

TEXAS DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION ADVISORY COMMITTEE
MEETING

Room 323
Building 6
3712 Jackson Avenue
Austin, Texas

Tuesday,
May 28, 2013

COMMITTEE MEMBERS PRESENT IN AUSTIN:

Michelle Bloomer, Chair
J.R. Salazar, Vice Chair
Glenn Gadbois
Rob Stephens
Brad Underwood

COMMITTEE MEMBER PRESENT BY TELEPHONE:

Al Abeson

COMMITTEE MEMBER NOT PRESENT:

Christina Crain

STAFF:

Eric Gleason, PTN Director
Bobby Killebrew, PTN Deputy Director
Kelly Kirkland, PTN

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P R O C E E D I N G S

1
2 MS. BLOOMER: The clock on the phone says 1:01,
3 so we'll go ahead and call this meeting to order so we can
4 knock it out and get out of here, back on the road.

5 Good morning. Here in Austin we have Glenn,
6 Brad, J.R. and myself, Michelle. Who do we have on the
7 phone?

8 DR. ABESON: Al Abeson.

9 MS. BLOOMER: Al Abeson. Do we have Christina?

10 (No response.)

11 MS. BLOOMER: Al, can you say your name again?

12 DR. ABESON: Al Abeson.

13 MS. BLOOMER: Just want to make sure the court
14 reporter can hear you.

15 All right. If that is everybody, we'll go
16 ahead and move on to item 2 which is approval of the
17 minutes from the March 19, 2013 meeting. Are there any
18 comments or questions regarding the meeting minutes?

19 (No response.)

20 MS. BLOOMER: Hearing none, do I have a motion
21 for approval?

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

23 MS. BLOOMER: I have a motion, and do I have a
24 second?

25 MR. UNDERWOOD: Second.

1 DR. ABESON: Al Abeson.

2 MS. BLOOMER: Brad beat you to it Al, so we
3 have a motion and a second. We'll go around. Glenn?

4 MR. GADBOIS: Aye.

5 MS. BLOOMER: Brad?

6 MR. UNDERWOOD: Aye.

7 MS. BLOOMER: J.R.?

8 MR. SALAZAR: Aye.

9 MS. BLOOMER: Al?

10 DR. ABESON: Aye.

11 MS. BLOOMER: And Michelle, aye. The minutes
12 pass unanimously.

13 Item 3, I believe we were going to move right
14 past so we could get on to the main discussion for today
15 which is item 4.

16 MR. GADBOIS: We're just changing order, we're
17 still going to get to that?

18 MS. BLOOMER: No. Eric doesn't have a report
19 today, so we're skipping item 3 and moving on to item 4:
20 Discussion and comment on potential rulemaking necessary
21 to implement MAP-21. So that is the focus of the meeting
22 today, and I believe, Bobby, you were going to sort of
23 give us -- am I putting you on the spot?

24 MR. KILLEBREW: No.

25 MS. BLOOMER: A big overview of where we've

1 been since the last meeting, and then we'll start digging
2 into the details.

3 MR. KILLEBREW: Absolutely. Bobby Killebrew,
4 deputy director of the Public Transportation Division here
5 at TxDOT. And welcome to everyone. And hi, Al, glad
6 you're on the phone with us today.

7 Where we've been since the last time this
8 committee met, we have been busy. I'm going to back up
9 just a little bit, I'm going to go back to the month of
10 January just to kind of refresh your memories, maybe, on
11 what happened in January. January was a busy month in
12 regards to --

13 MR. GADBOIS: Al, can you hear Bobby?

14 DR. ABESON: I'm not sure. Bobby, say
15 something again. I was disconnected for a moment.

16 MR. KILLEBREW: Okay. Glad you could join us,
17 Al. Are you still there?

18 DR. ABESON: Yes. I'm okay and I can hear you,
19 Bobby.

20 MR. KILLEBREW: Fantastic. So I was going back
21 to the month of January because January was a busy time
22 for this committee and for TxDOT. We started looking at
23 MAP-21 and what we needed to change in the Texas
24 Administrative Code to gear our policies and processes to
25 match what was passed recently. And so in January we had

1 lots of phone calls and webinars, we did reach out on a
2 couple of occasions to the transit communities, we had a
3 semiannual meeting here in Austin -- we have that twice a
4 year -- and we had a big discussion at the semiannual
5 meeting.

6 The next day following the semiannual meeting
7 we had some workshops to dig even deeper into five of the
8 programs. As you'll remember, we had five programs that
9 we kind of picked out as the major things in MAP-21 that
10 was going to impact the transit community and TxDOT. And
11 so that allowed us to do one and a half hour listening
12 sessions on each of those five programs.

13 We gathered all the information that we had
14 collected from all the input throughout that month, and
15 PTAC had a meeting on January 23, and that's when we
16 shared with you the feedback that we had received from the
17 transit community.

18 From that PTAC meeting we got general direction
19 that we needed to go out again and kind of narrow down all
20 the comments that we had received, go out with a survey,
21 have that survey, if possible, put on the internet and
22 allow people to comment, allow people to see other
23 people's comments and to comment on other people's
24 comments, and to do another outreach effort. Which we did
25 take that into consideration, we were able to put that

1 survey out on the internet, and along with the survey we
2 also held some webinars on what we called concept
3 papers -- and these concept papers is what came out,
4 basically, of your January PTAC meeting -- that focused
5 those five areas down to a more concise list of activities
6 that we might go forward with during the rulemaking
7 process. The internet was opened up for comments and the
8 internet then closed for comments. It was open for
9 approximately a two-week period there.

10 Today's meeting, which brings us to May 28, is
11 to share with you those comments we received back through
12 the internet and to get further direction from the
13 committee as we'll need to start doing the actual drafting
14 of the Texas Administrative Code changes in the very near
15 future in order to stay on time with doing a rulemaking
16 process.

17 I know in your packet that you got from us
18 today you had a copy of the concept papers that were
19 posted to the internet and you also received a copy of the
20 comments that we received back through the internet. One
21 we actually received through an email because the person
22 had difficulty with the internet submission. So with
23 that, that brings us up to today.

24 MR. GADBOIS: And Bobby, just a quick question,
25 the Formula Grants for the Enhanced Mobility of Seniors

1 and Individuals with Disabilities, 49 USC, 5310, is one of
2 those concept papers. Okay, got it. I just wanted to
3 make sure I knew what the concept papers were.

4 MR. KILLEBREW: Absolutely. And there were
5 five concept papers, and I'll just mention those real
6 quickly then, Glenn. Thank you.

7 There was one for what we call the 5310 program
8 which is the one Glenn just mentioned. There was also a
9 concept paper for the 5311 program. We had a new program
10 which is a bus and bus facilities grant program which is
11 5339. And then we had two smaller, they're not
12 necessarily formula programs, they're just requirements
13 under MAP-21, one deals with asset management and the
14 other deals with transit safety. So out of all the things
15 that MAP-21 changed in the transit world, we saw those as
16 the five major areas to focus on.

17 MS. BLOOMER: Okay. And I think I heard did
18 somebody else join us? Al, are you still there?

19 DR. ABESON: Yes, I am.

20 MS. BLOOMER: Okay.

21 MR. GADBOIS: Can I ask one more clarifying
22 question of Bobby?

23 MS. BLOOMER: One more.

24 MR. GADBOIS: So the comment portion on the
25 concept papers, you have a column on the left-hand that

1 says section. Were people specifically asked to identify
2 the section or the concept paper upon which they were
3 commenting?

4 MR. KILLEBREW: The way we set up the internet,
5 when you were going to go into a concept paper, like 5310,
6 you were able to leave a comment about 5310, so it
7 automatically recorded that as a 5310 comment, and such as
8 the other concept papers.

9 MR. GADBOIS: Got it. Okay, thanks.

10 MS. BLOOMER: Thank you, Bobby.

11 And I think what we're going to try to do today
12 as a committee is we'll just take them program by program,
13 going to try to stay on time so we don't end up at the end
14 trying to rush, and just remind the members that, again,
15 we're looking for broad concepts to provide PTN with the
16 guidance to start drafting the text, not a lot of the
17 details, but the broad big picture guidance that they'll
18 need.

19 So we'll go ahead and start with Section 5310,
20 the Elderly and Persons with Disabilities Program. So I
21 think most of the concepts that were laid out, we did not
22 hear back on. There were a few that we did hear some
23 significant comment on, and that would be -- Bobby, can
24 you help me, the two biggies are, I think it's the
25 statewide competitive versus a local planning process and

1 the local planning process --

2 MR. KILLEBREW: At the lead agency. We did
3 receive back some significant comments from a couple of
4 individuals regarding the concept paper that suggested
5 that projects be first vetted through a local process
6 before submitted to a statewide competition. And the
7 comments varied, some did not like that local process,
8 some liked the local process; other people did not like
9 the statewide competition and some people did like the
10 statewide competition. But those were some of the vast
11 changes from our current way of handing out the funding
12 formula today.

13 Just as a refresher, today's formula for
14 allocating 5310 funds is that 25 percent of the overall
15 pot is equally distributed to all twenty-five TxDOT
16 districts, the remaining 75 percent is distributed based
17 on E&D population. That's today's formula. Also in
18 today's formula we don't necessarily make a difference
19 between the pots of money -- this is all pre MAP-21 -- and
20 so one big pot came to the State of Texas. Under MAP-21,
21 Section 5310 funding program is now divided into three
22 pots of money: a large urban pot, a small urban pot, and
23 a rural pot.

24 And so from the committee, as you're looking at
25 those pots, two of those pots actually flow through TxDOT,

1 the small urban pot and the rural pot, the large urban pot
2 goes directly to the large urbanized areas. As a
3 committee you were looking at how best to distribute that
4 small urban pot and that rural pot, and from the committee
5 that's what came up with the local process to be handled
6 with the lead agencies, not necessarily selecting the
7 projects but having the responsibility or the oversight to
8 see that a process played out in those local regional
9 areas, and then projects would be submitted to some sort
10 of statewide competition. And that's what the concept
11 paper laid out.

12 MS. BLOOMER: And I think, recalling from our
13 last meeting, the discussion regarding the statewide or
14 the local process really revolved around the issue of the
15 amount of funding available. It is a very small pie that
16 if you split it by districts gets split twenty-five ways.

17 We talked about splitting it by regional coordination
18 boundaries which takes it from twenty-five to twenty-four,
19 but you still have the small pie divided by twenty-four
20 ways, and hence, we had leaned towards the statewide
21 process. Which what was the dollar amount, Bobby, \$2.3
22 million?

23 MR. KILLEBREW: The dollar amount under MAP-21
24 that we got for this fiscal year '13, the apportionments
25 just came out very recently, for the rural pot it's a

1 little bit under \$2.7 million, and for the small urban pot
2 it's right at \$3.3 million. And that's after we take off
3 our 10 percent set-aside for state administrative fees.

4 MR. GLEASON: This is Eric Gleason, division
5 director.

6 So we have some experience now with working
7 with the program under MAP-21 and in terms of how we're
8 managing the fiscal year '13 money, and there's a couple
9 of observations that I have form that I think are
10 important for the committee to hear. The main concern I
11 have goes right to this allocation where, generally
12 speaking, Texas as an entire state received just over \$15
13 million, combination of 5310 and what was previously the
14 5317 program. Nine million of that went to the large
15 urbanized areas, 60 percent, so roughly \$6 million of it,
16 split the way Bobby just described, came to the small
17 urban and rural areas. And as Bobby said before, when we
18 managed the program we didn't distinguish within the funds
19 we got those three areas. MAP-21 very clearly
20 distinguishes each of them.

21 What we're finding out when we try to fund what
22 we've always been funding is that the funding or the
23 requirements of the historical distribution of those funds
24 do not match the allocation the way it's coming down now
25 to the state. And most specifically, the programs have

1 historically used a larger sum of funds for the rural
2 areas of the state than in the urbanized areas. So one of
3 the big issues for us with this change from MAP-21 has
4 been service continuity, and what I mean by service
5 continuity isn't necessarily that everything stays the
6 same, but what I mean by it is that there is a deliberate
7 and a strategic approach to changing service when we do
8 change it, so some group is not inadvertently left out.

9 And our biggest issue right now is this
10 disconnect between the historical program way of the funds
11 and the way the money is now coming down to the state, and
12 as we move forward, that's my primary concern right now
13 for the program. We are going to need to find ways within
14 MAP-21 and within the way we work locally with recipients
15 to take maximum advantage of the funds that are out there
16 in other programs so we can leverage these 5310 program
17 funds and make sure that where we have these disconnects,
18 we've got the capacity, perhaps through other programs, to
19 continue to provide service for these funds. That's a
20 huge issue in my mind.

21 And I also want to talk a little bit to another
22 issue and that is that I think three years from now we'll
23 have a pretty good handle on what the program looks like
24 and how we want to move forward with it, and what I would
25 like to try and do now is make a plea for flexibility in

1 this version of the Administrative Code wherever we can,
2 so that as we make adjustments, as we get used to the new
3 allocation, if we are changing the process locally, that
4 every time we figure out something we don't have to run
5 back to the Administrative Code to make a change to do it.

6 And I don't know specifically what that means, but I
7 would encourage the committee to look for flexibility.

8 MS. BLOOMER: Thank you, Eric.

9 Back to your discussion on the historical
10 distribution, if we were to continue the historical
11 distribution, how much funding are we looking at for the
12 rural areas?

13 MR. GLEASON: I don't know if we have an exact
14 number for you, Michelle. I just know it's more than what
15 the rural areas were allocated.

16 MS. BLOOMER: Just trying to figure out if it's
17 a small gap or a large gap.

18 MR. GLEASON: Well, the way I think about it,
19 without knowing the answer to that question, is the large
20 urbanized areas have the largest investment in general
21 purpose public transportation, and so while their
22 populations are that much larger, to a certain extent
23 they've got the infrastructure. They've got more
24 infrastructure per capita for these programs than any
25 other area of the state, but that's the way the allocation

1 comes down. There's a certain logic that you might
2 actually flip it, recognizing that you don't have the
3 investment in the rural areas and the nature of the trip
4 being made, and all of that. And so we need to kind of
5 find our way through that.

