  
25 outcomes for investments in terms of making progress toward

1 those targets as something that we would consider in our  
2 discussions on whether to continue funding programs.  
3 Subgrantees, no change there.

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

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

24 And then, finally, depending on where we end up,  
25 again, in that same time frame, looking at changes in the

1 administrative code and anything significant, we'd like to  
2 have in place, again, by September of 2021 in advance  
3 of the coordinated call. So that's where we go, assuming  
4 the committee is comfortable with what we've got, and that  
5 concludes my report.

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

8 MR. GLEASON: Yes, sir.

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

11 MR. GLEASON: Uh-huh.

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

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

17 MR. MCBETH: Yeah, yeah.

18 MR. GLEASON: -- and --

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

21 MR. GLEASON: No, no.

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

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

25 MR. MCBETH: Great. Thanks.

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

3 MR. MCBETH: This is John --

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

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

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

22 MR. WHYTE: I'll just echo that -- this is Mark Whyte  
23 -- that you are not a committee of one or a party of one.  
24 I fully echo what you said on the cost. You've got to have  
25 performance --

1 MR. CLINE: Hey, John --

2 MR. WHYTE: -- measures in place. And so, I'm happy  
3 to see that as well.

4 MR. CLINE: Hey, John. This is Jim Cline.

5 MR. MCBETH: Yes, Jim?

6 MR. CLINE: Hey, I just -- I -- one of the things  
7 that I -- I particularly liked about it is introduction  
8 of state priorities. I think that really gets us -- you  
9 know, allows -- because that's something that may change  
10 over time. It allows us to introduce that. And so, how  
11 we spend -- how the money is spent to address the specific  
12 issues of the state, and that, to me, seemed one of the  
13 most -- it does seem very positive. So I -- I fully  
14 support whatever the staff's proposing.

15 MR. MCBETH: Great. Thank you.

16 MR. SALAZAR: And this is J.R. I just want to echo,  
17 again, what everybody else has said. And I agree. I  
18 think performance measures are something that needs to be  
19 in place and probably a long time coming. But I also want  
20 to thank PTN for capturing the thought process that, you  
21 know, I think all of us had into a pretty nice way of  
22 presenting it in, so I think y'all did a good job.

23 MR. MCBETH: Mr. Fickes, are you still alive?

24 MR. FICKES: I am still here, listening intently.

25 MR. MCBETH: Okay. With that, I would entertain a

1 motion to adopt the report that Eric just gave. Do I have  
2 a motion?

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

5 MR. MCBETH: Ken Fickes makes the motion --

6 MR. CLINE: Second.

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

8 MR. CLINE: Jim Cline, second.

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

12 PTAC MEMBERS: (Collective Aye.)

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

17 MR. GLEASON: Good deal.

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

23 MR. GLEASON: All right. So let me -- let me  
24 introduce this, Mr. Chair, and then Michael Walk from  
25 Texas A&M Transportation Institute is here today to walk

1 the committee through an introduction to this topic.

2 So, as I mentioned earlier, we did something very  
3 much like what we're going to talk with you about back in  
4 2009 in anticipation of the 2010 census. And -- and where  
5 that topic back then -- where we ended up with that was  
6 we actually ended up with a successful recommendation to  
7 the department in its baseline legislative appropriations  
8 request to -- to include state funding -- additional state  
9 funding to allow us to address anticipated impacts of the  
10 census.

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

23 So I'm just kind of laying that out for the committee  
24 as to where this conversation could end up. I think,  
25 from a timing standpoint, we are looking at needing to

1 have the committee in position in the spring to be able  
2 to wrap your arms around a number so that it can be a  
3 part of a -- an appropriation-request process the  
4 department is going through. So, with that, I'll turn  
5 it over to Michael.

