TEXAS DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION ADVISORY COMMITTEE MEETING

10:03 a.m.
Thursday,
June 17, 2010

Lone Star Room
4000 Jackson Avenue
Austin, Texas

COMMITTEE MEMBERS:

Present in Austin:

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

Present via Teleconference:

AL ABESON
CHRISTINA MELTON CRAIN
JANET EVERHEART

TxDOT STAFF:

ERIC GLEASON, PTN Director
BOBBY KILLEBREW, PTN Deputy Director
GINNIE MAYLE, PTN
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MS. BLOOMER: Let’s start since we have a quorum, call the meeting to order. First item on the agenda this morning is approval of the May 14, 2010 minutes. Before asking for a motion, were there any questions, comments or changes to the minutes?

(No response.)

MS. BLOOMER: Hearing none, do we have a motion?

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

MS. BLOOMER: We have a first.

MS. CRAIN: This is Christina, I second.

MS. BLOOMER: We have a first and a second. We'll go ahead and take roll call. Al?

DR. ABESON: Yes.

MS. BLOOMER: Christina?

MS. CRAIN: Yes.

MS. BLOOMER: Vince?

MR. HUERTA: Yes.

MS. BLOOMER: J.R.?

MR. SALAZAR: Yes.

MS. BLOOMER: Michelle, yes.

All right, moving on to Item 3: Discussion and possible action on input to the department's Legislative Appropriations Request, or LAR. Eric, did you want me to
MR. GLEASON: Good morning. This is Eric Gleason, TxDOT Division director.

I think, Michelle, we can just open this up for conversation, I think everyone has seen a copy of the letter, and then when we conclude that discussion, I can brief folks a little bit on the upcoming workshop.

MS. BLOOMER: Okay. Did everybody have a chance to take a look at the letter? We did get some comments back from Al. Did you get any others, Ginnie?

MS. MAYLE: No.

MS. BLOOMER: And Al, you'll notice we did incorporation all your comments in the letter. Your second comment related to the inclusion of examples of unmet needs.

DR. ABESON: Unmet needs.

MS. BLOOMER: And in talking with Ginnie, and it was funny because I had thought something similar late last week but then I thought it might be a little too late, but what we thought we could do, and I'll talk with Ginnie, there's a couple of examples we already have of where transit needs aren't met that we might be able to just tack those on to the bottom of the letter before we send it since it won't impact the actual text of the
letter.

DR. ABESON: The letter is so good that I didn't think it should become a part of the letter either, I just thought that some of the unmet needs would offer a potentially good counterpoint to where public transit is doing such a good job.

MS. BLOOMER: And what I was thinking is maybe on that attachment that goes along with the letter, we could tack on a section at the bottom there that says Examples of Unmet Needs.

DR. ABESON: That's perfect.

MS. BLOOMER: And there's three or four examples of all the ones we had collected where there's an unmet need that we might be able to just tack that on there.

DR. ABESON: That would be ideal.

MS. BLOOMER: Okay, we can work to do that. And then one of the other ideas was to bring that up as well as part of the discussion with the commission, not only to highlight the importance of public transportation when it can meet a need but also where it can't.

DR. ABESON: Good.

MS. BLOOMER: We had somebody else join us.

MS. EVERHEART: Yes, I'm sorry. This is Janet.

MS. BLOOMER: Good morning, Janet. We have
Christina and Al on the phone with you, and Vince, J.R. and myself are here in Austin, and we are on Item 3 right now talking about the Legislative Appropriations Request and the letter.

MS. EVERHEART: Okay, thank you.

MS. BLOOMER: So I guess if there are no other comments on the letter, do I need action for me to sign the letter?

MS. MAYLE: It's listed as action if you wanted to take action.

MR. GLEASON: I don't think it's necessary; I think if we list that just in case.

MS. BLOOMER: Just in case, okay. Then if everybody is good with the letter, I'll go ahead and sign it. And Ginnie, my understanding is it will be hand-delivered tomorrow to the commission chair, so we'll get that there in advance of the workshop next Wednesday.