6 One of the things we've talked about is you do
7 have the ability within the program to set rules about
8 trips and whether or not you count originating or
9 destination ends, or whether you use language that allows
10 if one end of the trip is within an urbanized area, it may
11 be paid for from the urbanized program. But that's going
12 to take a lot of collaboration between the large
13 urbanized, small urban and rural areas. We have some
14 ability as a state to move between small urban and rural,
15 assuming we can say that the needs have been satisfied in
16 one before we move to another, but with the exception of
17 that trip end that I just mentioned, that rule, it's
18 pretty much a firewall between the large urbanized areas
19 and the rest of the state.

20 MR. GADBOIS: What is a firewall?

21 MR. GLEASON: The ability to move money between
22 a large urbanized area -- from a large urbanized area to a
23 small urban or rural.

24 MR. GADBOIS: They have the flexibility to do
25 that, a metro area does.

1 MR. GLEASON: We have the flexibility within
2 the state program to move between urban and rural, and
3 rural and urban.

4 MR. GADBOIS: And a metro could invest in a
5 program outside of their metro area if they saw it in
6 their interest to do so, couldn't they?

7 MR. KILLEBREW: I can't speak on behalf of FTA.
8 I'm sure they're working out these boundary issues right
9 now and where does the project benefit. That's the
10 struggle I think most people are having now: you put
11 these boundaries on the map, but my project is really not
12 that black and white. So FTA has not come out with any
13 guidance regarding that. The guidance that we're
14 referring to is that when FTA has had shifts with
15 boundaries, they've always looked at one end of the trip:
16 is the origin or the destination in the large urbanized
17 area. If it is, then you can use large urbanized money to
18 possibly pay for that entire trip. This is a very unique
19 transportation that's kind of targeted to specialized
20 groups, so those boundaries are not that clear.

21 We know that MAP-21 doesn't allow the
22 flexibility to transfer the large urban apportionment down
23 to the small urban or the rural pot.

24 MR. GADBOIS: For you to transfer it.

25 MR. KILLEBREW: Or for the state as a whole,

1 the governor to declare that and so forth.

2 MR. GLEASON: We couldn't come together and
3 decide as a state to do that.

4 MR. GADBOIS: Right. But locally -- and this
5 is where I'm trying to get at it -- locally a metro,
6 working with any small urban and rural in their area,
7 could through a collaborative process agree to invest some
8 of that metro money outside of the metro area.

9 MR. GLEASON: Well, I think what Bobby is
10 saying is if one end of the trip is within the urbanized
11 area, that has a better -- that's almost a for sure thing.
12 What's not clear is if the total investment was outside
13 that urbanized area, since there has to be an accounting
14 for the funds at the end, so I don't know how they'd
15 handle that.

16 MS. BLOOMER: Do we have any thoughts from the
17 committee on the concept that was thrown out there and/or
18 the comments received, and then the direction that we
19 would like to proceed forward? So currently, we haven't
20 had any comments on operating as an eligible expense or
21 the state goals, it was mainly on item 3 which is there
22 will be a competitive statewide call for projects in the
23 number 4, the local selection process.

24 MR. UNDERWOOD: One thing that kind of strikes
25 me about what Eric said about that service continuity and

1 how do we maintain that, and I guess I get back to my
2 original argument about leveraging existing resources,
3 from the standpoint of as a 5311 provider if there is a
4 gap in service from what we've historically done with the
5 5310 agency, then I'm going to make up that with either my
6 5307 or 5311 program. I mean, we're not about cutting
7 service, we're about expanding service. And so more than
8 anything, I think we have to be very selective about how
9 we do this process and make sure that we're getting the
10 money in the hands of the people that can provide the most
11 amount of service. And so I get back to we've got to
12 leverage existing resources in this discussion.

13 MR. SALAZAR: The only comment I had is
14 basically the same comment I had in the last meeting, is
15 that coming from the rural area I didn't see where the
16 5310 program was not working, as opposed to some of the
17 other areas, Dallas-Fort Worth maybe.

18 (General laughter.)

19 MR. SALAZAR: And so I made that comment last
20 time where I liked the local process and the way that
21 we've done it historically, and I understand that the
22 money isn't there but I do believe that in some areas,
23 particularly in our area of the State of Texas, things are
24 working the way they're handled as far as the local
25 process, not going to a statewide project.

1 MR. UNDERWOOD: The problem I have about the
2 local process is we do a monthly regional coordination
3 meeting where we gather all of the HHSC service providers
4 and everybody around the table and we talk about what
5 needs you have and how can we better address those needs.

6 And sometimes it's a minor tweak and adjustment,
7 sometimes it's a major project concept that we all look at
8 and go: Wow, that would be great in an ideal world; if
9 money ever falls out of the sky, let's do that.

10 But we're doing that on a consistent ongoing
11 basis, and when we do this at a 5310 level, when we come
12 together like that, it's almost like we're rehashing
13 things we've already done we're going to do later that
14 month. We have a 5310 meeting in June, we're going to
15 have an RTC meeting later and we're going to say the same
16 things again. And so I guess for me -- and I don't know
17 that it necessarily has to be statewide, but I don't see
18 why we couldn't make it a statewide formula base, just
19 like what we do with the 5311. I mean, we're already
20 coordinating regionally in our RTC meetings, why can't we
21 just push this money out with the 5311 program via
22 formula, and that way we now at least have some money to
23 bring to the table and go: Yes, we've got the 5310 money,
24 that's a great thing we've been talking about doing, let's
25 make that happen. I think it's almost redundant what

1 we're doing with it from a local process.

2 MS. BLOOMER: What we're suggesting to do with
3 it, or what we're currently doing with it?

4 MR. UNDERWOOD: What we're currently doing with
5 it. Do you see what I'm saying?

6 MR. SALAZAR: Is that possible through a
7 formula?

8 MR. KILLEBREW: Caught me on the spot there,
9 J.R. I'm having to think because MAP-21 changed our world
10 so much, I don't want to mis-speak. I know there's some
11 requirements -- I'm looking at my resources in the
12 audience -- the competition requirement is the part that I
13 think is probably going to get a little bit in the way.

14 MR. GADBOIS: And while you're thinking about
15 it, let me just jump back to I thought our discussion last
16 time was if we allocate it out by formula or anything like
17 that, what we're doing is dividing an increasingly smaller
18 pie, in which case most people's response was that really
19 isn't enough money to do much. Right? And so I'm not
20 separating or even meaning to comment on the proposal, I'm
21 just thinking back to our discussion before and what's
22 changed that get us rethinking that.

23 MS. BLOOMER: Brad, is that to your thought
24 similar to the 5339 is that we shouldn't assume that 5339
25 is the only source of capital vehicle replacement money?

1 MR. UNDERWOOD: Exactly.

2 MS. BLOOMER: And in the same sense, providers
3 shouldn't assume that 5310 is their only source of
4 funding, that we should be leveraging our other resources,
5 so while it is a very small amount, it's a very small
6 amount you can rely on on a consistent basis to leverage
7 your other resources.

8 MR. GADBOIS: If you formula it out.

9 MR. UNDERWOOD: I'm just trying to get to where
10 we can start planning. You know, if I know I'm getting
11 this much in 5339 and this much in 5310, it's not
12 difficult for me to go: Yes, that's a good project that
13 we can plan on doing, and maybe we'll do it this year,
14 maybe we won't do it next year. I don't know. I think
15 that really ends up sending more of a bad from transit in
16 our local communities to say: You know what, we've got
17 enough money to fund this this year, next year we'll see
18 how it all shakes out; if I don't need a bus, then you'll
19 get your project. You know what I'm saying? So this
20 would enable us to go back to more of a planning phase,
21 being able to say we can start moving the little bit of
22 5339, a little bit of 5310, kind of combining those
23 together.

24 MR. GADBOIS: And I tend to think about these
25 things in terms of outcomes that we're trying to achieve,

1 and I like the idea of setting up an outcome that we're
2 trying to achieve, if we're going to change the rules, we
3 set up this process as leveraging resources. I also like
4 the idea of funding reliability, not necessarily certainty
5 but some predictability. And then to the extent I
6 understand what Eric said about it, service continuity,
7 those are outcomes that we can set and write the rules to
8 try to get us as far as we can along those lines. Right?

9 MS. BLOOMER: Well, and I think we have some
10 of those issues under the state goals, and we just add
11 service continuity to that. But Brad, just to clarify,
12 when you're saying statewide formula basis, are you
13 talking by provider or by local geographic area?

14 MR. UNDERWOOD: I think by local geographic
15 area, I guess.

16 MS. BLOOMER: Okay. Which is what we currently
17 do.

18 MR. UNDERWOOD: Which is what we currently do.
19 It's just taking out that step in the process of going
20 let's have just one more meeting and let's have everybody
21 gather around the table again, because we've just done
22 that the month before and we're going to be doing it two
23 weeks from now. When this process was written, we didn't
24 have the RTC, we weren't doing regional coordination
25 meetings on a monthly or quarterly basis, or however often

1 that people choose to have those. But now that we are
2 doing that and we're identifying the needs -- because I
3 agree, I mean, once a year to try to come up with let's
4 figure out all the needs for the region once a year, as
5 opposed to let's do it on a monthly basis as they arise, I
6 think it gives us a better idea. So to me, let's push this
7 money out.

8 MR. GADBOIS: What prevents RTC from talking
9 about and making decisions on 5310?

10 MR. UNDERWOOD: I think they're around the
11 table to talk about it, absolutely.

12 MR. GADBOIS: But there's nothing that prevents
13 that, it's just that there's been a separate timing on a
14 separate call?

15 MR. UNDERWOOD: Right. And I think non-transit
16 people don't see it as 5310 or 5311, or let's do a New
17 Freedom project or whatever, they just see they have a
18 need, and I think that's what we're about as transit
19 providers is providing solutions for those needs, and I
20 think this enables us to do that.

21 MR. GADBOIS: Are previous rules requiring it
22 to be a separate process?

23 MR. GLEASON: It was a separately described
24 process in the TAC, yes, and so it was a district-based
25 process that when the coordination planning process came

1 on, we linked the two by simply saying that what was done
2 in 5310 had to be referenced in the coordination plan, but
3 we didn't at the time bring the two together.

4 MS. BLOOMER: And I think where the committee
5 was going last time was to strengthen that connection
6 between the formula process of allocating the funding, and
7 like Brad said, to the regional coordination planning or
8 the local coordination effort.

9 MR. UNDERWOOD: And we do that already. Like
10 in our -- is it A or B? -- part B, the longer one -- which
11 is the longer? There's art A and part B. Part B is the
12 long one?

13 MS. BLOOMER: Part A gets funded, part B is --

14 MR. UNDERWOOD: -- all the supplemental things
15 behind it. I mean, we have to reference that, we describe
16 how we're coordinating, where the project is down in our
17 plan. We do that in 5310 already in our applications.

18 MR. SALAZAR: Are there lead agencies in each
19 area?

20 MS. BLOOMER: I'm just trying to give Rob a
21 chance to talk. Sorry, J.R., finish your thought.

22 MR. SALAZAR: I just had a question. I didn't
23 know if there were lead agencies in each area, regional
24 coordination.

25 MR. KILLEBREW: Yes, we have an assigned lead

1 agency in each area of the state -- not that those don't
2 change from time to time, but we do have an assigned
3 agency. And if I may, back to your earlier question, I
4 had to go back and look at the law because there was some
5 area competition and statewide competition and stuff
6 that's in MAP-21 and it is a "may" in MAP-21, it's not a
7 "must" so it is flexible there. The only requirement is
8 that whoever is administering the program, whether it's a
9 large urbanized area, or in our case, the State DOT, you
10 have to assure to the federal government that you're
11 distributing the funds in a fair and equitable manner. It
12 does not define any further what's fair and equitable, the
13 burden is on the person getting the money to prove that.

14 MS. BLOOMER: And there is a requirement, too,
15 that the projects that are selected are considered derived
16 from the coordination plan, or consistent.

17 MR. KILLEBREW: The language in MAP-21 changed
18 in regards to the projects being in the coordinated plan.
19 FTA has interpreted the language, so far, to mean the
20 same as it did under SAFETEA-LU. The language in MAP-21,
21 I believe, says must be included, and FTA has interpreted
22 that so far to mean must be derived from.

23 MS. BLOOMER: So there's that connection to the
24 regional coordination plan. I guess the question is did
25 we still want to strengthen that in some way without

1 necessarily moving all the way to the regional
2 coordination agencies selecting projects, which I think
3 we've backed off.

4 But Rob, do you have any thoughts or comments
5 that you'd like to add?

6 MR. STEPHENS: Sure. I worry about creating
7 unsustainable systems, I've always worried about that. And
8 now what I worry about, as I talk to a few agency folks in
9 the Area Agency on Aging -- I've worked in a couple
10 different areas in the state -- they are currently feeling
11 the effects of -- I don't know how to say this --
12 sequestration, whatever that is, so they're dealing with
13 that at the local level. So now you have where you have
14 agencies that are working very closely with these
15 entities, they're supposed to be providing support
16 services, some of those are transportation, now you have
17 the rural areas being challenged with this extra thing
18 with having to now do what you've been doing but do it
19 with less money now. And now you even have on top of
20 that, layered on top you have this process with 5310.

21 So I'm worried about us creating processes or
22 encouraging unsustainable systems. And I'd like to go
23 back to what my colleagues are saying here about
24 leveraging existing resources and projects that are
25 sustainable over time, and the best sustainable projects

1 over time are those successful 5311 projects that have
2 used the 5310 funds as a way to support services in their
3 area.

4 I remember a time -- I've probably been around
5 too long, but I remember a time when the 5310 application
6 simply asked a few questions of the person that was
7 applying for the funds. It just said simply: Have you
8 talked to your providers in your area? Can they provide
9 this service that you're looking for? And if they can,
10 then will you please work with them and let them do that
11 for you, and if they honestly can't, then we need to do
12 something different. So it was that simple and it didn't
13 have to be a big RTC meeting or something. Those were
14 long time ago things. That made the most sense to me; it
15 may not make the most sense for everybody in every area.

16 But I can tell you guys, there are things going
17 on out here that are indirectly going to impact us as
18 agencies to provide services as we know them. I mean, you
19 have what we're dealing with now but these other things
20 I'm hearing about will compound that. So I'm hoping that
21 we do things that stick with the goal of leveraging
22 existing resources, looking at projects that are
23 sustainable over time. I hope that we're sensitive to
24 that moving forward, whatever we do.