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

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

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

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

23 And so, the -- you know, there's a couple of ways that  
24 that census data is used. Of course, in drawing of  
25 district lines, you know, that data will be released in

1 2021 and then we expect, in 2022, to have the urban and  
2 rural population numbers and all of the demographic  
3 characteristics for urbanized and rural areas throughout  
4 the US, and that data then to be used when calculating  
5 the FY '23 FTA apportionments to states and urbanized  
6 areas.

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

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

1 census.

2           When you -- if you are a rural district, the  
3 population numbers for that rural district and the land  
4 area for that rural district will be determined by the  
5 census. And so, the same thing goes with the urbanized  
6 areas. One of the outcomes that might happen with the  
7 upcoming census is that the boundaries of urbanized areas  
8 might change in 2020. We've seen that happen before in  
9 2010. And so, that -- that changes the boundaries of  
10 what is rural and what is urban.

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

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

24           Another potential outcome is that we have to eat  
25 doughnuts, apparently. The urban doughnut is a problem

1 also that is created or related to changes in census  
2 boundaries. And so, just to expound on this a little bit,  
3 you know, we just did a little zoom in on San Antonio.

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

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

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

1 funding challenge for the area.

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

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

19 So we're going to project all of that. Looking at  
20 population projections, and that's what you see, the  
21 October through December time frame is when we're working  
22 on those population projections, not just within Texas  
23 but we have to do this across the entire US in order to  
24 understand what the -- how much funding will likely come  
25 to Texas or how the formulas will change.

1           And so, we expect, by the next PTAC meeting, we'll  
2           be able to talk to you, like Eric said, about anticipated  
3           impacts in terms of population change, and then, based on  
4           those population-change impacts, then we're going to run  
5           through and have an idea on the funding numbers in terms  
6           of what it looks like the formula-funding change might be  
7           and then that will lead us towards getting closer to a  
8           need -- a dollar value to offset those -- those impacts.  
9           So that's the end of my presentation. If there's any  
10          questions, I'll be happy to take them.

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

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

24          I mean, I know Bryan-College Station is going to move  
25          over to a large urban transit district. I have a sneaky

1 suspicion that Lufkin's going to move out of the rural  
2 transit district into a smaller urban transit district.  
3 I'm pretty sure of that. Nacogdoches won't but I know  
4 Lufkin will, because we're watching that.

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

10 MR. GLEASON: Amarillo.

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

15 MR. WALK: Yeah.

16 MR. MCBETH: Okay.

17 MR. WALK: Do you want me to answer?

18 MR. MCBETH: Yeah.

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

20 MR. MCBETH: Yes.

21 MR. WALK: In the February meeting, we'll have the  
22 population changes completed. And so, we'll be able to  
23 come back and -- and talk about, you know, which -- what  
24 those changes look like -- what the classification changes  
25 will look like. Yeah, so that'll be in February.

1 MR. MCBETH: Now on Number 7 -- Page Number 7,  
2 the San Antonio user guide --

3 MR. WALK: Uh-huh.

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

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

10 MR. MCBETH: Large urban money.

11 MR. WALK: Yeah.

12 MR. MCBETH: Right.

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

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

16 MR. WALK: Uh-huh.

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

20 MR. GLEASON: So the --

21 MR. MCBETH: Is it state funding?

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

24 MR. MCBETH: It won't.

25 MR. GLEASON: No. The amount of funding associated

1 with each of the buckets is fixed.

2 MR. MCBETH: Fixed, correct.

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

6 MR. MCBETH: Right.

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

10 MR. MCBETH: That money, okay.

11 MR. GLEASON: This situation on the San Antonio  
12 slides are areas in green that were previously rural and,  
13 with services provided by a rural transit district with  
14 5311 funding and state rural funding that have now been  
15 absorbed into -- not only in federal terms, a large  
16 urbanized area, a metropolitan area --

17 MR. MCBETH: Yeah.

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

20 MR. MCBETH: State funds. Yeah, exactly.

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

24 MR. MCBETH: Yeah.

25 MR. GLEASON: -- which is also how we've talked

1 about this, goes to the very important issue of, There is  
2 no provider.

