

TEXAS DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION ADVISORY COMMITTEE MEETING

10:00 a.m.
Friday,
January 29, 2010

Room 1A.1
200 E. Riverside Drive
Austin, Texas

COMMITTEE MEMBERS:

Present in Austin:

MICHELLE BLOOMER, Chair
J.R. SALAZAR, Vice Chair
AL ABESON
VINCE HUERTA

Present via Teleconference:

FRANK CASTELLANOS
CHRISTINA MELTON CRAIN

TxDOT STAFF:

ERIC GLEASON, PTN Director
KELLY KIRKLAND, PTN Section Director
GINNIE MAYLE, PTN
SUZANNE MANN, OGC

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1
2 MS. BLOOMER: We'll go ahead and call the
3 meeting to order. That's number 1. Item number 2,
4 Approval of the Minutes from the March 4, 2009, and
5 October 23, 2009, meetings. Do I have a motion?

6 DR. ABESON: I'll make a motion so we can begin
7 discussion.

8 MS. BLOOMER: Okay. We have a motion. And a
9 second?

10 MS. MELTON CRAIN: Christina, second.

11 MS. BLOOMER: Second. Okay. Any further
12 discussion?

13 DR. ABESON: I just want to be sure that the
14 minutes from whatever meeting it was B and I've now lost
15 track B where we talked about Title 43, Part 1, Chapter 1,
16 Subchapter C, Rule 1.8, which related to other entities'
17 internal ethics and compliance procedures. Okay? The
18 committee discussed the provision that's B which Ginnie
19 sent out yesterday, I believe, where there's a provision
20 that says, "Appropriate care is being taken to avoid the
21 delegation of substantial discretionary authority to
22 individuals whom the organization knows or should know
23 have a propensity to engage in illegal activities."

24 I recall that the committee discussed it. I
25 was specifically very concerned about why such language

1 would be there in the first place, and want to be sure
2 that that is on the record in whatever minutes is
3 appropriate for whatever meeting that conversation
4 occurred.

5 MS. MAYLE: It looks like that was the October
6 23 meeting.

7 DR. ABESON: So that has no bearing on the
8 minutes that are before us now.

9 MS. MAYLE: If y'all are going to adapt the
10 March 3, then no.

11 MS. BLOOMER: Well, we can --

12 MS. MAYLE: Let's do them separately.

13 MS. BLOOMER: Do them separately?

14 MS. MAYLE: Yes. Thanks.

15 MS. BLOOMER: Okay. So we'll hold your
16 question --

17 DR. ABESON: That's fine.

18 MS. BLOOMER: -- for now. On the March 4,
19 2009, minutes, those are the minutes that have come
20 back -- I think this is our second or third time. There
21 was a question I had raised last time regarding, I believe
22 it was Item 4. And what Ginnie and I have been able to
23 discern based on reading the transcript was that had
24 initially happened was there was a motion to open the item
25 up for discussion, and then there was a second motion that

1 you made, Al, to change to the word "competitive" to
2 "any."

3 DR. ABESON: Uh-huh.

4 MS. BLOOMER: And that motion was seconded and
5 approved. And then, for some reason, the committee went
6 back and took action on the first item, which we didn't
7 need to to begin with.

8 So Ginnie has added a little clarification note
9 there, just to -- so when we go back a year from now and
10 try to figure out why we took action on that item twice,
11 we'll know. So I think we've resolved any issues we had
12 regarding the March 4, 2009, minutes. So I guess we'll
13 take that one separately. And if -- is there any further
14 discussion on the March 4 minutes?

15 (No response.)

16 MS. BLOOMER: No? Okay. Seeing none, can I
17 have a motion for approval of the March 4 minutes?

18 DR. ABESON: So moved.

19 MS. MELTON CRAIN: Second.

20 MS. BLOOMER: And a second. And then I guess,
21 all those in favor? And what I'd like to do to sort of
22 manage the -- I guess there's only one on the call -- is
23 just go around and have roll call, and you can say yes or
24 no, if that's okay.

25 Vince?

1 MR. HUERTA: Yes.

2 MS. BLOOMER: Al?

3 DR. ABESON: Yes.

4 MS. BLOOMER: J.R.?

5 MR. SALAZAR: Yes.

6 MS. BLOOMER: Christina?

7 MS. MELTON CRAIN: Yes.

8 MS. BLOOMER: And, Michelle, yes. Okay. The
9 March 4 minutes have passed.

10 Going back to the October 23, 2009, minutes, is
11 there further discussion or a motion to approve with that
12 revision? And, Al, I think you were referring to Agenda
13 Item 5. You would like some note added there about the
14 discussion that was had related to that particular
15 section?

16 DR. ABESON: That's correct.

17 MS. BLOOMER: Then would you like to move for
18 approval of the minutes with the caveat that that language
19 be added?

20 DR. ABESON: I would welcome that approach.

21 MS. BLOOMER: Okay. So we have a first.

22 MR. SALAZAR: I'll second.

23 MS. BLOOMER: Second. J.R. seconds. Now all
24 those in favor. Vince?

25 MR. HUERTA: Aye.

1 MS. BLOOMER: Al?

2 MR. HUERTA: Yes.

3 MS. BLOOMER: J.R.?

4 MR. SALAZAR: Yes.

5 MS. BLOOMER: Christina?

6 MS. MELTON CRAIN: Yes.

7 MS. BLOOMER: And, Michelle, yes. All right.

8 The minutes have all been adopted.

9 Okay. Moving on to Item 3 on the agenda, in
10 accordance with 43 Texas Administrative Code 1.83(c),
11 final review of the draft revisions to 43 TAC 1.8
12 concerning internal ethics and compliance program, as it
13 relates to those amendments to Chapter 31. Whew.

14 MR. KILLEBREW: That's a lot. Good morning,
15 members. For the record, I'm Bobby Killebrew, the Deputy
16 Director of the Public Transportation Division. Eric
17 will join us later this morning. He had some schedule
18 conflicts with some meetings downtown, but is planning to
19 be here before today's meeting concludes.

20 I'd like to also say, Happy new year. This is
21 the first time that I've had an opportunity to see some of
22 you for the new year. And welcome, Christina, to the
23 Public Transportation Advisory Committee.

24 MS. MELTON CRAIN: Thank you.

25 MR. KILLEBREW: We appreciate everyone joining

1 us this morning on the conference call.

2 Now on to business. Rulemaking. This
3 committee serves a very unique position with the
4 department begins rulemaking processes that involve public
5 transportation. The -- some members of the committee have
6 been more involved in rulemaking because of their tenure
7 on the committee. Some members are new at this. And even
8 if you've been around a long time, rulemaking can be very
9 confusing. I wish I had an item to hole up in front of
10 you to show you on time line on rulemaking, but this
11 morning is another spot on a fairly long time line in the
12 rulemaking process.

13 Joining us this morning from our legal counsel
14 is Suzanne Mann. She will be here to walk you through
15 what the committee will be looking at this morning to take
16 action on. To give you just a little background -- and I
17 don't want to steel Suzanne's thunder, but to give you
18 just a little background on how this all plays out, I'll
19 do this very simplistic, because as you know, as a
20 bureaucratic agency, state agencies have a lot of rules
21 and regulations when it comes to rulemaking. But your
22 particular role in rulemaking, you have basically three
23 opportunities during a rulemaking process.

24 When it becomes necessary for the department or
25 the Transportation Commission to go into a rulemaking

1 process, as an advisory committee, we're supposed to
2 contact you and say, Hey, look, we're fixing to make rules
3 about XYZ; what do you think? And during that process, as
4 individual members, you let the department know what you
5 think. When we get back your comments, if you choose to
6 make comments, then we draft a set of rules.

7 After we draft a set of rules, we then bring
8 that drafted set of rules to you first before we go to our
9 Transportation Commission. And as a group, as a Public
10 Transportation Advisory Committee body, you then at that
11 point in time can make comments on those rules. And you
12 can do a couple other things. You can waive your comment
13 or defer your comment or so forth. But you have an
14 opportunity to make comment.

15 That particular item happened back at your
16 October 23, 2009, meeting. And at that point in time, the
17 committee said, Take the rules to the commission, and the
18 department took the rules to the commission. They did
19 that in December of 2009. The commission adopted those
20 rules as preliminary rules and put them out for public
21 comment. We are still in a public comment phase today.
22 The public comment period ends this coming Monday,
23 February 1.

24 After we finish the public comment period --
25 and it can happen during the public comment period as

1 well -- this committee gets another opportunity, and
2 that's today's opportunity, to comment once again on the
3 rules. And that's before the department takes the rules
4 to the commission for a final time to say, Let's adopt
5 these and put them into action.

6 So today, what the committee's charged with is
7 the opportunity to comment on the proposed rules before
8 they go to the commission for the final time. Now, you
9 can waive that final review if you wish to, or you can
10 make comment as a Public Transportation Advisory Committee
11 body.

12 Now, I went over that very quickly, and I just
13 wanted to make sure that I didn't lose someone along that
14 narrated time line. If we go forward today, the committee
15 says, Okay, let's adopt these rules; it's a good thing to
16 do, then we take them to the commission. These are
17 scheduled, preliminarily scheduled to go to our commission
18 in February -- excuse me -- March. They're in March.
19 Assuming the commission does adopt them in March, as the
20 department files them with the Secretary of the State, 20
21 days after filing with the Secretary of State, they will
22 become final.

23 Now, I also know that Suzanne is going to go
24 over the rules in particular. There's also a date in the
25 rules that talks about the effectiveness of the rules,

1 even though they've become final, about when this actually
2 would become effective with our grants. And she'll cover
3 that in just a minute. But I wanted to kind of lay out
4 that little time line for you.

5 Today the committee has an opportunity to make
6 their final comment. The department will then probably
7 take it to the commission in the March meeting, and if the
8 commission adopts it, 20 days after filing with the
9 Secretary of State it would become effective.

10 And so with that, I'm going to let Suzanne lead
11 you through the actual rules themselves. And I'll turn it
12 over to Suzanne.

13 MS. MANN: Hi. Good morning. I spoke to you
14 in October about the proposed rules, and nothing's changed
15 from the draft in October to the draft now. So I know we
16 have a new member, Christina, and you may not recall what
17 we talked about them. Obviously, you do, because you
18 brought up a question that I think you had at the time.
19 So let's just go over this, a little bit of the history
20 again, briefly, especially for Christina who's new to the
21 committee.

22 The reason that TxDOT is proposing these is
23 because TxDOT, a couple of years ago, created an internal
24 compliance program. We did that because the United States
25 Sentencing Guidelines say that if you have an internal

1 compliance program and you were to violate federal law, if
2 you have a program in place, then the penalties could be
3 lessened. So -- and it's also just a good thing to do.

4 We had this -- TxDOT had a lot of this in place
5 in various places throughout our policies. We had it -- a
6 lot of it in our human resources manual. We had it in a
7 lot of places. But we pulled it together and actually
8 created an office, the Internal Compliance Office, to do
9 this in accordance with the United States Sentencing
10 Guidelines.