25 MR. UNDERWOOD: Michelle, would it be improper,

1 because I know we have transit people out in the audience,
2 to let them voice any discussion on this topic?

3 MS. BLOOMER: We can. Do we want to see if Al
4 has any comments before opening it up to the general.

5 DR. ABESON: I do. I can't effectively relate
6 to some of the comments that you all have been making
7 since I don't operate a program, but as I look over the
8 concept paper, the concern I have is that as Eric talks
9 about continuity and other stalk about sustainable and
10 leveraging, I don't see the opportunity or the suggestion
11 for innovation and development. I think that some can
12 assume that continuity means the same and the closest that
13 I see on the point 2 is projects that demonstrate
14 efficient use of vehicles, which in my mind is, in and of
15 itself, grim for tomorrow.

16 So my basic point is I would to see the
17 ultimate materials that are written allude in some way to
18 the opportunity for innovation, and I think it's a word
19 that needs to be present so that there is not the
20 interpretation that this is less money, perhaps
21 administered slightly differently, but delivering the same
22 kind of service.

23 Thanks for that.

24 MS. BLOOMER: Thank you, Al. And I believe
25 last time both you, Al, and Glenn, when we were talking

1 about the 5311 program and JARC, I think we want to keep
2 those aspects of New Freedom and the JARC, about the
3 innovation and the experimentation as part of the 5310 and
4 5311 program. So I don't know if we can add a state goal
5 that addresses that to some extent.

6 DR. ABESON: I believe that it doesn't have to
7 be a specifically stated goal, I think it could be done in
8 some other ways. For example, projects that demonstrate
9 efficient use of vehicles, why only vehicles, it could be
10 vehicles, personnel, other kinds of resources. It doesn't
11 have to be that explicit, although I like that, but I
12 think it can be read through some carefully crafted
13 language.

14 MS. BLOOMER: Okay. So if we can broaden that
15 to projects that demonstrate efficient use of resources,
16 and then we just sort of provide a little detail, such as
17 capital, financial, human.

18 DR. ABESON: Yes, that would certainly work in
19 the right direction.

20 MR. GADBOIS: I also see Brad's leveraging
21 resources as kind of the driver to the innovation that I'm
22 talking about.

23 DR. ABESON: That would certainly be true as
24 well. How you define leveraging resources could do that
25 in any number of ways, it could be quite clearly

1 innovative.

2 MS. BLOOMER: Okay. So I think what we'll do
3 is go ahead and open up. We do have two individuals from
4 the public that would like to comment on the 5310 program,
5 so I think we'll go ahead and open it up to them, and then
6 maybe based on the comments, come back and decide on a
7 consensus that we can provide PTN to move forward.

8 So the first comment speaker I have is John
9 McBeth from the Brazos Transit District. John.

10 MR. UNDERWOOD: Do we have to start with him.
11 (General laughter.)

12 MR. McBETH: Brad stole most of what I want to
13 say.

14 My name is John McBeth and I'm the president
15 and CEO of the Brazos Transit District. We serve sixteen
16 counties in rural Central Texas and all the way over to
17 the Lufkin-Nacogdoches area.

18 We provided comments so I will not reiterate
19 those comments. They revolved around the geographical
20 boundaries, the local selection of projects, the
21 competitive statewide call for projects, and some general
22 comments.

23 In listening to your discussions, first of all,
24 I was on the PTAC for several years, and I congratulate
25 you for your service. I know this is sometimes just far

1 from being drudgery, but it's important drudgery.

2 In looking at the comments and in speaking with
3 people throughout the state, the first thing that occurs
4 to me is what Mr. Salazar commented on, and that is in the
5 rural transit districts and the small urban transit
6 districts, the UTDs and RTDs, our process is not broken,
7 it's working, it's worked for years and I would love to
8 see it continue to work. And that process, basically, the
9 money is distributed by TxDOT district, it comes to the
10 public transportation coordinators at the district, they
11 do a call for projects and generally come to the rural
12 transit district and ask us what our projects are, but
13 then there are other projects that are out there.

14 I've procured vehicles for probably twenty-six
15 different non-profits in my sixteen county area over the
16 years and have replaced very many of them. What I would
17 like to see is what both J.R. and Brad have commented on
18 which is the formulization of the 5310 money, distributed
19 via a formula to the RTDs, keep it within the TxDOT
20 boundaries. I serve four TxDOT boundaries and three COGs,
21 so I've got all the boundaries in the world.

22 What I do understand about TxDOT is their
23 boundaries work. A perfect example is Walker County which
24 is in my Bryan TxDOT District. Under this proposal, if
25 the lead agency was within council of governments in

1 Houston, that's Houston Area Council, and Walker County is
2 extremely rural. Their demography is totally different,
3 even though they're actually probably closer to Houston
4 than they are to the Bryan District, but they've just got
5 a different demography.

6 So I'd like to see it formulized, I would like
7 to see it kept within the geographical boundaries of the
8 districts, and that plays into something that Eric just
9 commented on, Eric and Bobby, about trip flexibility, that
10 if we can show -- if I understood this right -- if we can
11 show that even though the trip originates in a rural area,
12 the destination is in a large urban area, then that money
13 could be utilized from the large urban area to help pay
14 for that trip, if I understood what you were saying.

15 MR. GLEASON: Assuming they would.

16 MR. McBETH: Assuming you could transfer that
17 money. And the interesting thing about the 5311
18 program is one thing we do not have a lack of is
19 reporting. We report on pretty much everything and we all
20 have super geo-coded dispatching systems that will tell us
21 where the trip originated and where the trip ended by
22 geographical code. So we would be able to provide that
23 information, let's say if we decided to go with a
24 formulated process, and try to move some of the large
25 urban money over the next two years, we could provide that

1 data to TxDOT so they would have a good idea of how much
2 more they might be able to transfer out of the big urban
3 areas into the rural and the small urban transit
4 districts.

5 I think this is by and large a rural issue more
6 than it is a small urban issue, because the small urban
7 transit districts have pretty much always administered
8 their own plans, and I think they would be chagrined if
9 they were aware of this that we were even discussing it.
10 The reason myself and Ms. Warlick are aware of it is not
11 just because we're rural but we also have small urban
12 transit districts in our area.

13 So by and large, those are my comments. I
14 don't want to see it stay the same, I would love to see
15 the lead agency become the rural transit district or the
16 urban transit district. Like J.R. said, we've been doing
17 this for years, we know what the needs are out there, we
18 also go to all the regional planning commission meetings.

19 In my area that's three a month. I've got one person
20 that she spends a tremendous amount of her time just going
21 to those meetings so we have input in them, but we also
22 get the input from those council as to what needs to be
23 done.

24 So that's my comment on 5310 and I appreciate
25 the opportunity to comment.

1 MS. BLOOMER: Thank you.

2 MR. UNDERWOOD: Can we ask questions?

3 MS. BLOOMER: Can we ask questions?

4 MR. GLEASON: Sure.

5 MR. UNDERWOOD: John, if we were to make this
6 more of a formulated process, how would you respond to
7 someone who might question and say how are we going to
8 make sure that all the smaller non-profits still receive
9 the same service that they've been receiving through
10 programs and things?

11 MR. McBETH: I think you would need to put into
12 place through the TAC, or through just regulations after
13 the TAC is published that gives TxDOT the right to publish
14 those regulations, that the funds have to be spent as they
15 were intended to be spent which is on small non-profit --
16 some people call them mom-and-pop, I don't because there's
17 nothing mom-and-pop about a non-profit organization, I've
18 been in charge of one -- you have to have rules in place
19 that says the money is going to be spent there.

20 As a board member of the Community
21 Transportation Association of America, I was one of the
22 few on that board that was very much against the proposal
23 that they were pushing forward of allowing 45 percent of
24 the money to be spent on operating costs. I think that's
25 a big mistake. I've worked with this program since it was

1 the 16(b)(2) program; it's not an operating program, it's
2 a capital assistance program. And there are all sorts of
3 other capital funds that a RTD or a UTD has access to,
4 they could use their 5311 or 4307 money, they could use
5 the 39 money, there's just all sorts of other monies they
6 can use.

7 If you only have \$24,000 of 5310 money, there
8 are other monies that a transit district has that they can
9 use to complement that to buy an entire vehicle, or even
10 provide the service instead of buying a vehicle because
11 vehicles are so extravagantly expensive these days. You
12 can't buy something that's fully ADA complementary and all
13 of that kind of stuff for, generally, less than about
14 \$68,000.

15 So we have less money and my thoughts, as you
16 were talking about the flexibility is let's figure out how
17 we can utilize the RTD and UTD data to justify taking some
18 of the money from the large urban areas and plowing it
19 into the rural areas, although the caveat is the large
20 urban areas have large populations and they need the
21 money, they need the money just as badly as everybody else
22 does. So I think we also have to look at that because I
23 know there are tremendous competing needs.

24 I sit on the coordinating council there at
25 Houston-Galveston Area Council and I see the number of

1 applications come in and it's a lot of people that want a
2 lot of vehicles. Are they all justified? No. But you
3 can certainly pick sixteen of them out of there that would
4 use up all the money, and they're all good projects.

5 MR. GLEASON: John, just a clarification. From
6 the program standpoint, to utilize the large urbanized
7 area, we at TxDOT don't have the ability to transfer it.

8 MR. McBETH: Right.

9 MR. GLEASON: I just want to make sure everyone
10 understands this. What it would take to make that happen
11 would actually be a collaboration between an area and a
12 large urbanized area where, in fact, that large urbanized
13 area might have interlocal with it to get the funding, but
14 we're not going to transfer money back and forth across to
15 deal with it. I just want to make sure everyone heard
16 that. It can work out at a different level, it just can't
17 be a formal transfer of funding.

18 MR. McBETH: Exactly.

19 MR. GLEASON: And the other thing that I'm
20 interested in, and I guess I need to hear conversation
21 about lead agency versus RTD versus UTD, because I think
22 we're using them almost interchangeably in this
23 conversation, and I'm not sure if that's the intent or
24 not.

25 MS. BLOOMER: I don't think so. They're

1 different entities, and I think that's where some of this
2 issue is coming in, that the rural transit district or the
3 urban transit district generally participate in the
4 regional coordination planning but aren't necessarily the
5 lead agency.

6 MR. GLEASON: I just want to make sure we're
7 clear about what we're agreeing to and what we're talking
8 about.

9 MR. McBETH: That's correct.

10 MR. GLEASON: Because I know that's a critical
11 issue in all of this.

12 MR. GADBOIS: And so, John, you've been doing
13 this a long time, you're probably the best person in this
14 room I could ask this question of. We have more and more
15 need, in the urban area there's more demand for transit
16 than there ever has been before, and in the small urban,
17 in the rural it's more costly with gasoline prices,
18 there's more need for money and there's less money fairly
19 consistently. And I've been with you for several years
20 asking for more money, and just asking for more money
21 doesn't seem like a solution that's going to work in our
22 lifetime.

23 I mean, what I've been hoping for is that we
24 can find a way to start using little bits of money to
25 encourage people to be more aggressive about piecing

1 together new revenue sources and just being more
2 entrepreneurial in their business. Because I know that as
3 we stabilize funding streams, something we all appreciate,
4 that kind of works against really being aggressively
5 entrepreneurial. You're aggressively entrepreneurial when
6 you're really hungry.

7 And so help me understand if in this
8 conversation on 5310, or any of the others, where you see
9 an arrangement that helps us keep people
10 entrepreneurial -- I don't want to keep them hungry, keep
11 them entrepreneurial.

12 MR. MCBETH: Well, I think Brad Underwood hit
13 it on the head: it's the leveraging of the fund that
14 everybody has. The rural programs in Texas historically
15 were put together with just a myriad of funds. We had
16 contracts with ever social service agency, Medicaid always
17 being the biggest one, but we also had funding agencies,
18 AAA, MHMR, TRC, and so we have a lot of experience with a
19 bunch of revenue streams trying to utilize all of those so
20 that we can get the biggest bang for the buck, carry the
21 most people, try to meet as much of the demand as we can.

22 I don't think we're ever going to have a time that we're
23 going to be able to meet all the demand that we have.

24 I have a list right now or probably eleven -- I
25 think it was eleven last count -- private non-profits that

1 want a 5310 vehicle, and that is just for my Bryan
2 District, and I've got two other districts I've got to
3 satisfy. So we're never going to have all the money we
4 want, but generally the transit districts are aware of
5 what the needs are because we hear about them every day
6 through our dispatch offices, loud and clear, what the
7 needs are, and then also through our boards who are all
8 elected officials, at least in my case.

9 And you and I have worked together for years to
10 try to take all this stuff and try to put together a
11 consistent program. I think in the rural areas it's
12 worked very, very well. It may not have worked as well as
13 it should, but it's worked very well. I think where we
14 have the failing is when we get into the large urban
15 areas. There's just too many competing demands, and then
16 we have the issue -- and I will say it because no one else
17 will -- the metropolitan transit authorities don't want to
18 deal with this program, they just don't. It's too small,
19 it's a small amount of money, and they think in tens of
20 millions, not hundreds of thousands, that's kind of small
21 amounts of money. So that's where you have your
22 disconnect, whereas, in the rural and small urban, we see
23 any money, we're going to go after it for our people. The
24 large areas, you just don't have that central entity that
25 is dedicated to getting that money.

1 I don't think changing the distribution from
2 TxDOT to the planning lead agencies is going to do
3 anything but confuse that process. I've worked with TxDOT
4 a long, long, long time, there are a lot of people there
5 that would probably have a stroke if they heard me say it,
6 but I really do trust TxDOT's judgment because they've
7 got, in this building alone, a ton of planners.

8 MR. GLEASON: I'm writing that down.

9 MR. McBETH: It's being recorded, I'm sure.

10 (General talking and laughter.)

11 MR. McBETH: But I think the issue is
12 leveraging, Glenn, and it's flexibility, it's leveraging
13 and flexibility, and I think transit districts do a very
14 good job of that because that's what we've always done,
15 we've just always done it.