3 MR. MCBETH: Right.

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

12 MR. MCBETH: Correct.

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

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

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

24 MR. MCBETH: Yeah.

25 MR. GLEASON: -- relationships figured out and in

1 place. And so, we tried to do a bridge. And one of the  
2 things that we're talking about at the federal level is,  
3 in this next authorization, we are asking that we get the  
4 ability, as a state, for the two federal fiscal years  
5 following an urbanized-area designation, to use up to  
6 5 percent of our rural program money in these now large  
7 urban areas -- newly urbanized areas, if we need to, as a  
8 bridge.

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

12 MR. MCBETH: Right, correct.

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

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

25 MR. MCBETH: Is there anything that this committee can

1 do? Because this is a long-standing problem.

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

3 MR. MCBETH: I refer to it as the Paulette problem.

4 That's Paulette's issue --

5 MR. GLEASON: We'll memorialize it.

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

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

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

25 MR. GLEASON: It was enough last time.

1 MR. MCBETH: And it's -- I know that Paulette has  
2 serious heartburn with this, and I would, too, if I was in  
3 that position and I was serving it and I don't know where  
4 we'd get money for it.

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

10 MR. MCBETH: Yeah.

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

12 MR. MCBETH: Absolutely.

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

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

24 MR. MCBETH: Oh, for sure.

25 MR. GLEASON: I think -- and -- and so, this will be

1 one of the key outcomes. And the interest -- one of the  
2 challenges that TTI has is, you know, nobody really knows  
3 what the urbanized-area boundaries are going to look like  
4 until the Census Bureau makes its determinations and how  
5 it's actually going to calculate them. And that gets down  
6 into impermeable surface and contiguous -- or continuous  
7 things. It's really a black box.

8 MR. MCBETH: Leaps, jumps and bounds.

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

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

20 MR. MCBETH: Yeah.

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

1 the next census.

2 MR. MCBETH: Really?

3 MR. GLEASON: According to Sarah, yes.

4 MR. MCBETH: Oh.

5 MR. GLEASON: Yeah. She's -- absolutely. So -- and  
6 then we have Amarillo and Bryan-College Station, which will  
7 challenge us because now, all of a sudden, is three and a  
8 half million enough in the large urban part.

9 MR. MCBETH: It's going to take --

10 MR. GLEASON: So we have a lot of --

11 MR. MCBETH: Yeah, so the answer to that is no.

12 MR. GLEASON: This committee has -- not only in terms  
13 of coming up with the amount of money needed --

14 MR. MCBETH: Yeah.

15 MR. GLEASON: -- necessarily, there are a number of  
16 off-shooting issues which will come out of this work that  
17 the committee will need to address over time, not the least  
18 of which might be moving amounts and modifying groups in  
19 the formula.

20 MR. MCBETH: Or increasing --

21 COMMITTEE MEMBER: Hey, Eric?

22 MR. MCBETH: Or increasing the amount of state funds.

23 MR. GLEASON: Or attempting to increase the amount,  
24 yes, sir.

25 MR. MCBETH: I bet it was a hard-fought battle to get

1 the three and a half million for those large small urbans  
2 as it were.

3 MR. GLEASON: Correct.

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

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

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

25 And so, it's -- there's an interesting model that's

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

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

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

20 MR. FICKES: Well, this is Ken. We actually have  
21 programs created for that very reason, Jim. The --  
22 it became obvious that the urbanized area and Houston  
23 area that's thrown into Chambers County and Fort Bend  
24 County and all over the eastern portion of Harris County,  
25 we've still got voted Metro back in 1979.

1           And so, our model for our service areas are the  
2           cities that want the service has the match to provide  
3           the service. And it's worked pretty well for the last 12  
4           years. I believe, in 2011, with some funding from TxDOT,  
5           TTI did an evaluation on closing the gaps in the state and  
6           what we evaluated was a best practice for that. So I --  
7           I'm pretty proud of what we've done with it.