11 The United States Sentencing Commission is an
12 arm of the federal government who sets all of the
13 penalties in violation of federal law. So you saw --
14 they'll say, For this penalty, it's three years in jail
15 and \$10,000, or whatever, for this violation of this law.

16 And they can actually -- they say in their application
17 guide that if you have an internal compliance program,
18 then it can be lessened, fines can be lessened.

19 The University of Texas System adopted a
20 program several years ago, and it took them seven years to
21 do their program. And they wrote a book about it. And
22 TxDOT is doing pretty much what they're doing. And we're
23 in our third year of it, and we've almost completed it.

24 One of the things that the Sentencing
25 Guidelines ask you to do is a large organization should

1 encourage small organizations that work with them to adopt
2 an internal compliance program. So we're supposed to
3 encourage our partners to adopt internal compliance
4 programs, especially those that take money from and
5 through us. So that's why we're doing that. We're doing
6 this not to public transportation entities. Back in -- a
7 year ago, January of 2009, we required our total equity
8 partners and our transportation corporations to adopt
9 this. And they had the deadline of January of 2010, like
10 this month, to come up with their internal compliance
11 programs. So we have all of those actually in my office
12 to be reviewed. And I've been helping them over the last
13 year to create those.

14 So what we're doing is gradually encouraging
15 our partners that money flows through TxDOT to adopt
16 internal compliance programs. So that's the whys of where
17 we are. And back in October, like Bobby said, you adopted
18 a motion to ask TxDOT to go forward with the proposal.
19 TxDOT did the proposal. Now we're in final-adoption
20 stage. We're about to get to there.

21 And what the rules specifically do, it changes
22 3139 in Title 43, it changes just that section, to say
23 that to be eligible to receive state or federal public
24 transportation funds from or through the department, an
25 entity must have adopted an internal ethics and compliance

1 program that satisfies the requirements of Section 1.8.
2 1.8 has already been finally adopted by TxDOT, because
3 that's in our general rules that apply to everybody. And
4 then as we require entities to come onboard with these
5 internal compliance programs, we are changing the sections
6 that apply to those entities.

7 Am I being clear in what I'm saying? So like
8 the transportation corporations section was 15 or 27. I
9 get them all mixed up; I haven't memorized this stuff.
10 But it was one of those. And the total equity was the
11 other one. So we referred in their section to the 1.8.
12 So the 1.8 have already been adopted, those specific
13 requirements of what's in an internal compliance program.

14 Now, where did we get those? Did we just make
15 up the 1.8 and say, Hey, this looks like a good internal
16 compliance program? No. Where those came from, and
17 specifically the one you have a question about, which was
18 a very good question, because it's so lawyer-y sounding
19 and so what-does-this-mean sounding, where those came from
20 was the United States Sentencing Guidelines, word for word
21 almost. Now, we made them a little simpler to understand.

22 We actually followed the UT example. But the one you're
23 specifically asking for came from the United States
24 Sentencing Guideline. I mean, I'm quoting from that, "The
25 organization shall use reasonable efforts not to include

1 within the substantial authority of personnel any
2 individual who knew or should have known through the
3 exercise of due diligence has engaged in illegal
4 activities or other conduct inconsistent with an effective
5 compliance and ethics program."

6 What TxDOT did to fully satisfy that -- we
7 thought we were probably fully satisfying it anyway -- we
8 do criminal background checks on our employees in a
9 certain level. Do we do it on every person in the whole
10 department? No. But a certain level of our employees who
11 might have decision making over money or certain things,
12 we do criminal background checks on. So we expanded our
13 criminal background check policy to include a little bit
14 lower in the chain of command. That's what we did to
15 comply.

16 So basically it's just be careful who you
17 trust, who you entrust funds to, is more what that's
18 saying. It's just do a due diligence to make sure that
19 you're not hiring people who are going to steal from you.

20 But those requires that are in Section 1.8 come directly
21 from the United States Sentencing Guideline requirements.

22 With the -- we did add -- let me just -- we did
23 add the requirement of a written employee code of conduct.

24 It's number 9 in that 1.8. We added that, because if you
25 do that, you're going to necessarily comply with the

1 things over here in this first requirement of having a
2 compliance program.

3 So I spoke at the -- what did I speak at,
4 Bobby?

5 MR. KILLEBREW: Yesterday we our semiannual
6 operators meeting here in Austin --

7 MS. MANN: Yes.

8 MR. KILLEBREW: -- in this room, and Suzanne
9 did a presentation to our operators as well as our staff.

10 MS. MANN: And so at that point, what I'm
11 trying to do is tell them what they're about to have to do
12 and then tell them how we can help them. So I wanted to
13 get some ideas on how can we help you comply with this.
14 And we are going to -- well, several ideas came up that
15 were excellent. Most likely, I'm going to have a model of
16 how they can comply with this, especially after I cheat
17 and go off of -- oh, I shouldn't say that -- off of --
18 transportation corporations, some of them have had lawyers
19 look at this and have some great ideas, so I may take some
20 of those as a model.

21 But after I review all those, I'll come up with
22 a model of how to comply with this easily. They wanted to
23 see what TxDOT's done. TxDOT has 14,000 employees, and
24 ours is a lot bigger than what a lot of them are going to
25 have to do. So although a lot of ours on line and we're

1 willing to share that with anybody, but they don't have to
2 go to that kind of extent.

3 So if there's any questions about the whole
4 thing, I'll be glad to answer them.

5 Oh, let me talk -- yes, let me talk to you
6 about the deadlines a little bit. So now we are -- so we
7 did the proposal. TxDOT proposed the rules in December --
8 is that right? -- and final adoption is March 25. And
9 then they're filed with the Texas Register on March 26.
10 And they become effective on April 15. Okay? So they
11 become effective in a couple months. However, the rules
12 specifically state that you don't have to have your
13 internal compliance program in place until January 1,
14 2011. So that's what we're going to be doing with the
15 entities is working with them from now until January to
16 come up with their plans.

17 When I did this with transportation
18 corporations and toll equities, they had a lot of people
19 calling me, and we did a lot of talking on the phone about
20 how that should look. People faxed me things. I looked
21 at it, I said, Yeah, this looks good. We did a lot of
22 that. So there will be a lot of back-and-forth and
23 talking, and I'll be helping people however, whatever they
24 need, so we can meet this deadline. But we have some
25 time. It's not just that it's approved in April and, bam,

1 you have to have it in place.

2 MR. KILLEBREW: And if I may add -- this is
3 Bobby again -- also at the operators meeting, we mentioned
4 about sending out some packets that Suzanne had developed.

5 And we'll be sending that out to our operators as well to
6 give them information about the requirements and some
7 templates and so forth. We've also offered to host
8 conference calls, webinars, and meetings to assist in
9 anyone who's going to need assistance.

10 As Suzanne pointed out yesterday, and as we saw
11 many nods in the audience, lots of people are already
12 doing what's here. They may not have it written down in
13 some form or fashion. It may be verbal in their case.
14 But they're probably already doing a lot of this. And the
15 documentation doesn't have to be to the extent that TxDOT
16 has done it, by any means. Suzanne even commented, she
17 said, You know, an e-mail can even work. If you tell your
18 employees by e-mail, that will suffice some of the
19 recommendations.

20 So we got a lot of positive feedback yesterday
21 from the operators and even some suggestions on how,
22 amongst themselves, they can help each other to do this.

23 With that, Michelle, I guess we'll entertain
24 any questions that the committee may have of Suzanne or
25 myself.

1 MS. BLOOMER: Okay.

2 DR. ABESON: First, thank you. It's
3 exceedingly helpful to the two of you, Bobby and Suzanne,
4 to try to come to grips with understanding this very
5 complex process that the State has concocted. I would
6 hope that when you send the packets out, you would include
7 sending packets to us. I think that might be very
8 helpful --

9 MS. MANN: Okay.

10 DR. ABESON: -- in maintaining our continuity
11 of understanding.

12 Let me ask this basic question. Not that I
13 would ever question the federal government doing anything,
14 but I'm trying to understand the reasoning associated with
15 that particular provision. It just seems to me -- and
16 maybe I should preface this by saying, is there anything
17 we could do at this point? I mean, this is here; it's
18 done. Is it done done, or is there still room for
19 anything associated with that particular subsection?

20 MS. MANN: Section 1.8 is done done. It's
21 finally adopted and in our rules already. The only thing
22 you can do is not think that PTAC should comply with the
23 whole section. So 1.8 is adopted because it's complying
24 with the United States Sentencing Guidelines. And I think
25 the rationale for that --

1 DR. ABESON: Yes, yes.

2 MS. MANN: -- if I can speak for the federal
3 government -- because most people speak for the federal
4 government; I guess I'm entitled to -- when they came out
5 with these, it's organizations as defined as corporations
6 and all -- it's so all-encompassing. Okay? And the term,
7 organization, also includes governments and cities, and so
8 it includes state and locals. So really, everybody is
9 supposed to be doing this anyway. Most likely everybody's
10 supposed to already be doing this whether they say they
11 are or not, even these entities, the public transportation
12 entities, because they are technically included in the
13 government definition of organizations.

14 But -- and so I think when they came up with
15 these, they were looking at Enron and all kinds of things,
16 and that's why they came up with these to start with, the
17 language.

18 DR. ABESON: I just find as I read it, and just
19 for fun I leave out "or should know," just for fun. And
20 you read it, and it says, "Appropriate care is being taken
21 to avoid the delegation of substantial discretionary
22 authority to individuals who the organization knows have a
23 propensity to engage in illegal activities." Now, it just
24 does not make sense to me. I mean, if you know it, why
25 would you ever do it?

1 MS. MANN: Why would you ever, yes. Why would
2 you ever hire that person to begin with, yes.

3 DR. ABESON: But since I never question federal
4 decision making, I guess I'll have to live with it. What
5 I would like, though, is for the minutes of whatever
6 appropriate meeting to reflect that we really did take a
7 hard look at this. That would satisfy me.

8 MS. BLOOMER: We can do that, Ginnie.

9 MS. MAYLE: Okay.

10 MR. SALAZAR: This is J.R. I just had a couple
11 of comments and one question, or one comment and one
12 question. I was happy to see that Eric and you, Ms. Mann,
13 talked about helping the smaller agency. And I think you
14 talked a little bit about that and, you know, some of the
15 bigger, particularly the rural transit systems in the
16 state -- the big ones, I think, are going to have not as
17 much of a problem as some of the littler ones. And so I
18 was glad to see that there is going to be some assistance
19 to those smaller rural districts.

20 My question is, is there a summary of comments
21 that have been made on this, or should we have that, or do
22 we have that?

23 MR. KILLEBREW: This is Bobby. I'll answer
24 that question. To date, the department has received no
25 comments on this rulemaking.

1 MR. SALAZAR: Well, that's easy then. Okay.

2 MS. BLOOMER: Okay. Any other comments or
3 questions?

4 MR. HUERTA: This is Vince. I have a -- just
5 one quick question on the -- will this -- I know that you
6 mentioned the date of January 20, '11. Will this affect
7 any grant that is in place with TxDOT, or thereafter?