16 I don't look for there to be any more money. I
17 work a lot at the D.C. level and I work a lot at the state
18 level, and I'm telling you, I don't see any more money
19 coming in anybody's direction anywhere soon. And quite
20 frankly, I think the transit people, we're pretty lucky.
21 Like what Rob was saying, people we're dealing with on a
22 daily basis from area agencies on aging and Texas rehab
23 and MHMR, those people, draconian cuts in funding, it's
24 just incredible. And they really want us to make up for
25 it, handing us an application for \$280,000 worth of vans,

1 when we don't have \$280,000 in the whole program.

2 So everybody has greater needs, and what we
3 need to do is work with what we have, use it as best we
4 can. At Brazos Transit we try to spend the dollar at
5 least three times.

6 MR. GADBOIS: How does that go for you?

7 MR. McBETH: Sometimes it works and sometimes
8 it doesn't.

9 MR. GLEASON: No comment.

10 MR. McBETH: It results in a lot of late nights
11 for Eric and Bobby.

12 (General laughter.)

13 MS. BLOOMER: Thank you.

14 MR. McBETH: Thank you so much.

15 MS. BLOOMER: We do have one more public
16 comment, Carole Warlick from Hill Country Transit
17 District.

18 MS. WARLICK: Thank you. Carole Warlick,
19 general manager, Hill Country Transit District, and I
20 appreciate the opportunity to comment today. I don't know
21 what's left to be said, John.

22 Anyway, we operate a metro, a small urban and a
23 rural system in Central Texas. Killeen went over 200,000
24 this year so we're now a metro, and we are maybe the only
25 metro in the state that certainly knows what to do with

1 5310 funds and welcomes 5310 funds.

2 Mainly, I want to speak in support of what Brad
3 has said, and J.R. and Rob, and John before me. I think
4 there is no one more able to coordinate and utilize 5310
5 funds than the transit agencies. We've been doing this
6 for thirty-plus years, we have a strong established
7 relationship with our HHSC folks in our regions, and with
8 the advent of regional coordination, I think it did bring
9 something into play that we did not have prior to that,
10 and that is a structured coming together of all of these
11 entities and talking about needs and talking about gaps in
12 service. And to change the way we're doing this and send
13 the process to the lead agencies I think is going to
14 confuse the situation, I think it's going to fragment
15 things rather than coordinate things, and I think it's
16 going to be duplicative of what we're already doing --
17 which is meeting monthly and talking about all the
18 different needs in the areas and so forth.

19 A couple of words I heard were entrepreneurial
20 and innovative. I think the 5311s, the rural and the
21 small urban are masters at this because we have had to be
22 to survive over the years. This is what we do. We
23 constantly figure out how best to utilize funds to meet
24 all the needs in our region. I think we have a very
25 entrepreneurial outlook in what we do on a day-to-day

1 basis. We often have to put in place innovative processes
2 to deliver the services with the amount of funds that we
3 have.

4 So I think, again, the regional coordination
5 meetings are great opportunities to talk about innovative
6 ways of doing things, and many systems have put into place
7 a lot of things with the advent of regional coordination
8 that were not done before.

9 I think it's working very well to be with the
10 boundaries of the TxDOT districts. I, too, have about
11 four TxDOT districts and three COGs in my service area,
12 Central Texas COG, Capital Area and Concho Valley. And we
13 all manage to coordinate and talk and work very well. The
14 process is not broken right now. It may not be perfect,
15 but it certainly works very well. It is the best way to
16 leverage funds because we already have so much invested in
17 our infrastructure and in our services, so we're going to
18 protect that and we're going to protect our clients and
19 we're going to protect those social service agencies that
20 we've built relationships with for thirty-plus years.

21 So there's not a whole lot I can add. I don't
22 want to say the same thing that everybody else has already
23 said, but I am definitely in support of keeping it with
24 the TxDOT districts and continuing the process as it is.

25 MS. BLOOMER: Okay. Thank you, Carole.

1 Questions?

2 MR. GADBOIS: As a clarification, Carole -- and
3 good to see you again.

4 MS. WARLICK: Thank you. You too.

5 MR. GADBOIS: So on this lead agency thing, I
6 saw several comments and then PTN issued a clarification
7 on what they had intended by that, and have you seen the
8 clarification?

9 MS. WARLICK: I'm not sure that I have.

10 MR. GADBOIS: Let me just read it: These
11 concept papers discuss the suggestion that lead agencies
12 play a more active role in overseeing a process for the
13 selection of projects. This should not be interpreted
14 that a lead agency selects projects, but rather the
15 agencies will engage with their regional coordination
16 bodies to select 5310 projects that will best address the
17 needs of seniors and individuals with disabilities in the
18 regional planning areas.

19 MS. WARLICK: And that occurs right now.

20 MR. GADBOIS: Pardon?

21 MS. WARLICK: And that occurs right now.

22 MR. GADBOIS: And that occurs right now. But
23 does that clarification take care of your concern that
24 lead agencies not be -- because the way I read that is
25 TxDOT in these concept papers are suggesting that TxDOT

1 will decide, but that they want some participation by the
2 regional planning effort to make sure that they understand
3 what the regions and local priorities are.

4 MS. WARLICK: I think participation by the lead
5 agencies is certainly a valid point

6 MR. GADBOIS: And by the whole regional
7 planning group, not just the lead agency.

8 MS. WARLICK: Exactly. And that's what I'm
9 saying, all of that is occurring now, I think, with all of
10 our frequent regional coordination meetings.

11 MR. GADBOIS: And then I'm just going to ask
12 you the same thing I say to J.R. and Brad all the time.
13 My suspicion is we hear a lot from the best and brightest,
14 how well it's working. I'm some concerned, because I keep
15 hearing other stories, that it's not working where the
16 best and brightest aren't around. So when you say we, you
17 mean for your region. Right? You don't mean for the
18 entire state?

19 MS. WARLICK: For my region and for some of my
20 colleagues that I talk to. I can't speak for other parts
21 of the state, maybe those folks need some specific
22 guidance or help in their areas, I don't know. But it
23 certainly works well in our region, and I think those who
24 bound me it works well.

25 MS. BLOOMER: Any other questions for Carole?

1 DR. ABESON: I'd like to follow up on that, and
2 I had exactly the same question that Glenn raised. Is
3 there a perspective on how many regional planning or
4 regional coordination activities are meeting, let's say,
5 the test of SAFETEA-LU before we even get into this? I
6 mean, is there a sense of that statewide what the impact
7 of calling for more attention or at least as much
8 attention to coordination as in the past, whereas, Carole
9 and John described where it's working well? What's the
10 perspective, perhaps from TxDOT, about across the state?

11 MR. GLEASON: Al, this is Eric. We have a
12 range of experience across the state, as we always will.
13 We do have some areas that really are the best practice
14 areas where it just seemed to really click. We have other
15 areas that are still struggling. And so with a state as
16 large as this, there's a real diversity of experience and
17 I think capacity, if you will, to handle a process as
18 important as this one. And so we've heard from some folks
19 today who are from areas where it seems to be working
20 relatively well.

21 But you know, the 5310 process, up until now,
22 has been with a district-based group of stakeholders which
23 are different than the planning committees we're talking
24 about. There might be some overlap but in some cases
25 those are two different groups. I'm still trying to

1 figure out in my own mind how this comes together into
2 one.

3 DR. ABESON: And what that suggests to me is
4 that while bowing before the altar of flexibility, I also
5 would think that if possible the concept here being what
6 comes after should be encouraging those who are lagging
7 behind to move forward, if at all possible, but not to
8 penalize those who have already gotten there. That's a
9 tall order, I recognize, but I do think that that should
10 be one of the purposes of this endeavor.

11 MS. BLOOMER: Thank you, Al.

12 MR. UNDERWOOD: Just to follow up on that, I
13 mean, I would agree but I think it's very difficult to
14 write rules or legislate or anything else to the poorest
15 performers, because when you do that you end up
16 suffocating those that are doing it the right way or at
17 the top of the game.

18 DR. ABESON: [Inaudible].

19 MR. UNDERWOOD: That's exactly right.

20 DR. ABESON: But somehow there needs to be
21 motivation and some penalty, something to move those that
22 aren't doing it well to do it well.

23 MR. GADBOIS: And so, Al, along those lines and
24 a topic that Brad and I have talked about before, I'm
25 going to see if it applies here. I would feel more

1 comfortable with the formula trying to achieve -- if it
2 were regional rather than a district body, I guess, but
3 I'd be more comfortable with a formula if there was
4 sufficient oversight to make sure that money doesn't sit
5 and linger if it's not getting spent out there efficiently
6 and have that money redistributed, have a game plan for
7 redistributing that money fairly quickly or putting it
8 back into the pie. Because where we're having success I
9 don't want to hold -- if people are getting it and doing
10 the right things, I don't want to hold that up, but I'm
11 tired of money sitting around in places where it's just
12 not getting spent for several years.

13 DR. ABESON: Or spent the right way.

14 MR. GADBOIS: Well, spent the right way is
15 difficult and that's a harder thing. But certainly money
16 not spent is an easier thing to identify and try to pull
17 back and get into play. Right?

18 MR. McBETH: Glenn, can I speak to that? This
19 is John McBeth. There is a solution to your problem, and
20 you bring up a very good subject.

21 When we wrote the Urban Transit District Act
22 and the formula that went with it, we put into place in
23 that formula a stipulation because we had several urban
24 transit districts -- this was a long time ago, but we had
25 several that did not spend their state match funds each

1 year, they just let them sit there until they just got
2 swept by the legislature back into the general fund.

3 In order to stop that from happening, we wrote
4 into that that if you did not use your money or all of
5 your money and you left a percentage, let's say 25 percent
6 of your money you left on the table, at the end of the
7 first year that money reverted back to TxDOT and they
8 reduced your formula allocation by that amount of money
9 forever into the future as long as the wind blows. All of
10 a sudden, nobody left their money laying around anymore.

11 I think that TxDOT has the authority in a
12 formula like that to say if you don't spend your money
13 that we give you the first year, all of it, unless you can
14 show us a plan that you got so small of an amount you've
15 got to put it together till you have enough money to buy a
16 bus, then unless you can show us otherwise, we're going
17 to take that money or that percentage away from you and
18 you will never see it again.

19 That seems a little draconian, and like you
20 said, I've done this long enough that I used to watch
21 several millions of dollars of small urban money go back
22 each and every biennium.

23 MR. GADBOIS: And to that discussion, and let
24 me just clarify, that discussion points to the flip side
25 of that is I also don't want to encourage people to spend

1 money just to spend it. Right?

2 MR. McBETH: No.

3 MR. GADBOIS: So really what I'm after is some
4 kind of financial planning that shows we expect to spend
5 this money out, and then some kind of tracking of that
6 such that we can see when it's not expected to be spent
7 out in the way that it's supposed to, that it can get
8 shifted somewhere else. Can we do that, guys?

9 MR. UNDERWOOD: We have on the 5307 side,
10 because we have to, we have a five-year planning budget
11 that we have to update every year. So we just incorporate
12 our 11 program with it. I mean, you guys are already
13 doing that.

14 MS. BLOOMER: Hold on. It's getting way out of
15 control and we're a lot of time on this one issue.

16 I do believe as part of the 5310 program you're
17 required to put together a three-year funding plan, at
18 least previously you were when you submitted a project.
19 So I think that financial piece is there.

20 I did want to ask, Eric, do we see the issue of
21 monies just sitting there, not getting spent, or is it
22 more of an issue of the funding being spent efficiently?

23 MR. GLEASON: We have both.

24 MS. BLOOMER: We do have both.

25 MR. GLEASON: We have both. I don't think as

1 much of it just sitting there as perhaps used to. We
2 still have some fairly recurring entities out there where
3 that's an issue for them.

4 Glenn, to get to your point, we can track
5 remaining balances and whether generally money is being
6 spent. To go to the next level when we have 160 different
7 agencies we have a project grant agreement with across the
8 state is a little problematic for us to really get down to
9 see if it's really being spent the way they said it was
10 going to be spent. We're able to track it generally but
11 it's hard, it's hard to kind of stay on top of things. I
12 know exactly what you're getting at, but from a practical
13 standpoint, it's hard, unless we're aware of a specific
14 issue through something.

15 But we do a fairly good job of monitoring grant
16 balances. We used to automatically grant extensions but I
17 think most folks in the room would attest to the fact that
18 doesn't happen anymore, and so we are cracking down that
19 way to make sure there's a spending plan for the money,
20 and if you do extend you have a reason for it and you have
21 an end date now in mind that makes sense. So we're
22 getting better at it.

23 MR. UNDERWOOD: And that's been my experience
24 too. I had a bus that we were waiting on to purchase that
25 we couldn't get the Altoona test because it was a new

1 unit. So it was like an act of congress to get a 5310 for
2 a three-month extension because we couldn't issue the P.O.
3 until we had the Altoona test. I
4 mean, I'm not putting down PTN. It was a big deal: this
5 is 5310 money, it's got to be spent, we're not going to
6 let you carry it over, and it was just kind of one of
7 those weird unusual circumstances where I could not issue
8 the P.O. -- and we had it, we had it procured, but without
9 the Altoona we couldn't issue the P.O. But we were able
10 to get it done within the three-month extension, but it
11 wasn't just oh, give me an extension, it was like here you
12 to kind of thing.

13 MR. GADBOIS: I'm gagging myself so Michelle
14 can get on with it.

15 (General laughter.)

16 MS. BLOOMER: Bobby.

17 MR. KILLEBREW: This is a very short comment. I
18 didn't want to leave anybody with the impression, since I
19 work on the finances probably a lot here, this is one of
20 the programs that actually does spend its money. We're in
21 very good condition with the feds on having open grants,
22 in this one we have very few open grants, we're doing
23 extremely well. There's a high demand for these dollars
24 and so the money does get spent. There is a small
25 carryover from year to year, it's the nature of the beast.

1 But this program, unlike some of our other programs that
2 we will talk about, they have more problems spending it.

3 Good comment, I appreciate the comment.

4 MS. BLOOMER: Thank you, Bobby.

5 I think I'm hearing sort of a consensus of the
6 committee, if somebody would like to take a stab at
7 stating it.

8 MR. UNDERWOOD: In the form of a motion, is
9 that what you're looking for here?

10 MS. BLOOMER: Yes.

11 MS. BLOOMER: And really, I think maybe to
12 limit it, we're only talking about modifying items 3 and 4
13 on the concept paper, with everything else pretty much
14 remaining the same.