I did kind of want to talk then about some of the logistics of the workshop and who all is going to be there from the committee, but Eric, I'll let you go ahead and talk about some of that, and maybe that will answer some of the questions I have about is it a formal presentation, is it just comments, and are there talking points, written comments.

MR. GLEASON: So next Wednesday at a regularly
scheduled commission workshop, James Bass, the chief financial officer, will present to the commission a draft Legislative Appropriations Request for the next biennium, and it is just that, the commission will not be asked to adopt the draft, they are simply being presented the draft. The schedule calls for then final adoption of an LAR at the August commission meeting.

And I talked to James this morning and the way in which it is envisioned that the committee comments will be incorporated is that at some point during his presentation he will provide Michelle with an opportunity to present to the commission, I guess, what in our view has always been the letter that we've drafted. I don't know if we've ever thought of it being anything different than that. They'll each have a copy of the letter by then but it's an opportunity for you to actually present the letter to them has always been our thought on it. So I've not conceived a separate set of talking points or a different approach to the presentation, but it will be incorporated into the department's presentation of the draft.

So I'll stop at that point, and if you want to talk about logistics and things, I think this would be a good time to do it.

MS. BLOOMER: Okay. And I apologize because
I've never been to a commission workshop or a commission meeting, but when you say an opportunity to present the letter, am I just you have a copy of the letter?

MR. GLEASON: I think what I would anticipate is in the commission meeting the presentations are given to the commission from a podium in front of them, and so what I would imagine is at some point James will simply turn to you and invite you up to the podium and you will have an opportunity to speak to the commission at that point in time. And then if there are questions for you, my expectation would be at that point in time while you're up there, there will be back-and-forth between commission members and yourself if that's what they want. So that would be my understanding and my expectation as to how this would work.

And I think this item is down the agenda a bit, I think it might be the fourth item on the agenda for the day, it's down a bit, there's two or three before it at least. It starts at 1:30. I know that one of the ones prior to this is a presentation by Linda Cherrington on the 2010 Census research that you have seen in the workshop up at Arlington. Now, that research was done specifically at our request for a look at impacts on public transportation and that research is now being taken by the rest of the department in its general knowledge.
base, general information, and is being used to brief the commission on general impacts expected from the census.

And so the LAR presentation is number 5 on the agenda -- and this on the internet -- but the items preceding it will be discussion of the implementation of 2008 Sunset Commission staff recommendations, discussion of a managed lane project in the Dallas and Denton County area, as well as some Tarrant County stuff; item 3 will be discussion on the 2010 Federal Census; item 4 is a discussion on pavement management goals; and then item 5 is the Legislative Appropriations Request. So it's actually the last item on the agenda for that day.

And so in the census conversation, I will have an opportunity, as a part of that, to allude to one element that we've identified for additional funding -- actually two elements, the element that we've talked about relating to the impact of the census on existing agencies, and the second item being the growth in population in general in the rural and small urban areas of the state and the per capita impacts of that growth on spending. So those two items I will have mentioned already as a part of an earlier presentation, so when we get to the LAR conversation, they'll be familiar with that, and it never hurts to hear things two or three times, but they'll have been exposed to some of that.
MS. BLOOMER: Okay. Now, in the back-and-forth, I've seen some of the back-and-forth related to the financial situation. What type of questions do you envision they might ask?

MR. GLEASON: I would imagine if you get question from them, it will be more about around the need. I don't think you will get questions that will put you in a position of having to respond to some other element of the appropriations request. I don't think you'll be getting what I would call what I would call like fast-ball type questions. I think, if anything, it will just be a question of clarification or a question of understanding.

I am going to be writing a short e-mail to all the commission aides prior to the workshop and the regular meeting describing all of these items in general, and so they'll have a little bit of background.

But I think the idea of an advisory committee coming to them to speak to them is viewed as a very positive thing on their part, and I simply wouldn't be anticipating that you'd get any kind of a difficult or tricky question. That has not been my experience with them.

MS. BLOOMER: Okay.

DR. ABESON: This is Al, I do have a question.

MR. GLEASON: Sure.
DR. ABESON: Eric, good morning.

MR. GLEASON: Good morning.