8 MS. MANN: It's after.

9 MR. HUERTA: Okay.

10 MS. BLOOMER: So they have about eleven months
11 to work on this and get something in place prior to their
12 fiscal year 2011 funds. So --

13 MR. SALAZAR: This is J.R. I just have one
14 more question. Has there been any talk with the PTCs, or
15 the PTCs, do they think that it's going to be a problem
16 throughout the state, or have we had that discussion with
17 them, with regards to the compliance program?

18 MR. KILLEBREW: This is Bobby again. If I can
19 clarify what you're asking. Are the PTCs going to be
20 monitoring this particular compliance element?

21 MR. SALAZAR: Yes.

22 MR. KILLEBREW: We've discussed this within the
23 department, and Suzanne and I have discussed this. So now
24 I'm going to speak for Suzanne, and she's sitting next to
25 me, so she may hit me. That will not be reflected in the

1 record, I'm sure, unless I say, Ouch.

2 We discussed, though, how is the department
3 going to monitor this, and is the department going to be
4 the police on these plans or these programs that the
5 systems develop. And that's not the intent of the
6 department. The intent of the department is to see that a
7 good-faith effort has been made. And right now at this
8 very moment, Suzanne has volunteered to be the point of
9 contact on this, so it will not be our field staff that's
10 going to be charged with the responsibility of going out
11 there and looking for this at the rural transit districts
12 and urban transit districts. It's going to be centralized
13 into Suzanne's office, to TxDOT's Internal Compliance
14 Program office. We think that's where the expertise lies
15 within the agency.

16 MS. MANN: And let me just add that we are
17 going to -- like we're doing with transportation
18 corporations now, we are going to review their initial
19 submission to make sure that it complies with a basic
20 checklist of what's required. And then after that -- and
21 this is -- we're still fleshing this out, of what our
22 involvement's going to be -- it's going to be more if
23 things change in the United States Sentencing Guideline,
24 we would let people know. That is probably never going to
25 happen. And then as new entities come on, we'll train

1 them, things like that. And then we'll do a spot-check
2 occasionally to make sure that they still have a
3 compliance program. But that's going to be -- it's going
4 to be more the initial front end, to make sure that they
5 have one to start with that they submit by next January.

6 MS. BLOOMER: This is Michelle. So they won't
7 be -- the providers won't be working with their PTCs to
8 develop the plan, nor will the PTCs be reviewing to make
9 sure that they're implementing their internal compliance
10 plan. That will all be through the Office of the Attorney
11 General -- or Office of General Counsel? Sorry.

12 MR. KILLEBREW: This is Bobby. Actually, it's
13 the Internal Compliance Program office. Believe it or
14 not, we have so many offices and divisions, it's one of
15 those other ones that are a new one.

16 At this point, the PTCs may be a conduit for
17 information flow and so forth and along with the division
18 being a conduit. Suzanne's pretty much an office of one,
19 and she's got a lot of --

20 MS. MANN: And I rely on the General Counsel.

21 MR. KILLEBREW: Yes. She really resides in
22 General Counsel, so she has a lot to cover, so we're going
23 to assist her as much as possible. But at this point in
24 time, we don't see that as an additional function for the
25 PTC to add to their monitoring list. They may be the

1 collectors of the information so that the providers have
2 an easier way to send it into the department. They may be
3 the, you know, facilitators when we have to send
4 information back out to the field.

5 To make it easier, we've also -- we've already
6 offered to Suzanne, instead of her mailing out the
7 packets, let us mail the packets out. We've got all the
8 addresses; we know all the contacts. I think we can make
9 a better dissemination of the information that way.

10 So we're going to assist where we can. The
11 final authority will reside [inaudible] office.

12 MS. BLOOMER: Thanks, Bobby. And that was
13 really my question. I didn't ask it very well. But what
14 we've found with our providers is, since we're a fairly
15 large organization, if multiple people send them things,
16 they tend to call us anyway to ask us about a hybrid
17 electric project that our air-quality team sent out.

18 So I just wanted to make sure they weren't the
19 leading e-mails that Suzanne was sending them because they
20 didn't recognize that name or -- okay.

21 MR. KILLEBREW: That was our fear as well. And
22 that's why we volunteered, is that they're used to seeing
23 our faces around the state, so we want to make sure that
24 they still have that point of contact that they can lean
25 on when necessary.

1 MS. BLOOMER: Okay.

2 MR. KILLEBREW: Good point.

3 MS. BLOOMER: And this is Michelle, and I just
4 would like to reiterate Al's request that I think it would
5 be helpful, too, for those of us that are in the region,
6 either as providers or in contact with providers, is if
7 when this information does goes out, if you could just cc
8 all the PTAC members. That way we'll be in a position
9 that if we can get a call, we can facilitate that as well
10 or direct them to the appropriate TxDOT staff for
11 direction.

12 Any other discussion, questions?

13 MR. CASTELLANOS: Just a comment. This is
14 Frank Castellanos. I just wanted to let you know that I
15 joined the conference call about 20 minutes ago, and I've
16 been absent from these meetings for awhile, but I'm glad
17 to be back. Thank you.

18 MS. BLOOMER: Welcome, Frank.

19 MR. CASTELLANOS: Thank you.

20 MS. BLOOMER: Any comments or questions on the
21 item before us?

22 (No response.)

23 MS. BLOOMER: No? Okay. Then we'll go ahead
24 and call for the -- uh-oh. It's been awhile. I can't
25 remember. Did we have a motion? No. So I'll call for

1 the motion.

2 MR. SALAZAR: I move to approve the internal
3 ethics compliance program.

4 MS. BLOOMER: Okay. Do we have a second?

5 MS. MELTON CRAIN: Christina, second.

6 MS. BLOOMER: Second from Christina. Okay.

7 And then we'll do all those in favor. Vince?

8 MR. HUERTA: Yes.

9 MS. BLOOMER: Al?

10 DR. ABESON: Yes.

11 MS. BLOOMER: J.R.?

12 MR. SALAZAR: Yes.

13 MS. BLOOMER: Christina?

14 MS. MELTON CRAIN: Yes.

15 MS. BLOOMER: Frank?

16 MR. CASTELLANOS: Yes.

17 MS. BLOOMER: And Michelle, yes. All right.

18 Item passes.

19 Moving on to Agenda Item 4, Discussion and
20 possible action on the department's Draft 2011 through
21 2015 Strategic Plan Vision, Mission, Values, Goals, and
22 Focus Area Statements. And I believe this is going to be
23 Kelly Kirkland.

24 MR. GLEASON: Good morning. This is Eric
25 Gleason, Director of the Public Transportation Division.

1 I just want to -- before we leave the last item, I want
2 the committee to be assured that we will help in whatever
3 ways needed to make implementation of the rules as easy
4 and seamless as we possibly can. Our public
5 transportation coordinator, we've not yet sat down and
6 talked with him too much about implementing, but we will
7 do that. We talked yesterday about trying to get real
8 simple, straightforward examples out on our website that
9 people can look at. So we will do whatever we need to do
10 to make this happen, and we'll be as supportive as we can
11 be in implementing this.

12 MS. BLOOMER: Thanks, Eric.

13 Kelly?

14 MR. KIRKLAND: Good morning, members. My name
15 is Kelly Kirkland. I'm Planning Director for the Public
16 Transportation Division. I'm speaking to you this morning
17 about the TxDOT Strategic Plan Process. This is the
18 fiscal year 2011-2015 Strategic Plan. And I think you all
19 have received a copy of the draft plan, dated December 18,
20 as well as an outline for this presentation today.

21 If y'all don't have any objections, I'd like to
22 just go through the outline, and if y'all have any
23 questions, if we could hold those to the end, because I
24 might be able to answer the questions through the
25 presentation.

1 Some background, of course. Strategic plans
2 are required of all state agencies by statute. State
3 agencies are required to have a strategic plan that covers
4 at least four state fiscal years, and it's required to
5 updated every two years. The plan that as before you is
6 still in draft format. Although parts of it have been
7 adopted by the commission, it's still in draft format.

8 One thing I'd like to talk about is what
9 differentiates Strategic Plan from the Texas
10 Transportation Plan. Texas Transportation Plan is
11 something that's required under the federal planning
12 regulations and statutes and is at least a 20-year
13 document and describes what the department's going to be
14 doing. In a nutshell, I'd like to say the Strategic Plan
15 describes how the department is going to do its business,
16 in contrast with the state transportation plan.

17 The structure as it's been developed has been
18 from a general to more specific. Again, the commission
19 adopted some direct statements back in September,
20 including a mission statement, a vision statement, and
21 values statements. And all those are on the second page
22 of the document that Ginnie sent out. That's the draft
23 strategic plan.

24 The balance of the strategic plan, elements
25 include goals. There were six goals adopted by the

1 commission in September. There are a number of objections
2 for each of those goals, three or four, depending upon
3 which one you're looking at, developed over the process,
4 which I'm going to describe later, from September through
5 December; a number of strategies, one to four per
6 objective. And the strategies have been developed in the
7 time frame September through December. Performance
8 measures. Those are still under development. There are
9 example performance measures listed in the plan, and then
10 there are targets for the performance measures.

11 The TxDOT process is being spearheaded by
12 the -- another new office. Bobby mentioned the Internal
13 Compliance. There's another new TxDOT office called the
14 Strategic Planning and Performance Management Office. The
15 director for that office is Mary Mayland. She's formerly
16 TxDOT's district engineer in the Tyler District, and
17 before that the district engineer in El Paso. And they
18 have a consultant help out with that. That's with
19 Cambridge Systematics.

20 The SPPM office looked at the statutory
21 requirements and also at what they were hearing during the
22 legislative sessions for the 81st Legislature, and
23 particularly what was talked about in the department's
24 Sunset bill, House Bill 300, and similar legislation.
25 Although that bill did not pass, the department has taken

1 on the task of adopting all of the legislative
2 requirements, that is, the things that don't require
3 specific statutory authorization, which the department
4 does not have yet. But everything that the department can
5 do that the Legislature was recommending the department is
6 attempting to do and put that into place.

7 In addition, they looked at the 2030 Commission
8 Report. You know that was a commission that was formed
9 about two years ago, I think, and had input,
10 participation, and membership from all over the state.
11 And they went out and had public hearings around the state
12 and got public feedback and input on how the department is
13 doing its business and how it should be doing its
14 business.

15 And in addition to that, the commission has
16 been talking about the strategic plan at each of its
17 monthly workshops over the past several months. Those
18 monthly workshops are held on the Wednesday prior to the
19 standard or regular commission meeting. So there was one
20 held this past Wednesday. I wasn't able to attend that
21 one because, of course, we had our semiannual operators
22 meeting on that day.

23 The Strategic Planning and Performance
24 Management Office organized a regional comment process
25 which began in late September and early October. There

1 was a meeting held at each of the four regions around the
2 state, a north, a south, east and west, so there was a
3 meeting at Lubbock and Fort Worth and San Antonio and
4 Houston. And additionally, there was a fifth meeting held
5 here in Austin. Participants at those meetings and those
6 work groups were mostly TxDOT staff, although there was
7 some participation from MPOs. And Eric sent out a note to
8 transit operators, and we had some transit operators
9 participate in those meetings as well.