15 MR. GADBOIS: Well, let me make sure I have the
16 parts. We're looking at a formula allocation to a
17 regional geographic area.

18 MR. UNDERWOOD: The TxDOT districts.

19 MR. GADBOIS: TxDOT districts or to regional
20 planning?

21 MR. UNDERWOOD: TxDOT districts.

22 MR. GADBOIS: I thought we had agreed last time
23 no, I thought we had agreed last time larger areas would
24 be better.

25 MR. GLEASON: We've got twenty-five districts

1 to twenty-four regional planning areas, so that doesn't
2 get you there.

3 MR. GADBOIS: Okay.

4 MS. BLOOMER: So I think the issue last time is
5 we were just trying to get something to put out there, and
6 now we have the comment, and so where are we going now.

7 MR. GADBOIS: Regional geographic is district.

8 The goals that will guide the rulemaking will be service
9 continuity, leveraging existing resources, and looking for
10 other ways to encourage innovation, funding consistency or
11 reliability, and strengthening the linkages with the
12 regional planning process. We are also seeking on this,
13 and every other funding topic we're going to do, making
14 sure money doesn't linger once allocated out there. With
15 the question being if that's the motion, does that achieve
16 the flexibility you had asked for, bowing at the altar, as
17 Al says?

18 MR. GLEASON: Would it be? I will say yes, and
19 I will say that I've often thought at some point we might
20 look to perhaps combine smaller regional areas or
21 districts into larger ones, at some point in this process
22 if it were to make sense, so we might get three TxDOT
23 districts together.

24 MR. GADBOIS: John's three areas?

25 MR. GLEASON: For example. And so I would want

1 to be able to move that way if that made sense. What I'm
2 hearing right now is we'll keep the formula at the
3 district level, but I wouldn't want the language to be so
4 constraining we couldn't do something like that.

5 MS. BLOOMER: What if we left it at TxDOT
6 designated geographical areas which could be the district
7 or a combination, maybe a little higher geographical area
8 that still focused on TxDOT designated geography.

9 MR. UNDERWOOD: I'm okay with that because the
10 county still brings the same money the county would bring.
11 Regardless if it's three counties or ten counties, that
12 particular county is still in that area. Right? If we're
13 talking about the formula that we're talking about, this
14 county is going to bring the same amount of money; whether
15 you group it with ten counties or two counties, it still
16 brings, via the formula, that much money.

17 MR. GLEASON: As the formula currently stands,
18 25 percent of what comes in is distributed equally to each
19 of the districts.

20 MR. UNDERWOOD: So that would stay the same
21 whether you're one county or ten counties.

22 MR. GLEASON: And the remaining 75 percent is
23 based on your proportional share of the target population.

24 MR. UNDERWOOD: Okay. And I guess that's what
25 I'm saying, proportional share of the target population

1 would stay the same whether you're in one county or ten
2 counties combined together. Right? The formula would
3 still look the same.

4 MR. GLEASON: Yes.

5 MS. BLOOMER: You're doing the formula by
6 county and you just happened to group it with the X number
7 of counties that were in that district.

8 MR. GLEASON: We aggregate it to the district
9 level, but yes.

10 MR. UNDERWOOD: Okay. Then I'm okay with that.

11 MR. GADBOIS: So the geographic boundary is to
12 be designated by TxDOT. Right?

13 MS. BLOOMER: Yes. TxDOT designated
14 geographical area.

15 MR. GADBOIS: TxDOT designated geographical
16 area. And so the motion is -- and I'll make it -- we
17 continue with a formula approach to distribution of 5310
18 funds with a geographic boundary designated by TxDOT, or
19 geographic area designated by TxDOT; that the rurals
20 should seek to accomplish four strategic outcomes:
21 service continuity, leveraging existing resources with a
22 mind to promote innovation, funding consistency, and
23 strengthening the linkage to the regional coordination
24 plans.

25 MR. STEPHENS: What was the third one? Could

1 you repeat that one?

2 MS. BLOOMER: Hold on, Glenn, because I think a
3 lot of the ones you are mentioning are listed on the state
4 goals for the program. So the service continuity is (f)
5 projects that provide service continuity. Leverage
6 existing resources is (a) projects that leverage existing
7 resources, and we've talked about that relating to
8 innovation as well, and then I think we would need to add
9 to that list strengthen the role of the regional
10 coordination process.

11 MR. GADBOIS: And funding reliability or
12 consistency.

13 MS. BLOOMER: But I would hate to lose the
14 other ones that are projects that are the only public
15 transportation option for the proposed service area,
16 projects that are sustainable over time, projects that
17 demonstrate efficient use of resources, capital, human, et
18 cetera, and then projects that involve partnerships. We
19 talked about this last time and we tweaked the language a
20 little bit, but I think we just need to tweak it a little
21 bit more. It's projects that involve partnerships with
22 non-profit organizations and for-profit transportation
23 providers. The conversation last time was
24 it just said for-profit providers, and we felt that that
25 was too restrictive of who the partnerships could be with.

1 I think we've broadened it but we haven't broadened it
2 enough, so projects that involve partnerships and you show
3 us who your partners are. They don't need to be non-
4 profits, they could be for-profits that aren't necessarily
5 for-profit transit providers, just show us who your
6 partners are. That would be my friendly amendment.

7 MR. GADBOIS: As a point of order, can I take
8 your jumping in as a second of my motion before you make a
9 friendly amendment?

10 MS. BLOOMER: If that's how it works, yes.

11 MR. GADBOIS: Then with Michelle seconding, the
12 friendly amendment is the strategic outcomes get put to
13 the state priorities --

14 MS. BLOOMER: State goals for the program.

15 MR. GADBOIS: -- state goals for the program,
16 and I'm fine with that. And so really then the bulk of
17 our motion is continue with the formula, the geographic
18 area to be designated by TxDOT.

19 MS. BLOOMER: Are we good?

20 MR. UNDERWOOD: I feel like I'm on the House
21 floor. I guess I'm lost.

22 MR. GADBOIS: With the friendly amendment, the
23 motion is we're going to keep the formula, the boundary to
24 which the formula applies will be designated by TxDOT, and
25 then we will make adjustments to the list of state

1 objectives for the overall program.

2 MR. UNDERWOOD: And it will be a formula that
3 will be pushed out with the 5311 money?

4 MR. GLEASON: 5311?

5 MR. UNDERWOOD: But I'm saying we're not going
6 to go through the whole process of the 5310 meetings and
7 public notices and that sort of thing. Right? This will
8 be a formula program, just like what we do in 5311.

9 MS. BLOOMER: Hold on. The 5311 program is
10 formula allocated to providers. Correct? We're not
11 formula allocating the 5310 program to providers. It's to
12 the geographical area at the district. There are multiple
13 providers within that geographical area that are eligible
14 for funding. So it wouldn't be to the rural transit
15 district or the urban transit district, it would be to the
16 eligible entities in that geography to go through that
17 local process.

18 MR. UNDERWOOD: Okay, then.

19 MR. GADBOIS: Is that not what you were
20 suggesting?

21 MR. UNDERWOOD: No.

22 MS. BLOOMER: I don't think the program allows
23 us to just program allocate the money to set providers.

24 MR. UNDERWOOD: The RTD or the UTD in the area.

25 MR. GLEASON: And then what?

1 MR. UNDERWOOD: And then we would distribute
2 the money.

3 MR. GLEASON: Based on what process?

4 MR. UNDERWOOD: Based on the needs of the RTC
5 and things that we've developed over the course of the
6 program, as we've identified the needs in our part A or
7 part B -- I forgot which.

8 MR. GLEASON: Is there a competitive piece to
9 this anywhere?

10 MR. UNDERWOOD: Whenever we do our
11 applications, is that not a competitive call?

12 MS. BLOOMER: But I guess my understanding is
13 that's a different process, and what I'm hearing is the
14 current process works. So we're saying let's keep the
15 current process in place where it's formula allocated to
16 the TxDOT district level and/or another geographic
17 designation made by TxDOT.

18 MR. GLEASON: District-based designation. I
19 mean, I think, honestly, what I was building on was TxDOT
20 districts being grouped together.

21 MS. BLOOMER: Right, so TxDOT district or some
22 grouping of TxDOT districts to be determined by TxDOT, and
23 then the local process would continue as it has been.

24 MR. UNDERWOOD: Is that what you were saying as
25 well? Am I the only person in the room? The people that

1 testified, Carole and John?

2 MS. WARLICK: That's what I'm saying maybe with
3 the change being that the local process is a regional
4 coordination plan and those meetings supplant the
5 additional 5310 meetings, because we're already having
6 those conversations in the regional planning meetings.

7 MR. GADBOIS: That's why we're asking to have a
8 stronger linkage with the regional coordination plans so
9 that it stops being a separate process, a separate
10 meeting.

11 MS. WARLICK: That was my intent, that we do
12 away with this cumbersome 5310 process we go through now
13 of rating and scoring, and every region or district does
14 it differently, and do it based on the regional
15 coordination plan.

16 MR. UNDERWOOD: Just changing gears. I was
17 with you.

18 MS. WARLICK: I mean, that's not sending it
19 directly to the 5311 providers.

20 MS. BLOOMER: Okay. Do we need a timeout?

21 MR. GADBOIS: So we've got a motion.

22 MS. BLOOMER: Well, we have a motion.

23 MR. UNDERWOOD: And a second.

24 MS. BLOOMER: And a second.

25 MR. GADBOIS: So we have discussion, then vote.

1 MS. BLOOMER: We've had discussion for the last
2 hour and a half, so I think discussion has ended. Can we
3 call the vote?

4 MR. KILLEBREW: Do you know what your voting
5 on? It would be two points. One, if you could restate it
6 once again -- I know it's painful. Also, I'm not sure the
7 other items that are listed in the concept paper, such as
8 the operating cap and not to require New Freedom projects,
9 was that all included in the motion, or did those concepts
10 fall off the radar screen? I'm just trying to go back to
11 that.

12 MS. BLOOMER: Just to clarify, the concepts
13 that are on the paper stand as is. Item 2 on the concept
14 paper are the state goals, so we're saying to adjust those
15 based on the conversation we've had here and strengthen
16 the role of the local regional coordination activities,
17 and then we're saying 3 and 4 come off as far as concepts.

18 We are no longer recommending a statewide competitive
19 call or that the local selection process be carried out at
20 the regional lead agency level. What we're suggesting is
21 the funds are formula allocated to the TxDOT districts
22 and/or another TxDOT district-based geography determined
23 by TxDOT. I thought that's where we were going in the
24 last hour and a half.

25 So we have first and we have a second. Any

1 more discussion? Are we ready to take the vote?

2 MR. GADBOIS: Yes.

3 MS. BLOOMER: Okay. Glenn?

4 MR. GADBOIS: Yes.

5 MS. BLOOMER: Brad?

6 MR. UNDERWOOD: Nay.

7 MS. BLOOMER: J.R.?

8 MR. SALAZAR: Yes.

9 MS. BLOOMER: Michelle, yes.

10 Rob?

11 MR. STEPHENS: Yes.

12 MS. BLOOMER: And Al?

13 DR. ABESON: Aye.

14 MS. BLOOMER: Okay, five ayes, one no. And
15 again, this is not the final word, but we're getting down
16 to the goal line here, folks. We want some Administrative
17 Code to go out, you'll have other opportunities to
18 comment. Thank you.

19 Okay. We'll move on to 5311. I would like to
20 do this, it is now 2:30, I was hoping to call this meeting
21 to adjournment at 3:00.

22 MR. GLEASON: You told me 2:30 on Friday.

23 MS. BLOOMER: Well, I figured if we shot for
24 2:30, we might hit 3:00. It all depends on 5311 because I
25 think the other ones are good.

1 So the 5311 program, the concepts that were
2 thrown out there that we would not require JARC projects,
3 that for projects to be eligible for rural discretionary
4 awards that they must be tied to the public transit-human
5 service coordination plan, that of the federally mandated
6 15 percent set-aside for the intercity bus projects, an
7 amount or percentage would be available to rural transit
8 districts to implement intercity bus eligible projects,
9 and that to allow TxDOT some flexibility in instances
10 where there is a negative impact in a provider's formula
11 due to large circumstances outside their control, such as
12 natural disasters, wind, fire, flood, et cetera.

13 Or one of the other ones we talked about was in
14 the instance of consolidation where it may not be in an
15 entity's financial benefit to consolidate because of the
16 performance of another agency they would be assuming, but
17 we don't want folks not to make the right decision because
18 they're looking at the funding issue, so to allow TxDOT
19 that flexibility to make adjustments when there is a
20 negative impact, not necessarily a positive impact.

21 Let's see. Bobby, can you help me just sort of
22 synthesize the comments that we received? We did receive
23 a few comments on the 5311 program. I don't know that
24 there were any that were significantly in opposition to
25 any of the four concepts that were thrown out there. The

1 one concept I did see was the indication of the formula
2 including the low income factor. And this was one of
3 those similar issues where folks are saying it's working
4 well, leave it as it is, and so we're pretty much doing
5 that. I don't know if there's any other thoughts on the
6 comments that we received, but I'll open it up for the
7 next couple of minutes.

8 MR. GADBOIS: Help me understand Paulette's the
9 coordinated plan duplicates TIP comment. She says: In
10 regards to proposed rule changes for discretionary
11 awards -- and this is for 5311 -- for a project to be
12 eligible for rural discretionary awards, it must be tied
13 to the public transit-human services coordinated plan. In
14 some cases the coordinated plan duplicates TIP processes,
15 in other cases it could delay project award if the project
16 had to first be amended to either the coordinated plan or
17 the TIP. These issues should be considered before making
18 this a part of the code.

19 MR. KILLEBREW: I can't speak on Paulette's
20 behalf, but I will do my best I can to interpret that.

21 MR. GADBOIS: Help me understand what it means.

22 MR. KILLEBREW: My read on that comment when we
23 received was in regards to the item on the concept paper
24 which is item number 3, and that addresses rural
25 discretionary awards, and PTAC had landed on that if the

1 commission does any rural discretionary awards, then those
2 awards need to be tied to that coordinated plan. Paulette
3 saw this as, I would say, a barrier that yet again, in
4 order for her to be eligible to get some rural
5 discretionary awards, she had to go through these
6 processes, one would be the coordinated plan, the other
7 would be the TIP. The TIP is not an issue. We program
8 the TIP at a statewide level for this program so she
9 doesn't have to go through that, and we followed up with
10 her on that item. So it would just be the coordinated
11 plan aspect of it that in order for her to eligible, she's
12 got to be with another group.