DR. ABESON: The way you expressed the presentation in the letter, you said it would be within the context of the department's request. Do I have that right? I'm trying to make a distinction between having this look as if the department put us up to this recommendation or this request, as opposed to our role in reporting directly to the commission independent of the department. Do I have that relationship correct?

MR. GLEASON: I think, Al, I suppose there may be a perception issue with what you're saying, and if that's important to the committee, I'm sure there's no problem if the committee wants to present its thinking during the comment period, that would be fine, I think.

I guess my view on it has been more that because the committee is an advisory committee to the commission that it's more than appropriate for them to be a part of a presentation the department is making to the commission. I hadn't quite thought about it from the angle that you're coming from, but I would certainly respect that if that was something the rest of the committee felt strongly about.

DR. ABESON: And I would agree, I think you're exactly right, it would be a perception issue. I mean, I
have such little knowledge of how the commission works and those relationships. In my view, I'd like this to be as strong a recommendation as we can that would add to what the department is requesting and be seen as somewhat independent of the department where we could be perceived the same. This is a group that's been created to advise the commission; as we work with the department, it is our sense that this is what is needed to advance the state.

Do you see the distinction I'm trying to point out?

MR. GLEASON: Yes.

DR. ABESON: But I would defer to the committee and certainly Michelle in terms of what's the best way to do this.

MS. BLOOMER: Any thoughts from the other committee members on this item or any other item?

MR. GLEASON: What I believe the draft will say with respect to your work will be it will acknowledge each of the areas of need that you have identified as needing additional funding. What I believe the draft recommendation will be is that the funding associated with the hold harmless amount on the census impact, the $3.2 million or so that we've identified as being needed in the biennium to at least hold existing agency's harmless to the potential impacts of the census, that $3.2 million, I
believe the draft is going to recommend come from the State Highway Fund. The draft will recommend that the balance of the areas of need that have been identified that those be included in the LAR but that they be included as what we call exceptional request items, meaning that the department is requesting that the funds for those items come from some other area other than the State Highway Fund.

And so the distinction there will be that this committee's recommendation is that all of the need that we've talked about be incorporated into what we have talked about as the baseline budget request coming from Fund 6, or the Highway Fund. And so there is going to be a difference in what I believe the draft will recommend to the commission and what this committee is recommending, and so I don't know in terms of relative effectiveness whether to present that contrast at the time that the commission hears from the chief financial officer of what the recommendation is, to be given an opportunity at that moment to weigh in, or to wait until the end of the presentation and then as part of a general public comment period, make your comments. I would leave that up to the committee in terms of where you think you might have the most impact in the commission's minds.

MS. BLOOMER: Because Mr. Bass is basically
going to present the division and the department's, and
like you said, ours is similar but different in where
we're wanting the money to come from.

MR. GLEASON: Yes.

MS. BLOOMER: And so where we make that
distinction is sort of the issue: do we make it in the
presentation that Mr. Bass gives or do we make it outside
as public comment. Is it possible to present it as part
of his presentation and then allow other PTAC committee
members to make that distinction and reinforce the need
through public comment in the open comment part?

DR. ABESON: Or is it possible that that
distinction could be in your comments, Michelle?

MS. BLOOMER: I think that's an option too.

MS. CRAIN: That's what I was thinking. This
is Christina.

MS. BLOOMER: And do that as part of the
original presentation.

MS. CRAIN: Yes.

DR. ABESON: Yes.

MS. CRAIN: Because we talk about public
comment but we're distinct from the public too.

MR. GLEASON: I would agree with that,
Christina, yes. Actually, I believe that's a very
important distinction to maintain.

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MS. BLOOMER:  And maybe the other distinction we can make then is to address Al's concern is that as the advisory committee to the commission, in working with the division, we are coming forward with these recommendations, and then make the distinction that these recommendations are a bit different than what's currently in front of them.

MR. GLEASON:  Absolutely.

MS. BLOOMER:  So there is some part that will involve me talking.

MR. GLEASON:  Yes, there is.

MS. BLOOMER:  In front of the commission.

(General laughter.)

MR. GLEASON:  Or to whom you may try and delegate, I don't know, but yes.