10 After those meetings, there was an additional
11 work group that was formed, and I had the honor to
12 participate in that and further develop some of the
13 objectives strategies that are part of this plan.

14 Next steps, of course, this plan is continuing
15 to be revised and amended and worked on, still in draft
16 format. The objective is to have a draft adoption of the
17 complete plan in the near future. I don't think that I
18 have an exact date on that. That's not scheduled at the
19 commission yet. It probably wouldn't be any sooner than
20 their March meeting, though, if I were to make a guess.
21 And at that point, it would be out officially for public
22 comment. The public comments would be received, very
23 similar to the rulemaking process, of course, and the
24 commission would be in a position to make suggestions and
25 then adopt the final strategic plan.

1 So I just want to see if y'all had questions
2 about this, about the process or the plan or anything I've
3 talked about.

4 DR. ABESON: This is Al. What is going to the
5 commission in March?

6 MR. KIRKLAND: Well, we don't have a date.
7 March is --

8 DR. ABESON: Oh, I'm sorry.

9 MR. KIRKLAND: That is my guesstimate as to
10 when the commission might take action as formally adopting
11 a draft strategic plan. Now, that's not on their schedule
12 yet.

13 DR. ABESON: But the plan -- the materials we
14 received --

15 MR. KIRKLAND: Yes, sir.

16 DR. ABESON: -- is not the draft plan. There's
17 a whole lot more to come. Right?

18 MR. KIRKLAND: Well, there's additional
19 development added to what you see before you, including
20 work on the performance measures and targets for those
21 measures.

22 MR. GLEASON: Let me just jump in, if I can.
23 This is Eric. Dr. Abeson --

24 DR. ABESON: I'm Al.

25 MR. GLEASON: Al. All right. The strategic

1 plan is not a plan in the traditional sense in that it
2 will generate a lot of additional information around
3 specific projects and things like that. It is a plan that
4 is focused on these items you see here, mission, vision,
5 values, goals, strategies, objectives, and measuring the
6 department's progress toward those things. So to that
7 extent, I don't envision it as a big document with lots of
8 information in it.

9 So when you say that there's going to be a lot
10 more to come, I'm not sure from a quantify and volume
11 standpoint, if you will, there is a lot more to come. But
12 it is still a draft document, and to that extent there is
13 still a lot more discussion on it to come, if I can.

14 And before we go to much further, the issue of
15 when this plan would go to the commission as a draft, to
16 be adopted as a draft and then presumably public comment
17 before final, the other -- Kelly mentioned that the
18 department is moving ahead on many of the Sunset
19 recommendations. And another one of those was to have a
20 firm come in and do a management and organizational review
21 of the department. And that effort's proceeding
22 concurrently with this, and it's the desire of the
23 commission to bring those two efforts together and act at
24 the same time.

25 So this -- the schedule of this is somewhat

1 dependent on the schedule of the Grant Thornton work,
2 which is the organization I meant, for review work.
3 They're trying to get those -- as you can understand, it
4 would make a lot of sense.

5 DR. ABESON: Yes. It sure would.

6 MR. GLEASON: It would be hard to do a
7 management organizational review if you're in the middle
8 of changing your goals and mission and all that.

9 DR. ABESON: Right.

10 MR. GLEASON: So they're attempting to kind of
11 get those in sync. So whether it's March or April, it's
12 the spring, late spring time frame, I can tell you. I
13 think March is probably going to be too soon, is my guess.

14 DR. ABESON: That's helpful. Thank you very
15 much. When I read the draft -- and unfortunately I left
16 it behind -- I have a bias towards public transit, which I
17 presume is why I'm sitting here. So that led me to look
18 at things like use of the words, "bus," the words, "van."

19 I also was looking for the words, "coordination." I
20 didn't see those. Help me understand at what point they
21 will be in there, presuming they'll be there.

22 MR. GLEASON: If I can, this is Eric. I would
23 think if the committee -- without judging your
24 conclusions --

25 DR. ABESON: Well, feel free.

1 MR. GLEASON: -- when I -- I tend to look for
2 those things myself when I look at these plans. What
3 the -- the place for that kind of specificity, if you
4 will, I believe, would be as we move from objectives and
5 strategies. So when you look at this document and you
6 begin to think about places where you might want to
7 elevate the visibility of public transportation, then I
8 would steer you toward the objectives and strategy parts
9 of what you're looking at.

10 What I can tell you, having been here just over
11 four years myself and having come from the Pacific
12 Northwest to Texas, this -- the language in this plan,
13 well, perhaps still falling short of being as explicit
14 about public transportation as you may like to see, does
15 represent some movement to embrace multi-modal solutions,
16 which in previous transportation strategic plans were not
17 as evident. So there is -- the department is hearing, has
18 heard, and is attempting to reflect the desire of
19 stakeholders to see the department become more multi-
20 modal. And it is in that general direction I think we
21 will find places for the work that we do.

22 Now, one of the things, one of the activities
23 that is going to occur within the department following
24 adoption of this plan is each division within the
25 department is going to be responsible for taking a look at

1 its body of work and for developing its own sets of
2 strategies and measures, performance measures, if you
3 will, that will communicate how each division's work will
4 be done and measured in a way that will relate to
5 supporting the department achieving the strategies and the
6 goals in this plan.

7 DR. ABESON: This is Al. So the document that
8 the commission will sign off on will or will not have
9 performance measures that do reflect rather specific
10 public transportation accomplishments?

11 MR. GLEASON: What I know, Al, is that the plan
12 will have performance measures in it. And at some perhaps
13 general level I would expect those measures to reflect in
14 some fashion public transportation's contribution toward a
15 multi-modal approach to moving people and goods.

16 The specificity I can't speak to, because I've
17 not really seen yet what is being contemplated in that
18 regard. I do know, though, that a more specific level, my
19 division, Public Transportation Division, will be held
20 accountable within the department and to the public to a
21 more specific set of measures that we will embark on
22 developing once the plan is adopted. So -- and while it
23 may be a division business plan, I'm certainly willing to
24 share as we move along that course, share that information
25 with the committee and get feedback from the committee on

1 those measures we're thinking about.

2 So, yes. I think you'll see some measures in
3 the strategic plan that will speak to public
4 transportation. They may be very broad, would be my
5 expectation, but that the intent within the department is
6 to go further into each division and get something a
7 little more specific.

8 DR. ABESON: Good. Well, I certainly would
9 encourage as much specificity as possible in getting the
10 whole department --

11 MR. GLEASON: Now, having said that, this is
12 the committee's opportunity, in this next several-month
13 time frame --

14 DR. ABESON: Ah.

15 MR. GLEASON: -- to weigh in on this plan,
16 which is why we've got it before you today, and to provide
17 some comments to the commission and to the department on
18 what you're talking about.

19 DR. ABESON: Okay. So potentially --

20 MR. GLEASON: Yes, sir.

21 DR. ABESON: -- the committee could focus on
22 suggested additions, revisions, or whatever, to the plan
23 before it goes to the commission.

24 MR. GLEASON: Absolutely. Yes, sir. And what
25 I would suggest to the committee, if I could, I think if

1 you look at the structure of the mission, the vision, the
2 values, the goals, objectives, strategies, I think as this
3 thing is moving along, I think the most opportunity for
4 flexibility and for the committee to introduce ideas
5 similar to what you're talking about is probably down in
6 the goals, objectives, strategies. And at this point in
7 the process, I honestly couldn't tell you to what extent
8 you might be able to influence the vision and the values
9 and the -- you know how these things go.

10 DR. ABESON: Absolutely.

11 MR. GLEASON: You know, it's -- they kind of
12 move along, and as you move along certain things become a
13 little more solid.

14 DR. ABESON: Well, mission and values, I mean,
15 that's -- Chevrolet -- well, it used to be Chevrolet,
16 American apple pie and a baseball. Right? But I think we
17 could probably live with that.

18 MR. GLEASON: But I would clearly encourage the
19 committee to look at the goals and the objectives and the
20 strategies.

21 DR. ABESON: Okay.

22 MS. BLOOMER: And this is Michelle. And Eric
23 and I had talked about, there's a couple of things we as
24 the committee can do. We can look at the draft plan, the
25 big picture, and decide that we want to make comments on

1 that. And we can either do that here in a meeting, we can
2 form a subcommittee to address that. I understand there's
3 a fairly quick turnaround time that if we wanted to get
4 our comments in, or not only, I guess, not knowing when
5 it's going to commission, March or April, but we probably
6 want to spend a little bit of time preparing those
7 comments and making sure that we're okay them. And we can
8 either allow them to go directly to the commissioner,
9 bring them back informally to this committee.

10 We can do that and/or we can spend some of our
11 time thinking about the next step, a division business
12 plan and a PTAC, maybe, work plan as to what we would like
13 to do to take these more broad and general goals and
14 strategies and bring some detail to them. And so I guess
15 that's an item for discussion. What others -- do you feel
16 that we'd like to make comments on the strategic plan as
17 it is?

18 DR. ABESON: Well, I would. This is Al. I
19 certainly would like that opportunity, with the committee,
20 though, not by myself.

21 MR. GLEASON: I think, if I can, Michelle --
22 this is Eric -- clarify, the time that -- the period
23 you're in right now is the department is still developing
24 a draft to -- recommendation to the commission, which
25 their first action will be to adopt it as a draft. And it

1 would then enter into some period of time for formal
2 public review and comment. And clearly, in that formal
3 time frame, there's a role for this committee. But we are
4 before that.

5 And so to a certain extent, it's perhaps not a
6 little -- it's not as structured, if you will, of a
7 comment period time frame for us. But I think it's an
8 important time frame for this committee to weigh in
9 during, if you have some specific ideas about some things
10 you'd like to see.

11 DR. ABESON: This is Al. Would it be helpful
12 to you and Kelly if, as you develop your drafts that would
13 further embellish the plan, to share those with the
14 committee, so that we could react to what you've done,
15 potentially supporting and potentially questioning? And I
16 don't know if that's a legitimate part of the process or
17 not.

18 MR. GLEASON: Well, I think there may be some
19 timing things that don't quite work with that, you know,
20 for example, I'm not -- we've not yet received the
21 administration direction at the division level with a time
22 frame to go do this. We're starting to work on it. I
23 suspect that from a timing standpoint, the effort is going
24 to be first and foremost on this draft, and then the
25 division work will follow that. So it's not necessarily

1 something I see coming together concurrently.

2 MS. BLOOMER: Any thoughts, comments,
3 questions?

4 MR. HUERTA: This is Vince. I would just -- I
5 think the idea is good of developing a committee so that
6 we can follow up on Al's comments, suggestions.

7 MS. BLOOMER: Okay.

8 MR. GLEASON: One of the things today that we
9 weren't sure about was what level of detail to actually
10 present to the committee, recognizing that, with a topic
11 like this, some people have had a chance to look through
12 it in quite a bit of detail; others may not have at all.

13 So if there are questions that any committee
14 members have of us at this point on anything at any level
15 of specificity, goals objectives, strategies, that's fine.

16 I mean, our intention today was not to not talk about
17 those things, but we didn't want to necessarily spend 40
18 minutes going through each of them at a level of detail.