13 MR. GADBOIS: Okay. Got it.

14 MS. BLOOMER: Okay. Are there any other
15 comments from the committee?

16 DR. ABESON: I have one. On point 3, what does
17 tied to mean, operationally?

18 MR. UNDERWOOD: Does that mean referenced?

19 DR. ABESON: Tied to, does it mean specifically
20 be mentioning the plan, does it mean that there's a
21 reference to something in the plan? And again, it might
22 not be the right time to ask this question but I want to
23 be sure that when it's operationally translated it does
24 reflect that which was in the plan.

25 MR. KILLEBREW: Al, when we were developing

1 these concept papers, we went back and read the transcript
2 from the meeting here, and we tried to be as close as
3 possible to what the members had actually said. My
4 interpretation of that is that it's the same as it is in
5 5310, that it's just a project that has to be derived from
6 the plan, marrying this again to the same type of concept.

7 DR. ABESON: Thank you.

8 MR. GLEASON: If I can ask the committee a
9 question. We have a project which is recommended for
10 award this Thursday with funds from the rural
11 discretionary program to purchase a bus simulator for
12 safety training purposes. The question I have is that
13 tied to the public transit-human services coordination
14 plan, an important safety investment. I mean, one could
15 argue generally that it is a benefit to our services and
16 the vast majority of folks who use our services are
17 somehow related -- they have a relationship to the human
18 service agencies. If it's that general of a connection
19 that's desired, then I think in most cases, given the
20 clientele that most systems serve, we could probably make
21 the case. If the committee had something more specific in
22 mind, then I would ask how something as specific as a
23 safety investment would be tied to the plan.

24 MR. UNDERWOOD: I agree. How do you even put
25 those together? Right there it says at some point we will

1 do this safety investment or this particular piece, as
2 opposed to it's already in the statewide TIP, shouldn't
3 that be enough. It no longer becomes discretionary at
4 that point.

5 MR. STEPHENS: Right. I agree with you. This
6 is a discretionary fund. I think to give TxDOT
7 flexibility, you're starting to get down into what might
8 be operationally defined as derived from, so folks are
9 going to look for that specific project listed in the
10 local human services coordinated plan. I think that's the
11 danger that you go to if you don't keep it discretionary.

12 DR. ABESON: If that were a need, would that
13 not be in the coordinated plan?

14 MS. BLOOMER: And I think what I hear Rob
15 saying and Brad and Al is that we're not necessarily
16 looking for the simulator to be in the regional plan, but
17 I would expect that in the regional plan, one of the
18 priorities identified would be safety or that the agency
19 asking for the funds could justify how the simulator does
20 address the goals that are laid out in the plan.

21 MR. GADBOIS: And I actually think -- I agree
22 with that, Michelle, I actually think, guys, that's an
23 important conversation for you to have with the health and
24 human service side. They get all day long that there are
25 going to be some operational expenses that they have that

1 you're not going to care two flips about except the
2 general outcome, and this might be one of those kind of
3 expenses that you have for them, but it's important enough
4 for them to understand all of the training that your guys
5 go through and all that means and requires from you for
6 their folks to be safe on the bus and the rides. It's not
7 unreasonable to expect that kind of discussion to happen
8 and for them to say: Yes, safety and training is a
9 priority for us to make sure that Brad's guys do a great
10 job. But did it have to be listed on there? I don't
11 think so.

12 MR. UNDERWOOD: I agree. Because at some
13 point, because it is a rural discretionary award and as
14 long as it is an eligible transit expense and it's located
15 in the TIP, I think we almost have to let operators and
16 agencies run their business.

17 MR. GADBOIS: And I'm fine with discretionary
18 taking care of either things you didn't anticipate or that
19 you just didn't have the money for any other way. I think
20 all we're looking for is to make sure that there's some
21 level of discussion of why that kind of thing is important
22 to back up any request, and it's not just an operator
23 coming out of the blue saying give us some discretionary
24 money because this is the way to work around the system.

25 DR. ABESON: What I'm hearing, though, is

1 somewhat different than what Bobby just said in terms of
2 derived from the coordination plan. Now, if it is, in my
3 mind, discussion of safety and training within that plan,
4 specifically there, then I would have no problem
5 concluding that it was derived from. But there's no
6 reflection of that in the plan itself, I would have a
7 problem.

8 MR. GADBOIS: Agree. I think having that
9 discussion at the human services should put into the plan
10 some element of we value the training and safety and
11 that's one of our priorities, and to the extent we can, we
12 put a dollar amount on what you are planning on spending
13 towards that. But basically, that's not going through and
14 listing, it's not a TIP, it's not a reflection of a TIP
15 that lists out every project.

16 MR. UNDERWOOD: And I think maybe tied to the
17 public transit-human services coordinated plan, maybe
18 that's the language that Paulette was referring to. I
19 mean, I think everything we do is almost referenced in the
20 plan. It seems like every project application we have to
21 list where is this referenced in your plan. I don't think
22 that's a big issue. But as far as specifically saying
23 this is the project, this is where it's at on page 17, I'm
24 not for that.

25 MS. BLOOMER: And I don't think we ever

1 intended that. It was: Here's my project, here's how --
2 based on my plan, because every plan is different, here's
3 how this project fits into the goals, strategies, whatever
4 that region has in their plan. So tied to, derived from,
5 and I really think it's up to the entity that's applying
6 to justify how it fits the regional coordination plan.

7 MR. GLEASON: The thing I want to be careful
8 with this, the primary thrust for these plans -- and
9 everything you've said notwithstanding -- the primary
10 thrust has been to identify gaps in service and needs, and
11 so I don't know the extent to which the plans are geared
12 currently to be broad enough to encompass this. I think
13 we could get there, and perhaps it sufficient enough to
14 have a general conversation once a year with the group
15 about your transit program in general, the kinds of things
16 that you're looking at to make investments in, and on we
17 go. But I don't think the focus for writing the plans has
18 been specific enough to get into those operational areas.

19 MR. UNDERWOOD: I think that's more of a board
20 and agency function, wouldn't you say, Eric? I mean,
21 these are our goals for the year.

22 MR. GLEASON: I picked safety, and that may not
23 be the best example, but it just occurred to me. And I
24 just don't want the plans that we have today to somehow
25 come up short in this conversation because it hasn't

1 really been our focus to make sure they've been so
2 expansive in the way they've been written to encompass
3 something like this.

4 MR. GADBOIS: My hope for these regional plans
5 has always been yes, gaps, of course, but the agencies
6 around the table have all kinds of resources. They may
7 not have a simulator in this particular instance, but they
8 may have the ability to do printing. Right? And to the
9 extent that we get them together looking for efficiencies,
10 economy of scale and not just narrowly where are our gaps
11 in our service, then we do a better job of spending
12 dollars three times, or however you're going to get to
13 that.

14 And so I guess we leave the conversation this
15 way: it was never the intent of our conversation, as I
16 understand it, to require somebody to list out in the
17 regional plan, but if that hadn't been a discussion of the
18 regional plans or isn't somewhere, you can't point to
19 something in the regional plans that says this is
20 justified, I would suggest that's a shortcoming of the
21 regional plans that we ought to look at.

22 MR. UNDERWOOD: I just don't think we can
23 confuse regional plans for strategic plans, and I think
24 most agencies which are set with their board and the input
25 of their stakeholders have a strategic plan of where

1 they're going. I don't ever want to have anything that's
2 going to bond that strategic plan because the regional
3 plan doesn't ever get there. See what I'm saying there?
4 Because we want to keep transit agencies in the business
5 of running transit with their local elected bodies and
6 officials and stakeholders identifying their needs
7 strategically and let them do their business, not so much
8 let their business be run by a committee. Does that make
9 sense?

10 MR. GADBOIS: Yes. And so you have your
11 strategic plan, you take that to the coordinating group,
12 say here's my strategic plan of what I'm trying to do,
13 what of this makes sense to you that you can get on and
14 support, and there may be some things they don't. You
15 don't want to have to give those up because they don't. I
16 get that.

17 MR. UNDERWOOD: Absolutely.

18 MR. GADBOIS: And so we can all sit around the
19 table and imagine a case where that occurs and it is not
20 our intent to thwart you trying to get what you need for
21 your strategic plan anyway.

22 MR. UNDERWOOD: Right. Am I out there on a
23 limb?

24 MS. BLOOMER: Hence, you can leverage other
25 pots of funding, and then that way the regional

1 coordination isn't limiting you from doing what your
2 agency's strategic plan is because you have multiple
3 funding sources available to do that.

4 Just to play devil's advocate, if we do have
5 all these gaps in service and we have more demand than we
6 have resources available, how does buying a simulator -- I
7 guess my question would be how does it help us put more
8 trips out on the road.

9 MR. GLEASON: It's totally consistent with the
10 number one objective of the department, safety first, and
11 so if you can't be safe, you have no business putting
12 service on the road.

13 MS. BLOOMER: I mean, that goes into every
14 agency's vision/mission/goals, so if you can't link that
15 back to your coordination plan.

16 MR. GADBOIS: Well, but it may not be
17 particularly in the coordination. We could get around
18 this by saying in the coordination plan -- or it's not
19 referenced, what's our word -- reflective of the
20 coordination.

21 MS. BLOOMER: Derived.

22 MR. GADBOIS: Derived from the coordination
23 plan, or you provide some description of why that isn't
24 so. And we could allow that to occur. Right? Where you
25 simply say this was never anticipated but it's completely

1 in line with all of our agency goals.

2 MR. UNDERWOOD: I'd rather say should be than
3 must be, I guess, if I'm hearing you correct.

4 MS. BLOOMER: Well, I think we'll leave the
5 flexibility to TxDOT to address it, and I think we're just
6 getting back to the same issue on 5310, to strengthen the
7 local decision-making and the regional process without
8 dictating.

9 So the only other issue that we really haven't
10 talked about, I think what I'll do is we'll open up to
11 public comments to see if any of our public comments
12 address it, but is the inclusion of the low income factor
13 in the formula, which we chose not to address and one of
14 the comments suggested we did. But I will open it back up
15 for comment, and Carole, we'll let you go first this time.

16 MS. WARLICK: Comment on the 5311?

17 MS. BLOOMER: Yes, 5311.

18 (General talking and laughter.)

19 MS. WARLICK: I would just say that I would
20 prefer to not -- I have concerns about 5311 being tied to
21 the plan specifically because of the example Eric brought
22 up of the simulator. I can see where this came up all of
23 a sudden. You've looked at your workers' comp claims,
24 you've looked at your accident history, and all of a
25 sudden you see a need for a simulator because this is

1 going to make your system safer, it's going to keep buses
2 on the street. Back to the point about how does this help
3 your service, you're not going to have buses tied up in a
4 shop being repaired. And this comes up all of a sudden
5 and it's not specifically addressed in the plan.

6 Now, I heard your comments about it doesn't
7 have to be specifically addressed in the plan and I would
8 hope that would be the case, but I know there are some
9 PTCs who want paragraph and page quoted -- yes -- of where
10 it is in the plan. So for that reason, I have a huge
11 concern about getting --

12 MR. GADBOIS: Would it make you feel better if
13 there was language of it's either in the plan or you
14 provide some rationale for why it isn't in the plan? So
15 your description is this topic never came up, and in fact,
16 it's a priority for TxDOT, it's a priority for us to have
17 bus training safety but it was never considered in the
18 plan. Would allowing that opt-out provision take care of
19 your concern?

20 MS. WARLICK: It would make me feel better.

21 MR. UNDERWOOD: Is it the kind that should be
22 referenced in the plan, not must be referenced in the
23 plan, that way you can provide your own justification?

24 MS. WARLICK: Anyway, you know what I'm saying.
25 I think we need to be careful about getting too tied into

1 the plan. I don't have a problem with the plan.
2 Everything we do is based around that coordination aspect
3 now, and I'm totally onboard with that, but be careful
4 about the degree of specificity.

5 MR. STEPHENS: I agree with you, because in my
6 experience I've seen folks trying to use this as a
7 selection prioritizing.

8 MS. WARLICK: The plan should be a tool, a tool
9 to help us all coordinate and deliver the best service
10 possible to the largest number of clients. That's what
11 the plan should be. It shouldn't be a hammer that's held
12 over our head to say if it's not in the plan, you can't do
13 it, I don't care how good it is for the system, how many
14 lives it saves or how many buses it keeps on the street.
15 You know, we can't let it become that way is all I'm
16 saying.

17 MR. UNDERWOOD: That's a good point, Carole.
18 Just like a budget, it's a planning tool, it's not the
19 end-all/be-all.

20 MS. WARLICK: It's a planning tool.

21 MS. BLOOMER: Thank you.

22 DR. ABESON: I'm going to take exception to
23 that. I think the whole idea, and these concepts were
24 back in SAFETEA-LU, was to ensure that there is
25 representation from the broad community affected by these

1 transportation decisions so that they can, in fact, guide
2 the way in which action is going to be undertaken, and I
3 think if it's that critical, and depending on the
4 frequency of meetings regarding implementation of the
5 plan, it should be in the plan. It shouldn't be something
6 that comes from left field that would not be reflected.
7 So I think the closer to the plan the better in terms of
8 what the intent was of the legislation in the first place.

9 MS. BLOOMER: Okay. Thank you, Al.

10 John.

11 MR. McBETH: Again, I'm John McBeth. My
12 comments are going to be brief, and I'm speaking on this
13 particular topic, number 3.

14 The funds that we're discussing are
15 discretionary funds and so they should be discretionary
16 funds. If Pilgrim's Pride comes to me from Jasper, Texas
17 and says I'll pay you \$175,000 to establish a commuter
18 route to bring people from Jasper, Texas to Lufkin, Texas
19 every day, seven days a week, if you can come up with the
20 rest of the money for that bus route, I don't want to turn
21 them down because it's not in the public transit-human
22 service portion of the plan. I think it needs to just
23 simply say it must be tied to the general mobility goals
24 of the Texas Department of Transportation.