DR. ABESON:  We have great confidence that that will go superbly.

MS. BLOOMER:  J.R. and Vince have agreed to stand behind me in case I pass out.

MR. SALAZAR:  We'll hold you up.

MS. BLOOMER:  I guess what I need in order to be comfortable standing up in front of the commission and talking is sort of I need to know what I'm going to say, and so that's what I was talking about like talking points or like a written speech where I wouldn't necessarily read
it word for word because I don't want to get up there and read it, but in the event I panic or freeze, I could read it. Is that something that PTN could assist with?

MR. GLEASON: We could. Again, I had imagined that the letter would be the basis for your presentation.

MS. BLOOMER: And I think it will be taking key parts of the letter and then just hitting the high points and then referring back to the letter, because I don't want to read the letter, I just want to hit the high points, this is how much we're asking for, why we're here, and maybe I can take a stab at something and then just help me fine tune it.

MR. GLEASON: That would be great if you want to take a first cut and we can help you fine tune it.

MS. BLOOMER: Okay.

DR. ABESON: Just a thought, and maybe this is relevant and maybe not, but perhaps in your oral presentation that might be a place to refer to one or two of the successes and one or two of the unmet needs, and then go into the substance of what the presentation is about. I mean, it obviously would be so different from what they're hearing, they're not hearing about people themselves, they're hearing about numbers and so forth and maybe that's a way of capturing their attention.

I once had an experience with an attorney in
front of a federal district court and the attorney whispered, and the court got exceedingly upset because he couldn't hear him. And I said, What the heck are you doing? And he said, They're listening to me because I'm hitting something in a way that they're not used to hearing it. Now, I'm not suggesting you whisper but I am suggesting the thought that perhaps using some of those personal stories can capture their attention in a way quite different from everything else they've dealt with all day.

MS. BLOOMER: Okay. That is a good idea.

MR. GLEASON: And I would say I think that's exactly the appropriate place the committee needs to come from. The committee doesn't need to be able to speak budget speak or whatever, they don't need more budget advice, they need to understand better the stakeholders that all of you represent and what their needs are.

MS. BLOOMER: I think, Al, that's great, and there's a couple of examples that we've already received that I think will do a good job of communicating that and lead right into why we're here, why they have the letter from us.

MR. SALAZAR: This is J.R. I have a really dumb question. Is this a commission meeting or a commission workshop?
MR. GLEASON: It's a workshop but it is a formal meeting of the commission. It is intended to be a place where what were previously discussion items on the regular Thursday agenda occur on the day before so that more time can be spent on them. It's called a workshop but it is a formal meeting and the agendas are posted and all that, and you can actually follow it, they do stream the broadcast.

MS. BLOOMER: So for those of you that can't be there in person, you can watch us on your computer.

MR. GLEASON: That's right.

MS. BLOOMER: But to get back to sort of some of the logistics, I guess I will be there in person, I heard through Ginnie that other people had expressed interest, and I think the more people, the merrier, but if you can't make it, we certainly understand. I just wanted to know who had planned or is planning to attend.

MS. CRAIN: Christina will be there.

MR. SALAZAR: This is J.R., I'll be there as well.

MR. HUERTA: This is Vince, I'll be there as well.

MS. BLOOMER: Okay, great.

MS. CRAIN: And remind us of the time and the location.
MR. GLEASON: Well, it starts at 1:30 p.m. and it is in the Greer Building in downtown Austin, and we'll send you all that. It's 125 East 11th Street, and we can send you all that information if you need it.

MS. CRAIN: Great.

MR. GLEASON: Right across from the Capitol.

MS. BLOOMER: And if you could help us with parking, if you could point us in the direction where we might park.

MR. GLEASON: And as I said, the item is the last one on the workshop agenda, so it's really hard to predict.

MR. SALAZAR: How long do those usually go? I know you can't predict that either.

MR. GLEASON: I think they can go till 5:00. It depends on the previous items and how much conversation there is around them, and I don't know how to gauge the interest in some of these. Michelle, you might be the best judge of item number 2.

MS. BLOOMER: We know the Dallas-Fort Worth ones will probably be a large discussion item.