19 DR. ABESON: Well, as I read it, I found the
20 performance measures so broad that I couldn't find -- I
21 really couldn't find where is public transportation within
22 these performance measures. And I don't recall well
23 enough the goals and objectives; I'm sure I'd find them
24 fine.

25 But again, the whole plan is so global and so

1 broad that you could probably put anything you wanted in
2 and keep anything you wanted out and still be okay. So
3 even starting with the logo, I mean, the logo suggests
4 roads as opposed to public transportation, perhaps, as
5 part of what this effort should be.

6 So my -- if you have more information or more
7 specificity on performance measures, from my perspective,
8 that would be a great place for us to begin looking at
9 things.

10 MR. GLEASON: I don't right now, Al.

11 DR. ABESON: Okay.

12 MR. GLEASON: What you have in front of you is
13 what we have --

14 DR. ABESON: Yes. Okay.

15 MR. GLEASON: -- to share with the committee.

16 MS. BLOOMER: Okay. So I have two members
17 recommending that we form a subcommittee. Is that
18 something we can do informally? Do we have to take formal
19 action and --

20 MR. GLEASON: Well, I think we have a planning
21 subcommittee established already. And under this, this
22 can be -- this is identified as an action item today, so
23 one possible course of action for the committee would be
24 to refer this to the planning subcommittee. And then I
25 would imagine that the subcommittee could then -- if

1 others wanted to join that subcommittee's conversation,
2 that would be fine.

3 I don't think we want to necessarily form a new
4 formal subcommittee, but I think we could -- with our
5 existing structure, you know, the full committee could
6 say, We're going to ask -- task the planning subcommittee
7 over the next time frame to put together something to
8 bring back to the full committee.

9 MS. BLOOMER: Okay.

10 MR. GLEASON: And that would be a reasonable
11 course of action.

12 MS. BLOOMER: And, Ginnie, this is Michelle.
13 Do I chair the planning? Which one do I chair?

14 MS. MAYLE: Yes.

15 MS. BLOOMER: Okay.

16 MS. MAYLE: But you have only four members on
17 the subcommittee, unless --

18 MS. BLOOMER: I think we only have -- we have
19 three.

20 DR. ABESON: Could the whole committee do the
21 task?

22 MS. BLOOMER: The whole committee could do the
23 task too.

24 MR. GLEASON: Yes, absolutely.

25 MS. BLOOMER: So we can do that. Now, would

1 that -- since that would be the whole committee, we would
2 have a quorum? Would you -- we'd just have a conference
3 call?

4 MR. GLEASON: Yes.

5 MS. BLOOMER: Okay.

6 MS. MAYLE: It would have to be posted as a --

7 MS. BLOOMER: Posted as a meeting?

8 MR. GLEASON: Yes. We have some notification
9 requirements.

10 MS. BLOOMER: Why don't we do this. Trying to
11 work within the system, since it will have to be posted,
12 is if everybody can -- if everybody is okay with tasking
13 the entire committee to take a look at it and come up with
14 some comments that we'd like to submit to the commission
15 before the draft plan is taken out to the public and then
16 the final plan adopted. Is that right? If you have
17 particular comments and questions, if you could get those
18 to Ginnie, say, in three weeks?

19 DR. ABESON: How many?

20 MS. BLOOMER: Three weeks?

21 DR. ABESON: Three?

22 MS. BLOOMER: And then if we could have just a
23 conference call, say, the following week?

24 MR. GLEASON: Till the end of February.

25 MS. BLOOMER: The end of February? And

1 whatever we need to do -- then what we can do is
2 consolidate all those comments and then discuss them and
3 prioritize them on a conference call.

4 MR. GLEASON: We could take what we have, turn
5 around and do a document, and get it out to all of you
6 before the conference call. We could talk about the
7 conference call.

8 MS. BLOOMER: Does that sound doable?

9 MS. MELTON CRAIN: Sounds good.

10 MS. BLOOMER: Okay. And then, Ginnie, we can
11 work together to put together a schedule, because if we're
12 going to have the meeting the end of February, you're
13 probably going to need that more than one week before to
14 put it all together and then get it back out to everybody,
15 because we'll need to have time to have it and review it
16 in advance of the conference call. So we'll get a
17 schedule out sometime next week to all the PTAC members of
18 what we're going to do to address that. Okay?

19 MR. GLEASON: And what I will do is check with
20 our planning folks on this time frame and make sure that
21 it works with theirs as well.

22 MS. BLOOMER: Okay. And then just to clarify,
23 we have this opportunity, and then once it does go out for
24 public comment, we can always make comment through the
25 formal comment process as well.

1 MR. GLEASON: Right.

2 MS. BLOOMER: Okay. Are there any other
3 comments, questions, issues, concerns related to Item 4?

4 (No response.)

5 MS. BLOOMER: Okay. Oh, there was action.

6 MS. MAYLE: No, that's only if you want to
7 take --

8 MS. BLOOMER: Okay. I think at this point,
9 we'll postpone action until maybe the next, the conference
10 call.

11 Okay, then. Moving onto Item 5, Update 5,
12 Update from the Planning and Policy Technical Subcommittee
13 and the Program Management Technical Subcommittee
14 regarding work program topics. Okay. I guess, Ginnie,
15 remind me. I'm on the Chair of the Planning and Policy
16 Technical Subcommittee? The subcommittee has not met
17 since our October conference call.

18 One thing I did want to talk about just a
19 little bit on this item and see if anybody has gotten
20 feedback is the letter did go out from Eric to all the
21 transit providers regarding the non-urbanized area formula
22 program or Section 5311, Discretionary Cap. That was the
23 Tier I item on our subcommittee's work plan. To date, I
24 don't think we've heard either way, positive/negative,
25 from any of the providers in response to that letter.

1 I did attend the TxDOT semiannual meeting and
2 just gave a brief PTAC update and asked people to, you
3 know, please let us know if they liked it, if they hated
4 it, if they really didn't care one way or the other, and
5 didn't hear anything.

6 I have heard from one provider in our region
7 that did acknowledge receiving the letter, did acknowledge
8 reading the letter, understanding the letter, and the only
9 comment I got back was, you know, they appreciate PTAC's
10 effort, but they thought it was too much of a good thing
11 maybe. More federal and state money is always good, but
12 they don't have the local match.

13 So one thing, Eric, you and I had talked about
14 is I still have five other transit providers in my region
15 to poll to see if they received the letter, read it,
16 understood it, if they're happy, not happy. But to date,
17 you haven't received any feedback?

18 MR. GLEASON: No.

19 MS. BLOOMER: And we didn't get any on
20 Wednesday. So I don't know, maybe as providers, J.R. can
21 tell us if you liked it or not.

22 MR. SALAZAR: Well, this is J.R. For the
23 record, yes, I did like the letter. But I was a little
24 surprised, too, in speaking with Michelle before the
25 meeting started that we had not received any comment

1 personally or through the division, that there was no
2 comments one way or another. And I told Michelle that,
3 especially with the fact that anytime you do this you have
4 those that gain and those that lose, and in particular
5 those that lost I figured we'd hear from them. And so to
6 not hear anything, it was somewhat -- I was really
7 confused by that. To try to understand the pulse of the
8 providers in the state, and for no comment, it was a
9 little strange for me. But --

10 MS. BLOOMER: And this is Michelle. Maybe
11 we'll hear when the 2010 funds are actually released, and
12 it will become more real in the dollar amount? I don't
13 know, but again, I'm stumped as to why we didn't hear
14 anything. I also opened it up to everybody at the
15 semiannual meeting to talk with either Vince, myself, or
16 J.R., who was at the meeting, if they had any issues or
17 concerns or areas of assistance they needed. And again,
18 didn't hear from anybody.

19 So it's kind of hard, if we're the group
20 responsible for advising the commission on what the issues
21 and concerns of the transit providers are if we, you know,
22 aren't hearing from them. And I do think it is a very
23 huge positive step to be going to the semiannual meetings
24 to try to put a face to PTAC. I think that will be very
25 beneficial.

1 And I did want to just mention it to the other
2 PTAC members that if you happen to be in Austin, what they
3 are, there's -- twice a year TxDOT holds -- hence the
4 semiannual -- provider meetings. All the providers in the
5 state are invited to come down to Austin for one day,
6 January, and then again in July. And there's a range of
7 topics that are covered.

8 And, Ginnie, maybe we can send out the agenda
9 to the PTAC members so they can see what some of those
10 items were. There were some very good issues presented.
11 Eric covered sort of the funding situation, and Bobby did
12 as well. Linda Cherrington, from TTI, went over the
13 Census 2010 and what could potentially happen as a result
14 of that, which as we know, population is very important in
15 determining how much money the state gets and thus how
16 much money the providers get. So that was very
17 beneficial. And I think if we could bring that back to
18 our next PTAC meeting or maybe involve that in the
19 workshop, which hopefully we'll talk about a little bit
20 later, I thought that was a very good presentation that
21 Linda did.

22 Hopefully, in a couple months, we'll have a
23 little bit more detail and not so much uncertainty,
24 because right now there's a lot of unknowns as to how the
25 census is going to determine tracks and block routes, et

1 cetera, which she has a best guess, but at this point,
2 until we know and the census publishes their information,
3 it's really just a guess. But a lot of providers are sort
4 of anxiously anticipating the census, which is good,
5 because the last one we were all caught off guard, I
6 think. So --

7 MR. GLEASON: Michelle, if I might. I just --
8 for clarification, we're on Agenda Item 5.

9 MS. BLOOMER: Yes.

10 MR. GLEASON: Update from the subcommittees.
11 And I just want to make sure some of this, I think we can
12 talk about under the Director's Report, Number 6, but I
13 want to make sure that if there's a report from the other
14 subcommittee, we deal with that and then move on to 6, if
15 we could, please.

16 MS. BLOOMER: Okay. Are there any questions on
17 the Planning and Policy Technical Subcommittee or anything
18 the other members would like to sure? Like I said, we
19 haven't met. I think our next item on the list is
20 Transportation Development Credits. That should be fun.

21 (No response.)

22 MS. BLOOMER: No? Ginnie, if I'm correct, I
23 think Claudia Langguth is the chair of the other
24 committee, the Program Management and Technical
25 subcommittee? Unfortunately, she is not able to join us.

1 If there's another subcommittee member that would like to
2 give an update?

3 DR. ABESON: I'm on that committee, and as far
4 as I know, we haven't met.

5 MR. HUERTA: I'm also on that committee. I
6 believe the last time -- and maybe you can help me,
7 Cheryl -- I believe it was November? I think some of what
8 had generally been discussed was just evaluating that 5310
9 and how it's affecting. I think we were discussing
10 numbers about shifting the program and the way the money
11 is distributed to the different areas would affect certain
12 areas and benefit others.

13 MS. BLOOMER: Okay.

14 MR. SALAZAR: This is J.R. Just for
15 clarification, on the Planning and Policy Technical
16 Subcommittee, I know that, Michelle, you're the chair of
17 that, and I'm on that committee as well. And Janet
18 Everheart is on that committee. But we're looking for our
19 fourth member. Is that correct?