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

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

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

24          MR. MCBETH: Of course, yes.

25          MR. FICKES: You've got to go to the legislature to

1 get them to increase it.

2 MR. MCBETH: Yeah.

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

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

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

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

22 All of that being said, there's another area this  
23 time that has expressed to us a concern that the same fate  
24 may happen to them or may await them, and that is Port  
25 Arthur. And they -- in the 2010 census, they were at

1 about 53,000 population, and, with the impact of the --  
2 of the storms up there and natural disasters up there,  
3 they are very concerned that they are going to come in  
4 under the 50,000 level with their census. And I have a  
5 phone call with them tomorrow afternoon to kind of talk  
6 them through that potential situation.

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

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

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

16 MR. FICKES: Okay. I got you. Yeah.

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

19 MR. FICKES: Right.

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

24 MR. FICKES: Okay.

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

1 think --

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

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

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

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

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

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

23 MR. FICKES: Right.

24 MR. GLEASON: -- census comes out. So you hadn't  
25 forgotten. So the language is general enough where, if

1 it's preserved in authorization, it would apply to Port  
2 Arthur. The issue is that the federal action on Galveston  
3 is only good through 2020 right now, so...

4 MR. FICKES: It's 2020? Okay.

5 MR. GLEASON: Yeah.

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

7 MR. GLEASON: Yes, sir.

8 MR. FICKES: Okay. Thanks.

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

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

16 MR. MCBETH: Right.

17 MR. MCHANEY: -- and what I think's some amounts  
18 that the committee could look at or TxDOT could look  
19 at. So, during the -- during the urban and rural  
20 classification, there will be a publish -- a public  
21 comment from the Census Bureau, and last season -- I'll  
22 call it last season -- 2010, there was a rule that I  
23 think would affect our state greatly, and that was that  
24 if, prior to the public comment, the rulemaking was --  
25 is that if -- basically, the urban area would -- all of

1 it would become an urbanized area if you were in an  
2 urbanized area.

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

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

23 MR. GLEASON: So the result -- the result of that  
24 conversation -- this is Eric. The result of that  
25 conversation last time was to allow a previously

1 existing small urban area now consumed by a large urban  
2 area to retain its status as a small urbanized area and  
3 continue to get funding.

4 MR. MCHANEY: Correct.

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

7 MR. MCHANEY: Correct.

8 MR. GLEASON: Okay.

9 MR. MCHANEY: Yeah. Because that was --  
10 that was -- there was -- I read all of the comments  
11 and there was by far the most comments on that proposed  
12 rule. I don't know what the policy, given different  
13 administrations, will be. It's something to keep an eye on.

14 And so, the -- the PTAC and its members, TxDOT, can  
15 decide appropriately, but it's something to watch for.  
16 And that does come out in 2020. That rulemaking will come  
17 out likely in 2020 --

18 MR. GLEASON: Okay.

19 MR. MCHANEY: -- late 2020 --

20 MR. GLEASON: Okay.

21 MR. MCHANEY: -- from the --

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

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

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

1 Bureau.

2 MR. MCHANEY: Correct.

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

5 MR. MCBETH: Are there any other public comments?  
6 We have nobody else signed up but it's open for public  
7 comments. Does anybody want to make a comment? Rest now  
8 or forever hold your peace.

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

16 MR. GLEASON: They may.

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

18 MR. GLEASON: Okay. We will do --

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

20 MR. GLEASON: We will do due diligence.

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

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

24 MR. MCBETH: I'm just throwing that out there, and  
25 you can talk to your lawyers about it. Propose and Discuss

1 Agenda Items for the Next Meeting and Confirm the Date.  
2 We know it's going to be in February. Do we have a date  
3 for it in February?

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

13 MR. MCBETH: Great.

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

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

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

22 MR. CLINE: This is Jim --

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

24 MR. CLINE: -- I so move.

25 MR. WHYTE: Second.

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

3           MR. VON BIEDENFELD: Aye.

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

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

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C E R T I F I C A T E

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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