25 It's discretionary, it's at the discretion of

1 the commission members, I don't think we should tie their
2 hands and I think we should make it a part of mobility.
3 It would be very difficult for me to say, as it's
4 currently written, that a commuter route from Jasper,
5 Texas to Lufkin, Texas -- which, by the way, I'm working
6 on right now -- is something that is tied -- it's public
7 transit but it's not human services transit. So that's
8 what I would like to see, I would like to see it very
9 generic and very general.

10 MR. GADBOIS: May I ask John a question?

11 MS. BLOOMER: Yes.

12 MR. GADBOIS: So John, I have this come up in
13 my consulting business all the time, every time I sit
14 around a table with somebody, it's a partnership. Right?
15 And they have some stake in my time if I agree to do
16 stuff with them, and you, transit agency, only have so
17 much time and ability. Right? And so to some extent it's
18 in their interest if you take a side deal, whether it
19 reflects money directly out of their pot or not because
20 it's going to pull some of your resources away to go
21 supply that, even if it's your time and attention. As a
22 consequence, the presumption has been at least that's
23 worth a conversation with your coordination partners.

24 And what I've conceded to Brad, because I think
25 he makes the same argument in a different way, is there

1 will be times those don't line up, in which case
2 discretionary ought to have that opt-out of it's not in
3 the plan but here's why. And so that's what we proposed
4 giving to you. Does that work for you?

5 MR. McBETH: My only reticence with this are
6 the two words: human service. I work with three
7 different lead agencies and each one of them has a
8 completely different attitude about what human service
9 means. At HGAC human service means anything that carries
10 a human, but if I get up into the Deep East Texas Council
11 of Governments, human service means Area Agency on Aging,
12 Medicaid, Texas Rehabilitation, it's always carrying an
13 elderly or a disabled person.

14 MR. GADBOIS: Again, you're getting bludgeoned
15 by the narrow definition.

16 MR. McBETH: Exactly, the definitions. So I
17 would just like to see it just kept general so that it's
18 discretionary money at the discretion and it's for the
19 general mobility goods of the State of Texas. That way if
20 you need a bus simulator, you can buy a bus simulator, if
21 you need to do a commuter route, you can do a commuter
22 route, if someone opens a new nutrition center and needs
23 transportation, that's human services, you can do it. But
24 let's try not to tie everybody's hands. That's one of the
25 things that's made Texas the leader in rural public

1 transit nationwide is that we are so innovative in what we
2 do down here, and people really give us all sorts of kudos
3 for what we do, and it's because we've got great
4 leadership at TxDOT. And I say that in all truthfulness.

5 DR. ABESON: Michelle.

6 MS. BLOOMER: Yes, Al.

7 DR. ABESON: May I make one last comment on
8 this?

9 MS. BLOOMER: Yes, you may.

10 DR. ABESON: I think it's interesting the word
11 discretionary, I would suggest that, in fact, those who
12 sit around the table and put together the coordination
13 plan have full discretion to put into that plan what they
14 choose. Discretionary, in my mind, as it's being bandied
15 about, is somewhat different. It suggests that the public
16 transportation authority can be discretionary in how it
17 chooses to allocate these funds. I think that's quite
18 different. To me, the former is what was the intent of
19 the legislation.

20 I'm done.

21 MS. BLOOMER: Okay. Any further conversation
22 of the committee on this item related to 5311? If not, do
23 I have a motion?

24 MR. UNDERWOOD: I'm going to move that we
25 accept the 5311 working paper here, with the exception of

1 number 3, for a project to be eligible for rural
2 discretionary awards, it must -- or should be tied to the
3 department's goals and objectives.

4 MS. BLOOMER: Can we have a clarification?
5 Should be tied?

6 MR. UNDERWOOD: Should be tied to the
7 department's, TxDOT's goals and objectives that they set
8 forth.

9 MS. BLOOMER: And what are those goals and
10 objectives?

11 MR. GLEASON: The goals are maintain a safe
12 system, address congestion, connect Texas communities, and
13 be a best in class state agency.

14 Al, I just read it off the back of my employee
15 card.

16 (General laughter.)

17 MR. STEPHENS: Is that a motion?

18 MR. UNDERWOOD: That's my motion.

19 MR. STEPHENS: I second that.

20 MS. BLOOMER: We have a motion and a second.
21 Any further discussion?

22 MR. KILLEBREW: Staff has a clarification
23 question. I know you haven't discussed it, but item
24 number 4 on that list, which is part of your motion, I
25 believe, Brad.

1 MR. UNDERWOOD: Oh, yeah. We're taking that
2 in.

3 MR. KILLEBREW: Okay. I didn't know if there
4 was any additional information you wanted to share with
5 the direction that PTAC wanted to go with item 4. It's
6 kind of vaguely written in the concept paper. We received
7 one public comment back on that.

8 MS. BLOOMER: And I think that public comment
9 was in support of the concept.

10 MR. KILLEBREW: It was in support of.

11 MS. BLOOMER: So I think the motion is to
12 maintain the concepts 1, 2 and 4 and revise 3, as Brad
13 stated.

14 MR. UNDERWOOD: Yes.

15 MR. KILLEBREW: And so on number 4, if there's
16 any further direction from the committee, it would be
17 welcomed as far as what's mean by an amount or percentage
18 to hold out for the rural transit districts.

19 MR. UNDERWOOD: Why don't I pull back my
20 motion. Do we need to talk about what this percentage
21 needs to be then? Because it does not have a percentage
22 in here. I was looking at the 15 and thinking it was 15,
23 but this is the federally mandated 15 percent but we don't
24 have a public transit percentage in here.

25 MR. GADBOIS: You don't have to pull back your

1 motion. We can have discussion.

2 MR. UNDERWOOD: Discussion on it.

3 MS. BLOOMER: Okay. Well, I think at the last
4 meeting we agreed -- well, the consensus of the committee
5 was to have a portion of that 15 percent intercity set-
6 aside, within that 15 percent set-aside, a portion for
7 rural transit districts.

8 MR. UNDERWOOD: Right. What percentage are we
9 looking at on that?

10 MR. KILLEBREW: I guess that's what, Bobby,
11 you're asking.

12 MR. UNDERWOOD: That's what Bobby wants to
13 know.

14 MR. KILLEBREW: That would be nice.

15 MR. UNDERWOOD: What as the annual allocation
16 this year, Bobby, for the intercity bus program?

17 MR. KILLEBREW: The dollar value?

18 MR. GADBOIS: Order of magnitude, \$2 million or
19 \$200,000?

20 MR. GLEASON: \$5.7- or \$5.9-, somewhere in
21 there?

22 MR. KILLEBREW: A little bit under \$6 million.

23 MS. BLOOMER: Any thoughts from the committee?

24 Not to sort of reopen old wounds, but I think the
25 conversation last time was rural transit districts are

1 already eligible for those intercity bus funds. Correct?
2 Bobby is shaking his head yes. So I was the lone person,
3 I think, last time, but rural transit districts are
4 already eligible for the 15 percent set-aside as long as
5 the project is an eligible intercity bus project. So
6 we've just un-siloed and now we're creating a silo again.
7 So I'm not going to weigh in on the what percent of the
8 silo within the silo we want.

9 MR. GADBOIS: Because you're not much caring
10 for the silo in the first place.

11 MS. BLOOMER: Right. So I'm not sure how we
12 arrive at a percent related to that.

13 MR. UNDERWOOD: How did they come up with 15
14 percent?

15 MR. GLEASON: That was the feds.

16 MR. UNDERWOOD: Exactly. How did they come up
17 with that number?

18 MS. BLOOMER: Do we carry the federal set-aside
19 of 15 percent down?

20 MR. GLEASON: What would be helpful for me, if
21 I may, is to hear a little bit more about the why and what
22 the imagined uses of the money would be by the rural
23 transit districts. For example, is it to help interlining
24 agreements, service connection agreements to the national
25 network at major points, is it to help fund capital

1 facilities that rural transit districts want to construct?

2 MR. UNDERWOOD: I think it could be used for a
3 variety. I look at Dave Marsh and some of the facilities,
4 the multimodal facility he's been able to build in
5 partnership with Greyhound. I look at Linda Pugh up at
6 Ark-Tex and some of the things she's doing with her 5311-F
7 program. I think Sarah Hidalgo-Cook down at SWART, I
8 don't if she is being able to utilize 5311-F yet but I
9 know in her situation that happened with her with
10 Kerrville Bus, she could have definitely used some 5311-F
11 when she lost service overnight.

12 And so I think the intention is to keep certain
13 pots of money set aside for projects like this so that
14 we're building our statewide network. And I know we're
15 already eligible, I get that, but sometimes the impact
16 that a rural transportation provider may be able to show
17 on paper on a project application may not be as great as
18 maybe one of the larger intercity providers, such as
19 Greyhound or Megabus, or one of those, because they have
20 nationwide statistics that they can use and run with. And
21 so I just think we need to make sure that we're
22 maintaining a portion of this money for our rural and
23 small urban transit providers.

24 MS. BLOOMER: And Brad, if I recall, it was
25 sort of those intercity bus routes that maybe aren't --

1 they're very high impact as far as creating that
2 connectivity but they may not be high volume, and hence, a
3 lot of the larger intercity bus companies are favoring the
4 higher revenue. And so how do we maintain that minimum
5 level of connectivity throughout the state. So I don't
6 know if it's necessarily making it -- is it possible to
7 take it away from a set-aside for particular providers but
8 a set-aside for particular types of projects. We also had
9 the discussion about we tend to spend a lot of the
10 intercity bus money on planning studies instead of actual
11 service.

12 MR. GLEASON: And the intent is not to limit
13 the total amount that could go to RTDs, but this is to
14 make available a minimum amount.

15 MR. GADBOIS: To skew competition in their
16 favor. Right?

17 MR. GLEASON: Well, yes and no. It guarantees
18 a certain amount of money available.

19 MR. UNDERWOOD: Does anyone have a number?

20 MS. BLOOMER: You are looking at the wrong
21 person.

22 MR. STEPHENS: What number are you looking for,
23 Brad?

24 MR. UNDERWOOD: Make me an offer. What's it
25 going to take to get you in this car today?

1 (General laughter.)

2 MS. BLOOMER: I guess what would it take to
3 maintain that minimum level of connectivity, intercity
4 connectivity?

5 MR. UNDERWOOD: Here's a question, I'll put PTN
6 on the spot here. From our recent coordinated call
7 applications, do you recall how many project requests we
8 received from rural or urban transit districts for 5311-F
9 money, intercity projects?

10 MR. GLEASON: Not specifically.

11 MR. UNDERWOOD: Can you ballpark?

12 MR. GLEASON: More than we did from intercity
13 carriers.

14 MR. STEPHENS: I'll chime in on that, I'll put
15 you on the spot too. We applied last year for some
16 intercity bus funds --

17 MR. GLEASON: That's when you were with
18 Longview. Correct?

19 MR. STEPHENS: Yes. We had aa project that was
20 good, it was approved by the commission. It hasn't gone
21 to contract yet. I don't know what happened but we had
22 coordination with the intercity bus carrier, Greyhound,
23 and we waited for a couple of years because the bigger
24 systems took all the money, we had to wait in line -- at
25 least that's what I was told, there was a lot of projects,

1 a lot of capital improvements in large cities.

2 MR. GLEASON: The intercity was available with
3 Concho Valley.

4 (General laughter.)

5 MR. STEPHENS: I didn't get any state money,
6 though, for Concho Valley, that was all ARRA funds.

7 We waited a while, so I guess if that's what
8 you're talking about, we've got to have a good project
9 that's a good project with good support, then I don't
10 know, how do we line up at the trough.

11 MR. GLEASON: Well, I think it's almost as
12 though -- if I can express my opinion -- the intercity bus
13 industry really is changing in this state, and more and
14 more, with the exception of just a small number of
15 remaining regional carriers, the large national folks are
16 pulling back to the major terminals, or they're asking us
17 to 100 percent pay for the expense, minus the fares, of
18 that rural connection. what we got from Greyhound this
19 year was, you know, probably \$4 million, maybe \$5-, twice
20 as much as we typically get from them, because very single
21 connection that they had gone 50-50 with us in the past,
22 they wanted 100 percent funding, and they were going to
23 use part of their national network as in-kind match. So
24 it literally doubled the investment for us to simply keep
25 what we had.

1 And so I think we are moving into an era where
2 we will need a different solution for Texas if we're going
3 to preserve those rural connections. I don't think
4 anymore carriers like Greyhound, who no longer may connect
5 in rural communities, I'm not sure when they come looking
6 for funds from us from the 5311-F program what the case is
7 for that.

8 MR. GADBOIS: So along those lines, if we put
9 \$6 million and just said 100 percent, our part of the
10 rural set-aside, let's just say that for a second, then
11 would that money be used -- one of these guys competing
12 for facilities still compete with Greyhound, the
13 difference would be they would be competing with
14 Greyhound's demands for 100 percent of funding from you,
15 versus this capital construction project, wouldn't the
16 rural set-aside still be used to pay for that?

17 MR. GLEASON: The way I look at it is we have
18 an enormous service issue now in this state if you want to
19 maintain any kind of connectivity from the rural areas
20 into the major networks, let alone capital needs. We were
21 short before on the capital side, we're shorter now than
22 we've ever been with this trend in service.

23 MS. BLOOMER: So would we want to focus
24 instead, then, of on a set-aside issue, sort of a
25 priority, guidance on a priority that the intercity bus

1 set-aside funds, the 15 percent, first and foremost,
2 should be spent on preserving the rural connections. And
3 that would be the number one priority, and when we can say
4 that we've accomplished that, then we can move into other
5 priorities.

6 MR. GADBOIS: Well, I'd be willing to put the
7 thing at 50 percent if it were to preserve rural
8 connectivity.

9 MS. BLOOMER: So not less than 50 percent of
10 the 15 percent set-aside spent to preserve rural
11 connections.

12 MR. UNDERWOOD: I think then you get into some
13 issues like what Eric said. They're going to get
14 applications of like \$5 million to continue the existing
15 routes.

16 MS. BLOOMER: But then you get one from
17 Greyhound and then you get one from somebody that's not a
18 private intercity bus carrier to preserve the same rural
19 connection, and I'm TxDOT and I'm sitting there going:
20 Well, I could pay 100 percent or I could pay 50 percent.
21 If a rural transit provider can do it more efficiently at
22 a lower cost and preserve the rural connection, why would
23 we not fund that? Or if the private provider can do it
24 more efficiently at a lower cost, why would we not want to
25 fund that, as long as we're meeting the goal of preserving

1 the connection? Instead of dictating who preserves it, I
2 mean, anybody can preserve it, who can do it.