20 MS. BLOOMER: Yes. And I think --

21 MR. GLEASON: Yes. Let me -- this is Eric --
22 provide a very quick -- I was going to do this under the
23 Director's Report. The committee is a committee of nine
24 members. There are currently eight. We have -- the
25 department has been working closely with the governor, the

1 lieutenant governor, and the speaker's staff to get the
2 final appointment. The speaker is going to make the final
3 appointment, as I understand it. That's how they decide.

4 And I know that they have requested the department for
5 some names of potential committee members, and we are in
6 the process of sending those over to them. I think we're
7 trying to get ahold of one potential nominee before we
8 submit that person's name. We want to make sure they're
9 interested in serving.

10 And so I'm very hopeful that in the near future
11 we will have a ninth member and have a full committee.
12 And at that point, we could maybe revisit our subcommittee
13 assignments.

14 MS. BLOOMER: Okay. And, Eric, you can bring
15 me in if I get too far out on this one, but --

16 MR. GLEASON: That's all right.

17 MS. BLOOMER: -- since this is the item -- is
18 this a good place, since we initially set up the
19 subcommittees when there were eleven members, and it
20 seemed to make more sense, instead of having all eleven
21 participate in a discussion, that we would have four or
22 five. And maybe we can talk about this next time when we
23 have the ninth member. But do we still want to continue
24 with the subcommittees being nine members versus eleven
25 members? And maybe one of the issues was flexibility. I

1 guess if we have less than a quorum, we don't have to post
2 it, if we were -- so that might be one item that plays
3 into that.

4 But I know on our last subcommittee conference
5 call, we had a difficult time because there were only
6 three of us. It's kind of hard to bounce an idea around
7 and get different points of view when there's three or
8 four of you versus, say, nine of you. So maybe we can
9 think about that, and at our next meeting, when we add the
10 ninth person, we can discuss whether or not we want to
11 combine all our work tasks and focus on those as a
12 committee one at a time or how we want to go about that.

13 MR. GLEASON: If I may, why don't we close
14 Agenda 5, open Agenda Item 6, and get into the Director's
15 Report. One of the things in the Director's Report is the
16 possibility of a PTAC workshop --

17 MS. BLOOMER: Okay.

18 MR. GLEASON: -- to talk about PTAC roles and
19 responsibilities. And that could be an excellent to
20 review the subcommittee structure and talk about how the
21 committee would like to do that. So if we can move
22 into --

23 MS. BLOOMER: Okay.

24 MR. GLEASON: -- Agenda Item 6.

25 MS. BLOOMER: So if there are no further

1 comments or updates on Item 5, we'll move into Item 6, the
2 Division Director's Report.

3 MR. GLEASON: You all got a copy of the report.

4 I'll just touch briefly on the topics here and then
5 mention a few other things, the semiannual meeting that we
6 had this week.

7 Most of you have probably heard that -- the
8 possibility of a second stimulus package, second jobs
9 legislation coming out of Washington. And so in
10 anticipation of that, we are already beginning
11 conversations. From the department's standpoint, the
12 rural program providers are the ones that we are most
13 focused on in any sort of stimulus package effort here in
14 the state.

15 The way the transit money comes down through
16 the formula is it comes down as either 5307 funds, which
17 are the urban area funds, or 5311, which are the non-urban
18 area funds. The department is the designated recipient
19 for the non-urban funds, 5311 funds. And within the urban
20 area designation, there's a small urban group that is
21 areas between 50- and 200,000. And in Texas, the governor
22 has basically -- to not probably use the correct word, but
23 the -- he has -- we have in Texas a governor's
24 proportionate group, which is, at the moment, comprised of
25 30 small urban cities around Texas.

1 And the governor allocates -- based on
2 allocations that come from the federal government, would
3 allocate funds to each of those 30 small urban areas, and
4 then they become the designated recipient, as far as the
5 FTA is concerned, for administration and grant management
6 purposes for those funds.

7 So we don't -- the department, while
8 technically at the federal level we are a recipient of
9 those funds, the way the process works is those funds get
10 allocated directly to the small urban areas, and they
11 become -- they have a direct relationship with FTA for the
12 use of those funds. And the reasons that's significant
13 with the recovery legislation is that the department
14 focuses almost all of its attention on the non-urban side
15 when it comes to transit.

16 And so we have begun the conversation with the
17 rural program, the non-urban rural program providers about
18 if this funding does become available, what is it that
19 they would like to do with it. And we've encouraged them
20 to start thinking about specific projects.

21 First time, it was roughly 50 million that came
22 through. We're thinking if the current version of the
23 legislation in the House holds, it should be around 45
24 million that would come through. We are required by law
25 to take 15 percent of that and set it aside for city bus

1 purposes. So all of that, we're assuming, will come on
2 down the same way it came down before, and we'll be in a
3 situation to have to make some very quick decisions on how
4 to spend it here in Texas.

5 But great process the time before. The rural
6 community really, I think, came together in a very
7 collaborative and cooperative way and helped make
8 decisions on how to spend this money for the best value in
9 Texas. So I'm looking forward to that again.

10 We have -- we are in receipt of 40 total
11 proposals following our coordinated call request for
12 proposals. Again, the coordinated call is something the
13 department began for the first time with last federal
14 fiscal year's programs, where historically the department
15 had been responsible for administrating a handful of
16 different federal programs, federal grant programs, that
17 projects are competitively selected for, and historically
18 we had been issuing single, independent and separate call
19 for projects for each of those programs at different times
20 of the year.

21 So there was an inner-city bus competitive
22 call. There's a competitive call now for JARC, New
23 Freedom funds, and things like that. And historically, we
24 would have done those things separate from each other.
25 Last year for the first time we put them all into one

1 package. We gave everyone five or six months to put
2 together their project proposals for any of those
3 programs, and this then is the second year of having done
4 that.

5 Proposals were due on the 21st of December, and
6 we got 40. You have a summary of sort of which programs
7 were asked for and how much or how often people asked for
8 them. And again, dependent on when federal apportionments
9 come down and become available for these programs --
10 because we don't have those yet -- we'll be able to move
11 ahead and be in a position to make awards most likely
12 beginning with the May Transportation Commission.

13 So we have talked -- or Michelle and I have
14 talked about the possibility of organizing a workshop with
15 PTAC to talk about roles and responsibilities with a fair
16 number of new members to the committee, hoping to get one
17 more. And so the concept of a workshop to kind of go over
18 those basics, talk about subcommittees, how the committee
19 wants to get its work done. We're very open to and
20 we're -- you know, we'll be glad to move ahead on that as
21 soon as we have a ninth member, I think.

22 Coming at the commission, February commission
23 meeting, this lists four awards. We'll actually have a
24 fifth. We do expect to get federal apportionments for
25 2010 federal funding up to the amount of the current

1 continuing resolution for about five months of the fiscal
2 year. We will actually get amounts from the FTA. We're
3 expecting them next week. And once we get those, those
4 partial year amounts, we will go ahead and award whatever
5 share of the formula program we can.

6 For those new members of the committee, the
7 administrative code directs the department to take the
8 first 20.1 million of the non-urban area funding as it
9 comes down and award that through a formula that looks at
10 population, land area, and performance measures. And so
11 this is very similar to last year where we received five
12 months of apportionments initially, and so we will go
13 ahead and award however much of those that we can.

14 We will also, in that minute order, when people
15 see that minute order, we will -- it will have -- it has
16 an exhibit. The exhibit lists all the rural programs, 38
17 of them, that will get portions of these funds. It will
18 have two columns. First column that they will see will
19 have the amount we're able to give them now. The second
20 column will show the total that they will get once we have
21 full apportionment and are able to award the 20.1 million
22 by formula. So we won't have to go back to the commission
23 for that second half.

24 We will -- on a different program, the 5310
25 program, we'll go ahead and make a -- what will be a

1 partial award, based on the apportionment there. And then
2 we have three transportation development credits -- well,
3 we have two transportation development credit awards to
4 make and a final minute order that will be -- well, I'm
5 looking in here. Okay. We have two transportation
6 development credits. I actually think we have another
7 minute order item, don't we? Okay. There's one on here
8 that's not listed. There is an award for -- a JARC award
9 with -- does that have TDC, Cheryl, to it? Okay.

10 And then the proposed rule changes. Well, this
11 is formal adoption for the rules -- right, Bobby? -- in
12 March? So the internal compliance rules that you all
13 commented on earlier are scheduled for formal adoption in
14 March. So anyways --

15 MR. KILLEBREW: This is Bobby. You have this
16 listed under February commission action that --

17 MR. GLEASON: It's March.

18 MR. KILLEBREW: That is actually a March action
19 by the commission. It slid a month, because --

20 MR. GLEASON: It's March yes. That's our
21 mistake. You're right.

22 MR. KILLEBREW: So that will not be at the
23 February commission meeting unless there's a change that I
24 don't know about.

25 MR. GLEASON: No, it hasn't. No, it's March.

1 So I apologize for the confusion. And then generally as
2 we move into the spring, it's a busier -- it's a busy time
3 of year for us at the commission. So we'll have lots of
4 stuff happening the next several months, assuming we get
5 awards.

6 MS. BLOOMER: The FOTTA thing didn't make it.

7 MR. GLEASON: Oh, okay. Also, each year the
8 department awards what is known as the Friend of Texas
9 Transit Award, or we call it the FOTTA.

10 MS. BLOOMER: It's on mine.

11 MR. GLEASON: Was it on the e-mail version?

12 DR. ABESON: What was the acronym?

13 MR. GLEASON: Friend of Texas Transit Award,
14 F-O-T-T-A.

15 MS. BLOOMER: FOTTA.

16 MR. GLEASON: FOTTA.

17 DR. ABESON: FOTTA.

18 MR. GLEASON: The department has done -- has
19 made that award for quite some time. If you go down to
20 the Greer Building and just before you go into the large
21 hearing room, on your left on the wall is a plaque that
22 shows all of the previous recipients of this award. Last
23 year the department awarded it to now-Secretary of State
24 Hope Andrade for her work as a commissioner on public
25 transportation issues. It can go to any member of the

1 public. It can go to a program provider. Can't go to any
2 of us on TxDOT staff.

3 MS. BLOOMER: J.R.'s a recipient.

4 MR. GLEASON: J.R. is a former recipient of it.
5 Janet Everheart is a former recipient of it. I'm going
6 through the current PTAC membership list in my head.

7 And so we will be sending out shortly an
8 announcement looking for nominations. We will make the
9 award at the upcoming Texas Transit Association Conference
10 in Corpus Christi in April.

11 MS. MAYLE: And I need a volunteer to sit on
12 the --

13 MR. GLEASON: And we typically have a selection
14 committee help us go through the nominations, and we would
15 like one member of this committee to participate.

16 You want them to send like an e-mail of
17 interest to you?

18 MS. MAYLE: Sure.

19 MR. GLEASON: It's not an action item today on
20 your agenda. So if you're interested in serving on this
21 committee, why don't you just send Ginnie an e-mail. If
22 we have to choose, we will. And in the past, it's been
23 four, five or six names typically come in with a brief
24 description, so we generally just kind of go around and
25 talk about the information we've received and make a

1 decision that way. The committee will make a
2 recommendation to me, and I'll make the final decision on
3 who makes the -- who gets the award.

4 MS. BLOOMER: Yes. This is Michelle. I
5 just -- I did it last year; I served as the PTAC
6 representative. I think Donna Halstead volunteered me.
7 But it took -- there was about seven, I believe,
8 nominations.

9 You just -- you simply have to read them and
10 then they give you a little scoring sheet that you can
11 rank, I believe. It took about an hour and a half, two
12 hours at the very most, and it was a rewarding experience,
13 so if you're interested, please just e-mail Ginnie, and I
14 guess we can discuss it at the next -- we don't have to
15 action.

16 MR. GLEASON: I guess someone else e-mailed
17 Ginnie for you to be on the committee list, J.R. So you
18 have that option.

19 MS. BLOOMER: I guess so.

20 MR. GLEASON: The one thing I did want to
21 mention, as Michelle noted earlier, we did have one of our
22 two business meetings that we have each year with our
23 rural and smaller providers. And, you know, a number of
24 topics came up. And Michelle and I were talking during
25 the meeting that some of these topics might be relevant

1 for this committee to here. And you were beginning to go
2 down that road with talking about the census stuff, so if
3 you wanted to repick that conversation up now --

4 MS. BLOOMER: I did. Actually --

5 MR. GLEASON: -- you could.

6 MS. BLOOMER: -- if it's okay with the
7 committee, what I'd like to do is maybe just start up at
8 the top with the ARRA and move our way down the list --

9 MR. GLEASON: Sure.

10 MS. BLOOMER: -- to see if there are any
11 questions or comments related to that. But before we did
12 that, Eric, at the semiannual you had -- or somebody from
13 your staff had presented sort of the results of a survey,
14 because you had conducted a survey of all the rural
15 providers as to what they thought they might want to spend
16 their --

17 MR. GLEASON: Yes.

18 MS. BLOOMER: -- ARRA II funds on. Thought
19 that might be beneficial for the subcommittee, I mean the
20 committee.

21 MR. GLEASON: I can -- give a quick summary now
22 of what we heard back? I can provide a summary. We can
23 also send out --

24 MS. BLOOMER: Send it, okay.

25 MR. GLEASON: -- some of the things out to the

1 committee. We basically sent a quick questionnaire to all
2 38 rural program providers, and asking them three
3 questions on their potential uses of more ARRA funds, were
4 they to become available. We heard back from 25. And we
5 had a question on how they might use operating funds if we
6 awarded funds for operating. We had a question on how
7 they might use capital funds. And then we also asked the
8 question about potential use of these funds for projects
9 of statewide significance.

10 And 20 of the 25 provided some information back
11 to us on how they would use operating funds, with most of
12 those responses being that they would be used to either
13 maintain some portion of their current service or to help
14 offset what we've seen recently with a bit of a rise in
15 fuel prices.

16 Just I think about 24 percent of the folks that
17 responded on operating said they would use it for
18 marketing purposes. These are one-time funds, and so I
19 was actually pleasantly surprised to see people thinking
20 about using these funds to do something which they
21 probably can't afford to do as a part of their normal
22 operating budget.

23 On the capital side, all 25 respondents
24 provided us information on how they would use the money
25 for capital. 41 percent of them said they'd use it for a

1 fleet. We've made tremendous progress over the past two
2 or three years on replacing a large share of our aging and
3 over-utilized fleet here in Texas. I wasn't sure how much
4 more there was to go. But apparently there are a number
5 of our folks who still have some relatively significant
6 investments that they would like to make in fleet.

7 The next largest category was in IT equipment.

8 I think something like 32 percent of the folks were
9 interested in some sort of an IT investment. And again,
10 that's encouraging. We had a fair number of folks the
11 first time around upgrade or purchase for the first
12 time -- most of it was purchased for the first time --
13 automated dispatching, scheduling, mobile data terminals,
14 vehicle tracking systems. And I think this time we're
15 seeing some more new purchasing and, I think, maybe a lot
16 of folks are thinking about upgrading what they already
17 have.

18 And, you know, when we talked about that kind
19 of a project before, while we recognized those investments
20 didn't necessarily generate a lot of jobs, I think the
21 offsetting benefit which was compelling was the long-term
22 benefit to the industry in terms of efficiency and all
23 those good things that come with being able to better
24 coordinate your resources. And so we're very much in
25 favor of those kinds of investments.

1 From a facilities standpoint, I think just
2 under 20 percent of the folks said that they might have a
3 facility use for the funds. Again, you know, we may have
4 picked up most of what might be brand-new project
5 construction folks are ready to do the first time around.

6 And it may be that this time around, while there may be a
7 couple of those new ones left over, it maybe be -- and
8 what we've been encouraging people to think about is an
9 opportunity to renovate and operate existing facilities
10 and to really try and give some thought to doing that. So
11 that's what we've heard back from folks.

12 On the question about projects of statewide
13 significance, examples that we put out for folks to react
14 to was some kind of investment in emergency response, not
15 necessarily planning as much as capacity.

16 The example I give folks that we've heard
17 anecdotally anyways is some of our providers are part of a
18 formal evacuation plan for people with disabilities. And
19 when you pull up to a location where you have any number
20 of people you need to evacuate and your vehicle has two
21 wheelchair tie-downs on it, you know, you end up making a
22 lot of trips back and forth, because you can only take
23 folks with wheelchairs two at a time. So one of the ideas
24 that's out there anecdotally is why don't we make an
25 investment in some vehicles that are specially equipped

1 with more tie-downs for use in emergency purposes. So
2 that's an example of something that could represent that
3 kind of investment.

4 We talked about a statewide -- you know, the
5 511 system, you know, regional maintenance centers,
6 regional training centers. And, you know, we got some
7 interesting feedback and quite a bit of interest in a
8 regional training center.

9 And I think we probably need to spend some time
10 talking amongst ourselves about what that is and what that
11 means, and I don't really know, on most of any of these
12 statewide investments, whether we're actually at a point
13 where we could use stimulus funding, because you need to
14 be ready to move pretty quickly with that. But I did -- I
15 think it was interesting getting that kind of feedback,
16 and there's a fair amount of interest in some of those
17 things that we may pursue independent of a jobs push. So
18 that's rather long, but that's what we heard back from
19 people.

20 MS. BLOOMER: Okay. Any comments or questions
21 on that item?

22 MR. SALAZAR: This is J.R. The only comment I
23 had is, you know, I think Eric was being very kind the
24 other day when he said he -- and today as well, that you
25 received quite a few responses. I think the e-mail was

1 sent out that he wanted all rural transit systems to
2 respond. And to only have 25 respond out of 38 puzzles
3 me. But again, I can't speak for everybody in the state,
4 but just to comment.

5 MS. BLOOMER: Okay. If there are no more
6 comments or questions, coordinated call request for
7 proposals, are there any comments or questions related to
8 that?

9 DR. ABESON: This is Al. My question is, what
10 differences did you note from year one to year two?

11 MR. GLEASON: Differences in kinds of projects
12 being submitted?

13 DR. ABESON: Kinds of projects, quality of
14 proposals, greater use in single projects of sources -- of
15 multiple sources, coordination, if you will.

16 MR. GLEASON: Now, I've not had a chance yet to
17 look at all the proposals specifically, and we're still
18 sort of -- but generally speaking, we are seeing --
19 Cheryl, correct me if I'm wrong -- we are seeing more
20 project proposals that are making use of more sources of
21 funding. So that second example, it does seem as though
22 people are beginning to create project proposals and
23 relying on more than one source of funds. So in my mind
24 that was positive.

25 DR. ABESON: Absolutely.

1 MR. GLEASON: From the quality of proposals'
2 standpoint, what I will tell you without trying to judge
3 what we got this time around is we have made a pretty big
4 investment in time and money, if you will, in training and
5 just sheer staff effort to get out over the last several
6 years to address what is an important issue, and that is
7 trying to level the playing field, if you will, among all
8 of our potential applicants, the area around -- just the
9 sheer skill around filling out a project application,
10 because some agencies are better equipped to do that than
11 others. And we don't want to disadvantage those that may
12 not have the number of staff people or whatever to do
13 that.

14 So we've spent quite a bit of time. We hold
15 forums, just as we go out with a call, we went around the
16 state, and I think this year we held ten different forums
17 where we invite -- we go out closer to the proposers.
18 They come in and we talk, we spend four, five, six hours
19 with them talking about how to do it, what's in it, da da
20 da da. We've had formal training programs in grant
21 writing, grant proposal writing, and things like that, so
22 we really have tried to kind of get at that quality-of-
23 proposal issue.

24 DR. ABESON: And as far as you know, is it --
25 are you seeing results?

1 MR. GLEASON: We are seeing an improvement, I
2 think is a fair statement. And it's looking a lot better.
3 I mean, there are still folks out there that need help.
4 And, you know, it's an interesting position for us to be
5 in, because we have to remain objective as well. So we
6 can't write the proposals for them. So we try and get
7 there earlier enough up front and give them some general
8 skills and point them in some directions they can go to
9 get some resources if they need it.

10 DR. ABESON: Good.

11 MS. BLOOMER: This is Michelle. I just had
12 one, I guess, comment, or maybe just a request. One
13 thing, as PTAC, we're trying to determine what the needs
14 are of the state and the providers. I think it would be
15 very helpful if we could get a little bit more detail,
16 like a summary of the programs and the projects that were
17 received. We received eleven or 19 requested JARC funds,
18 who submitted them, what type of project were they
19 proposing, how much did they ask for, capital, operating,
20 planning. And we can compare that. I think that would go
21 to Dr. -- or sorry -- Al's question of from year one to
22 year two. I don't think we ever got that level of detail
23 for year one, but I think that might help us get a little
24 bit better sense of what the providers are asking for and
25 maybe what some of their needs are is if when that

1 information -- I understand you're probably still
2 reviewing and preparing it, but if we could see a little
3 bit more information as -- detail on -- I think that would
4 be beneficial.

5 MR. GLEASON: Let me -- this is Eric. Let me
6 see if I can clarify. What the committee is interested in
7 is not commenting on the proposals or evaluating the
8 proposals received --

9 MS. BLOOMER: No.

10 MR. GLEASON: -- but using the proposals as a
11 source of information for trying to understand what people
12 are trying to do --

13 MS. BLOOMER: Right.

14 MR. GLEASON: -- and where their needs are
15 generally.

16 MS. BLOOMER: Correct.

17 MR. GLEASON: What I will need to do is go back
18 and talk to my folks, where we are in that process and
19 when I great time to do that will be. But that makes
20 sense to me.