3 MR. UNDERWOOD: I think you can argue that's
4 the case now, is it not? Are you awarding based on the
5 traditional carrier or based on who can do it more
6 efficiently?

7 MR. GLEASON: Traditional carrier.

8 Here's where we are, we're going to fund
9 Greyhound to do some connections, we're also setting aside
10 \$600,000 for an intercity connection between Eagle Pass,
11 Del Rio, Uvalde and San Antonio, to be determined. And
12 what I would imagine with that process is we'll put it out
13 and it will be a great pilot, if you will, to see if, in
14 fact, a rural transit district can put together a package
15 which meets the minimum requirements of intercity funding,
16 that's got to have some intercity service characteristics
17 associated with it -- got to be able to carry luggage and
18 stuff like that, there's some stuff that we've got to
19 meet -- and let's see what happens, let's see if we get
20 proposals that are more cost-effective and maybe running
21 at different times of the day than we get from the
22 intercity carriers.

23 MR. GADBOIS: Well, so let's carry this out
24 into the future a little bit further. If the intercities
25 are going the way the railroads have gone, which is

1 getting rid of all of their small service lines and
2 focusing on the big trunk lines only, then the question
3 really becomes how do we use this to have that Eagle Pass
4 experiment happen and work well to attract the RTDs to get
5 into that business in a way where they can start capturing
6 a lot of that intercity money. Right? So what do we set
7 the percentage at to do that?

8 MR. UNDERWOOD: Twenty percent? Of the 15
9 percent that's federally mandated, 20 percent of that must
10 go to a rural or small urban transit district. In this
11 case this year it would have been \$2 million.

12 MR. GADBOIS: Well, at a minimum, you know
13 where we want to go with this. Right?

14 MR. GLEASON: Well, you know, that's an
15 interesting question, Glenn. Yes and no, because right
16 now the service levels that we've been supporting for so
17 long are so meager, if you will. I don't see who uses
18 them, honestly. You know, we got a proposal from
19 Greyhound for the Eagle Pass-Del Rio connection, and it
20 looked okay until you started looking at the times it was
21 running, and I don't know, I don't know much about their
22 network, but it was connections in San Antonio from
23 midnight to 4:00 in the morning, and so that's only if
24 you're going to be making connections to the national
25 network. It's tough time of day to go to the Veterans

1 Administration or anything else with that.

2 MR. GADBOIS: Unless you're just that desperate
3 for the ride.

4 MR. GLEASON: Unless you're just that
5 desperate, yes.

6 So I'm not sure we know. We have some research
7 that was done a number of years ago that looked at
8 intercity travel demand. It was mostly in the context of
9 where the next rail corridors ought to be, but there's
10 some information there. And then, you know, we'd need to
11 do some work, we could pick the major pairs, but it's how
12 we get between them and where we stop that are probably
13 issues.

14 MR. GADBOIS: And actually, what I'm looking
15 for is to use intercity bus as much as we can to spur the
16 development of a new hybrid.

17 MR. GLEASON: Absolutely.

18 MR. GADBOIS: And that new hybrid is we've got
19 all these RTDs out there that are supplying service, get
20 them into a business if that's possible, if they want to
21 do it, if they're capable of doing it, and if there's
22 enough ridership to make it worth anybody's while to get
23 them in the business of doing intercity.

24 MR. GLEASON: So maybe six of our thirty-nine
25 become intercity carriers as well, six of our thirty-nine

1 RTDs, there's a brand to it, there's certain service
2 levels that it carries, and they run it.

3 MR. UNDERWOOD: And so circle back to that's
4 the reason why the 20 percent set-aside is there, to make
5 sure that our RTDs get into that ball game. It encourages
6 that to let them in that door.

7 MR. GLEASON: A different way to do this is not
8 do the set-aside as much as to set he priorities, simply
9 make a statement of priorities for the program.

10 MR. UNDERWOOD: But the only problem is I don't
11 want to restrict some people like in the Austin area that
12 need a multimodal facility, like what Dave has built. I'm
13 thinking of the one that he has in is it Lampasas?

14 MR. GLEASON: Taylor, San Marcos, Georgetown.

15 MR. UNDERWOOD: There's many of them.

16 MR. GLEASON: He's got six or seven of them.

17 MR. GADBOIS: So there will be some RTDs where
18 the hub runs smack down the middle, and those needs will
19 be a little different, but they'll still have some need to
20 connect people into that hub that aren't right on that
21 alignment. Right? And so they still could do some
22 intercity as well. And you're not doing what I would do,
23 100 percent all in kind of approach. By saying 20
24 percent, a Dave Marsh can still look at that other 80
25 percent and try to use it for capital.

1 MR. UNDERWOOD: It's just a minimum amount is
2 all I'm looking for.

3 MR. GADBOIS: I don't know, guys, what's going
4 to work, but I'm game for trying either one.

5 MS. BLOOMER: Eric, is there a way that we can
6 provide flexibility so if it doesn't do what we're trying
7 to accomplish, we don't have to back and amend the TAC?
8 Back to the concept of flexible.

9 MR. GLEASON: We can look at that. It's the
10 TAC, I don't want to be directing us to do work in the
11 TAC. If there's an expression of interest on the part of
12 the committee to --

13 MR. GADBOIS: To seek the priority of getting
14 more RTDs involved in intercity service.

15 MS. BLOOMER: I think the committee, consensus-
16 wise, can come to consensus 100 percent on that. I think
17 where the committee isn't at 100 percent consensus is a
18 set-aside specific for rural transit districts.

19 MR. GLEASON: Well, I think the underlying
20 dynamic is that service is service, but there are capital
21 needs as well and those, in a one or two time swoop, can
22 take all the money. And so people trying to preserve both
23 sides of the fence, if you will, they're trying to keep
24 their options open. You know, well, service is great but
25 I also think capital.

1 MR. UNDERWOOD: You can do service all day long
2 but you can't drop people off in the street kind of thing.

3 MR. GADBOIS: So we indicate a priority. The
4 process is you are looking to start rulemaking, we'd see a
5 draft of it, and we could comment at that point if we
6 didn't like your percentage amount?

7 MR. GLEASON: Or we can give you something
8 without a percentage in it.

9 MR. GADBOIS: Or even come without a
10 percentage.

11 MR. GLEASON: And you guys could add a
12 percentage.

13 MR. GADBOIS: Like Brad could make the argument
14 of no, I want the 20 percent back in at that point. Are
15 you okay with that? Because you have got me for one more
16 minute for a vote and then I've got to scoot.

17 MS. BLOOMER: I'd like to hear the consensus of
18 the committee or somebody to make a motion.

19 MR. UNDERWOOD: Actually, I've got my motion,
20 so basically it would be just to leave it like it is where
21 it has no percentage and we'll look at that the next time.

22 Is that what we're hearing? Is that what you said?

23 MR. GADBOIS: With staff looking to set a
24 priority of encouraging RTDs to begin looking at or
25 investigating or starting intercity bus service. Is that

1 a friendly amendment?

2 MR. UNDERWOOD: As amended.

3 MR. GADBOIS: Second.

4 MS. BLOOMER: We have a motion and a second.

5 We'll go ahead and vote. Glenn?

6 MR. GADBOIS: Aye.

7 MS. BLOOMER: Brad?

8 MR. UNDERWOOD: Aye.

9 MS. BLOOMER: J.R.?

10 MR. SALAZAR: Aye.

11 MS. BLOOMER: Rob?

12 MR. STEPHENS: Aye.

13 MS. BLOOMER: Al?

14 DR. ABESON: Aye.

15 MS. BLOOMER: Michelle, aye.

16 MR. UNDERWOOD: Move for a comfort break.

17 MS. BLOOMER: No, no break. We're moving on.

18 The next one is 5326, it's the transit asset

19 management. Bobby, I do not believe we received any

20 comments on this item. Is that correct?

21 MR. KILLEBREW: That's correct.

22 MS. BLOOMER: I don't know if we need further
23 discussion or just a consensus that we're still onboard
24 with the concepts that were laid out in the concept paper.

25 MR. GADBOIS: So moved.

1 MR. STEPHENS: And I'll second that.

2 MS. BLOOMER: I have a motion and a second.

3 Glenn?

4 MR. GADBOIS: Aye.

5 MS. BLOOMER: J.R.?

6 MR. SALAZAR: Aye.

7 MS. BLOOMER: Michelle, aye.

8 MR. STEPHENS: Aye, Rob.

9 MS. BLOOMER: And Al?

10 DR. ABESON: Aye.

11 MR. GADBOIS: And Brad is out of the room.

12 MS. BLOOMER: Brad abstained.

13 We're moving on to 5329 which was the safety
14 program. Same issue, there were no comments received from
15 the committee. Do I have a motion that we continue with
16 the concept as outlined in the concept paper?

17 MR. SALAZAR: I'll make that motion.

18 MS. BLOOMER: I have a first. Do I have a
19 second?

20 MR. GADBOIS: Glenn seconds.

21 MS. BLOOMER: Do we need discussion, Bobby?

22 No.

23 Okay. So I have a first and a second. Call
24 the vote. Glenn?

25 MR. GADBOIS: Aye.

1 MS. BLOOMER: J.R.?

2 MR. SALAZAR: Aye.

3 MS. BLOOMER: Michelle, aye.

4 Rob?

5 MR. STEPHENS: Aye.

6 MS. BLOOMER: And Al?

7 DR. ABESON: Aye.

8 MS. BLOOMER: Okay. Making note that Brad
9 stepped out of the room.

10 The last one is the bus and bus facilities
11 program, and I believe this is the same instance where we
12 did not receive any comments regarding the concept paper
13 that was put out there. So do I hear a motion to proceed
14 on drafting the TAC consistent with the concepts that were
15 laid out? I'll make the motion.

16 DR. ABESON: So moved.

17 MS. BLOOMER: And I have a second from Al. We
18 have a first and a second. Glenn?

19 MR. GADBOIS: Aye.

20 MS. BLOOMER: J.R.?

21 MR. SALAZAR: Aye.

22 MS. BLOOMER: Michelle, aye.

23 Rob?

24 MR. STEPHENS: Aye.

25 MS. BLOOMER: And Al?

1 DR. ABESON: Aye.

2 MS. BLOOMER: All right.

3 MR. GADBOIS: Hey, when we get down to
4 business, we get down to business.

5 MS. BLOOMER: I'm sorry, Al. Go ahead.

6 DR. ABESON: Okay. On the 5311 when we voted
7 to accept the motion, were we approving in that point 3 as
8 described? That as the one tied to the public
9 coordination plan. Is that what that vote included?

10 MS. BLOOMER: It did as Brad revised it.

11 DR. ABESON: Okay. Then I want to change my
12 vote to no.

13 MS. BLOOMER: Okay.

14 MR. KILLEBREW: Michelle, if I might. I think
15 there was a change to the wording on item number 3 on
16 5311.

17 MS. BLOOMER: That's the question Al was
18 asking: What was the change.

19 MR. KILLEBREW: I think the change was it's
20 going to say: For a project to be eligible for rural
21 discretionary awards, it should be tied to the
22 department's goals and objectives.

23 MS. BLOOMER: And that's what Al is changing
24 his vote from a yes to a no on 5311, and that will be
25 reflected.

1 We're done, we just went back. So we've taken
2 care of all. I guess my question to Bobby is that next
3 time we come back we will have draft Administrative Code?

4 MR. GLEASON: Yes. The next time this
5 committee is scheduled to meet will be probably towards
6 the end of June or early July at the latest, and what
7 you'll see before you at that time will actually be the
8 drafted Texas Administrative Code language.

9 Our goal is to take from this meeting today,
10 immediately run over to the Office of General Counsel, as
11 quick as we can, with a revised text to get them to start
12 reviewing this.

13 So we'll have to poll the committee on that
14 date, but we're targeting somewhere at the end of June,
15 early July at the latest so we can meet the July 25
16 commission meeting.

17 And so also included in your packets that
18 estimated timeline which kind of lays out the next steps
19 and the dates that I think those might occur.

20 MS. BLOOMER: So our normal schedule at the
21 last meeting that we set up was every other month, the
22 last Tuesday, and so what we're saying is that would put
23 us the end of July, we're probably going to need to move
24 that up to late June, early July.

25 MR. KILLEBREW: We will have to meet, yes, and

1 that will be an out-of-cycle type meeting, and so totally
2 understand that all members are going to be phoning that
3 we'll make that telephone capabilities available to you.

4 MS. BLOOMER: Okay. And then the only other
5 comment for the members is the request that when we do
6 have that meeting in late June or early July confirmed is
7 once you know, if you can please let Rebecca know if
8 you'll be attending in person or on the phone.

9 I didn't do that this time, and I apologize,
10 but it makes it difficult for TxDOT to know if we're going
11 to have a quorum or not.

12 So if we could all as members just shoot her a
13 quick email letting her know if we plan to participate in
14 person in Austin or on the phone, that would be
15 appreciated.

16 MR. GLEASON: Al is the best practice person.
17 If everyone could do as well as Al does, we'd be fine.

18 DR. ABESON: Even after I voted no.

19 MR. GLEASON: Even after you voted no, Al.
20 That's all right.

21 (General laughter.)

22 MS. BLOOMER: Any other items for discussion?
23 Any other public comment? Going once, going twice.

24 MR. UNDERWOOD: Move to adjourn.

25 MS. BLOOMER: Have a motion.

1 MR. SALAZAR: Second.

2 MS. BLOOMER: Second. All those in favor?

3 (A chorus of ayes.)

4 MS. BLOOMER: All right. Meeting adjourned.

5 Thank you, everybody.

6 (Whereupon, at 3:26 p.m., the meeting was

7 concluded.)

C E R T I F I C A T E

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3 MEETING OF: Public Transportation Advisory

4 Committee

5 LOCATION: Austin, Texas

6 DATE: May 28, 2013

7 I do hereby certify that the foregoing pages,
8 numbers 1 through 105, inclusive, are the true, accurate,
9 and complete transcript prepared from the verbal recording
10 made by electronic recording by Nancy H. King before the
11 Texas Department of Transportation.
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