21 MS. BLOOMER: Okay. Any comments or questions
22 from the phone?

23 MS. MELTON CRAIN: No.

24 MS. BLOOMER: Okay.

25 MR. SALAZAR: I had something I wanted to bring

1 up and, you know, I was looking on the agenda and not
2 really sure where the best place to bring it up. But I
3 did want to talk about one thing that Eric talks about
4 statewide significance with public transportation. And
5 one thing that I think we need mention is the medical
6 transportation program and the fact that the contracts
7 that are in place throughout the state do expire at the
8 end of August, if I'm correct. I think that's correct.
9 They expire in August, and they have the right to either
10 extend those contracts for one year to 18 months. And I
11 guess what I'm trying to say is if those contracts do
12 expire in August and all the transportation providers
13 throughout the state lose what they currently have in
14 place now with regards to the medical transportation
15 program, there are a lot of systems that are going to be
16 hurting for match on the federal side. And so I do think
17 it's important that we bring that up, that if the current
18 providers that are in place now go away, I do think that
19 the state of Texas is taking a step backwards. And so I
20 just wanted to make that comment.

21 And I do think that there's a lot of interest
22 in this and throughout the state. And one of the reasons
23 why maybe there wasn't as much comment on the
24 discretionary monies is because of what's going on, again,
25 with the Medicaid throughout the state, and so maybe

1 that's why there wasn't as much comment on that. But I
2 did want to make sure that I brought that up.

3 MR. GLEASON: One of the things we can look at
4 doing -- this is Eric -- when we pull this workshop
5 together, is a portion of that time can be spent and set
6 aside for talking about issues of interest to the
7 committee and where we can talk about them more completely
8 so we can kind of establish a better understanding of what
9 the committee's interested in looking at and talking about
10 how important those things are and when we might bring
11 that kind of information back to you.

12 MR. SALAZAR: Okay.

13 MS. BLOOMER: Okay. So thank you, Eric, for
14 segueing into the PTAC workshop. I did just want to have
15 a little bit of discussion, if we could, on that to get
16 what your thoughts were.

17 I've heard from a couple members, and I thought
18 it might be beneficial. It's been quite a while since
19 there's been the PTAC orientation or workshop. I thought
20 it would be helpful since, gosh, I think I'm going on my
21 tenth year at the Council of Governments, and I'm still --
22 every once in a while something comes across my desk that
23 I'm not sure what that acronym stands for or how the
24 funding works.

25 And so I thought it would be very helpful for

1 our new members and even some of us that have been in the
2 industry for a while and/or on PTAC for a while, to sort
3 of just get together and have a discussion about what the
4 Texas Department of Transportation does, what the
5 division's role is, how we play a role in that, go over
6 some of the basic funding programs, how the funding comes
7 from the federal government, how the state funding adds to
8 that, and then like you said, maybe work on a PTAC work
9 plan for the coming year so we sort of have a vision of
10 where we're going.

11 I can't remember who put up the slide. It
12 might have been Suzanne, when she was -- if you don't know
13 where you're going, how do you get there and how do you
14 know when you're there is sort of how I feel. So I think
15 that might be helpful. But I wanted to get your thoughts
16 and feedback on that and sort of timing-wise, we're
17 waiting for our ninth member, but when you think sooner
18 rather than later or when would be good and what are some
19 topics you would like to see covered as part of that.

20 MS. MELTON CRAIN: This is Christina. I think
21 it would be extremely helpful personally. I think it's
22 very timely and, you know, probably if we think we're
23 going to get the ninth member pretty quickly here, maybe
24 wait until we get that person and then plan something.
25 And I think the overview you've just indicated is a great

1 starting point. I think, you know, that would be
2 extremely beneficial to me. And I guess it never hurts to
3 go back over it for members who have even been on a while,
4 especially if there have been changes to how funding works
5 and that sort of thing. So that's just my two cents.

6 MS. BLOOMER: Okay. Thank you, Christina.

7 Anybody --

8 DR. ABESON: This is Al. I'll just add two
9 more cents in saying that I think it's an incredibly good
10 idea and do hope that it happens sooner rather than later.

11 MR. CASTELLANOS: This is Frank. I'd second
12 that or third it.

13 MS. BLOOMER: Okay.

14 MR. GLEASON: What I would offer -- this is
15 Eric. What I would offer, Michelle, is that people can go
16 home and think about this, send us any further thoughts
17 they might have on it. We'll work aggressively to get
18 something set up, and keep our fingers crossed the
19 speaker's office -- speaker acts relatively quickly in
20 this. And with the sooner rather than later in mind,
21 we'll try and set something up.

22 MS. BLOOMER: Okay. This is Michelle. I may
23 need a followup. We were planning on a conference call
24 later in February to talk about the 2010 -- sorry, 2011-
25 2015 Strategic Plan. Would that be something we could

1 combine with the workshop? We could do them both at the
2 end of February?

3 One thing I would ask is that, if and when we
4 do have the PTAC workshop, if PTAC members could actually
5 come to Austin. I think it would be very beneficial if we
6 could all be in the same place and really get down to the
7 nuts and bolts.

8 MR. GLEASON: The only thought I would have on
9 that is if we do get a ninth member in this near-term time
10 frame that that kind of a -- might be difficult from a
11 scheduling standpoint for them to drop everything and get
12 to Austin by the end of the month. It just depends on
13 when we here from the speaker. And if we heard the third
14 week in February, I mean, it might be difficult to get
15 that person here.

16 So I would like to -- I think we should go
17 ahead and plan on the conference call on the strategic
18 plan. Recognize if we have the conference call, people
19 can do that from where they are. And then my guess is
20 that the workshop will likely be more in the March time
21 frame. That would just be my guess, as soon as we can
22 really do that.

23 MS. BLOOMER: Okay. And this is Michelle. And
24 I guess maybe what we could do then, instead of similar to
25 the strategic plan discussion, if we could work on sort of

1 hammering out a broad agenda or outline of what the
2 workshop might look like and what topics might be covered.

3 And that way we could just have that as an item for
4 discussion at the conference call, that people could
5 provide feedback if there were other areas that -- of
6 interest that they would want covered, we could do that as
7 well.

8 MR. GLEASON: And the first part of March is
9 going to be a very busy time for us. The FTA is doing a
10 state management review of the Texas programs first week
11 in March. So we're going to be kind of looking for that
12 and recovering from that. But we will look for a time
13 frame in March.

14 MS. BLOOMER: Okay.

15 MR. GLEASON: Assuming we get -- you know, and
16 we'll have to talk about it. If nothing is forthcoming
17 from the speaker, I think we'll want to move ahead on
18 that, not let this wait too long over something we can't
19 control.

20 MS. BLOOMER: Yes.

21 MS. MAYLE: And the third week is spring break.

22 MS. BLOOMER: Not during the week of spring
23 break, okay, in case anybody has plans. We can talk about
24 that.

25 Any item on -- questions or discussion on the

1 Friends of Transit? If not, moving on to the upcoming
2 commission meeting minutes. Are there any other followup
3 questions regarding any of those? Bobby mentioned that
4 the rules will actually be going in March. I did have a
5 question on the TDCs, and I just wanted to clarify.

6 Cheryl, I believe we had a conversation
7 following the last meeting that you -- providers -- let me
8 see if I can phrase this correctly. TDCs, or
9 transportation development credits, a provider can request
10 TDCs to match their federal 5307 funds that they get
11 directly from FTA.

12 MR. GLEASON: Yes.

13 MS. BLOOMER: Okay. Because I wanted to make
14 sure I understood that, because I had a provider tell me
15 I'm wrong, and I wanted to make sure, before I send them
16 to you with their request. And all they have to do is
17 submit a letter requesting the funds. Okay. Great.
18 That's good news.

19 Any other items -- oh, sorry -- for Eric
20 regarding the Division Director's Report?

21 (No response.)

22 MS. BLOOMER: No? Okay. We'll move on to Item
23 7, Public Comment. We have a member of the public here
24 today, Mr. Lyle Nelson, representing CARTS. Mr. Nelson?

25 MR. NELSON: Thank y'all. I'm Lyle Nelson, the

1 Chief Operations Officer with CARTS. I wanted to follow
2 up on J.R.'s comment. The Medicaid issue is an extremely
3 important issue to the rural providers especially out
4 there, as J.R. mentioned, it's a source of local match.
5 And in the context of the transitions that we're going
6 through right now, the message from the rural trans
7 providers, as well as the smaller urban trans providers,
8 is that we are a solution-based program throughout the
9 state. No whine, only solutions.

10 The fact that the infrastructure's been built
11 up over so many years, it would be a shame to see, as we
12 transition -- especially with the information that Linda
13 provided us, that we transition and forget about customer
14 service. And that's where I want this committee to kind
15 of focus, on the customer service aspect as we continue to
16 comply with the bureaucratic and statutory rules.

17 Very quick, very sweet. I'm done.

18 MS. BLOOMER: Okay.

19 MR. NELSON: Thank you.

20 MS. BLOOMER: Thank you.

21 Any other public comments or comments?

22 MR. HUERTA: Can I just make a comment?

23 MS. BLOOMER: Uh-huh.

24 MR. HUERTA: This is Vince. In regard to what
25 Lyle and J.R. mentioned, we were part of a phone call

1 yesterday that -- I don't know how many of the providers
2 were on there, but I know there was a number of them that
3 the TTA had hosted. And there was a high level of concern
4 for some of the providers in the area that the MTP program
5 really is a pretty big match for a lot of the systems and
6 the impact it will have on some of these -- you know, the
7 frequency of trips, just the service they're providing in
8 general. So I certainly think that it is a high level of
9 importance item for us to consider and maybe even on our
10 own, us as providers do some research hopefully by the
11 time that we put this workshop together and really can
12 bring something solid to the table and how it will impact
13 particularly the smaller agencies that really do make, you
14 know, only a couple a trips a day, and really rely on that
15 match from the MTP.

16 MS. BLOOMER: Okay. I think that would be
17 good. And maybe we can -- you can also take it up as part
18 of a subcommittee discussion, I believe. It would
19 probably be Claudia's subcommittee, but we can talk about
20 it at the PTAC workshop.

21 And then I just wanted to add one thing I've
22 also related to MTP, a different issue, and maybe we can
23 talk about it either in your subcommittee or at the PTAC
24 workshop, related to, yes, it's a source of local match,
25 but then it -- when it becomes -- I guess it's included in

1 all the system data that's submitted. It brings down the
2 efficiency of the system. I don't know if this is true or
3 not. It's just anecdotal as well. But maybe looking at
4 that as, well, bringing back more information for the
5 committee to look at that issue as well.

6 I don't have any other items except for confirm
7 date of next meeting, and I think, Ginnie, we're looking
8 at the end of February for a conference call to talk about
9 the strategic plan and then review a draft outline and
10 discuss the PTAC workshop for March.

11 Okay. Are there any other items for the end of
12 February agenda either here in Austin or on the phone?

13 (No response.)

14 MS. BLOOMER: No? Okay. Being no further
15 items, we can adjourn. I don't have to ask for a first,
16 second? Hereby declare we're adjourned.

17 (Whereupon, at 11:46 a.m., the meeting was
18 concluded.)

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C E R T I F I C A T E

MEETING OF: Public Transportation Advisory Committee
LOCATION: Austin, Texas
DATE: January 29, 2010

I do hereby certify that the foregoing pages,
numbers 1 through 83, inclusive, are the true, accurate,
and complete transcript prepared from the verbal recording
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Texas Department of Transportation.

(Transcriber) 2/1/2010
(Date)

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