MR. GLEASON: Yes, it looks like it to me too. There's a description of it, I don't know how controversial that is or not, but you guys always seem to generate conversation.
MS. BLOOMER: So item 2 may stall us. Item 1, implementation of the Sunset Commission staff recommendations.

MR. GLEASON: That's not going to be much.

MS. BLOOMER: That will be short, okay. The DFW region will try not to take too much of the agenda.

MR. GLEASON: Or you can move your boss along if he's up there.

MS. BLOOMER: I don't know how successful I would be with that.

(General laughter.)

MS. BLOOMER: Any more discussion on Item 3? I think what I'd like to try to do is go ahead and take a stab at preparing some remarks or speaking remarks for me, and Eric, maybe get your feedback, and then also I'll send it out to the committee just to get your comments and thoughts because I think we got a lot of really good comments on the letter, so I'll go ahead and try to get that out. We're sort of on a short time frame since this is next Wednesday and I'll be traveling down that Tuesday before, but we'll try to get that out early next week.

Okay?

If there's nothing else on the LAR, we will move on to Item 4 which is review and comment on the final draft of proposed revisions to 43 TAC '31.36, or in
layman's terms, the Section 5311 Grant Program.

MR. GLEASON: All right. I'm going to have

Bobby Killebrew, the deputy director for the division, walk you through this item.

MR. KILLEBREW: Good morning, members, and for those here in Austin, welcome back to Austin again. For the record, I am Bobby Killebrew, the Deputy Director of the Public Transportation Division here at TxDOT.

I'm hoping this won't take too much of our time this morning. I know there's been quite a bit of information shared with the committee via e-mail on this item. I'm going to try to do a hopefully painless walkthrough of what we're proposing under these rules and allow you the opportunity to have lots of discussion on them if you need to.

First of all, I want to make sure that everybody did receive a copy of what we're discussing today, and I've got some nods here in the room, and unless I hear from the folks on the telephone, I will assume you also have a copy available to you as well.

The rules themselves, when we go through a rulemaking process, we don't do this very often and certainly as a committee you all don't do this very often, so it gets a little confusing. I always like to do a little timeline cheat sheet, and I know in your workshop...
back in April in your workbooks we provided you with a little example cheat sheet, and I promise, as followup to today's meeting, we're going to take that example and fill in some dates for you, now we have the dates, I can fill them in, and we will get you that as quickly as possible so that you know what's going to occur.

Just so that you know what's happening today, Eric had done preliminary notification to you all that the department is interested in going through a rulemaking process, he did that via e-mail. In today's meeting this committee has an opportunity, that opportunity today is to review what the department has drafted on these proposed rules, and you as a committee now have the opportunity to approve that to go forward to the commission as they're currently drafted, you also may approve these to go forward to the commission as they're drafted with changes that you would like to see further, or you may waive comment today, or lastly you may defer comment to the public comment period. So you have some options before you: approve it basically, waive, or defer. And of course, the department would be looking forward to your thumbs-up and approval process on this.

I'm not a lawyer nor do I play one on TV, so Christina, we'll let you speak up if I misstep here, please correct me, but I want to make sure everyone
understands I'm not a lawyer nor do I play one on TV. I always like to say that because some people look at me and they say you do rules all the time, you must be a lawyer. No, I'm not.

You know, if you're not accustomed to reading these, these don't read like the number one best seller, they read pretty much legalese, even though the department has taken great strides to make this as plain as possible when we draft our Administrative Code rules, so what you see before you is several pages of rule changes and you can get lost in what's happening with the strikeouts and the underlines and the brackets and so forth. A lot of that has to do with the Code Construction Act, things have to be a certain way to get past our legal counsel, and we do have three sets of lawyers looking at this plus a paralegal, so it does go through quite extensive review at TxDOT.

But let me just tell you what these rules are doing in general. These rules are really doing just a couple of things. One thing they're doing is they're keeping a lot of the current language that's in there. There's some modifications that's in the rules, they're changing like the percent sign to the word percent because that's what we have to do now; they may be doing a couple of other word changes from "award" to "allocate" because
that's the current terminology of the day.

        We're also reordering some things in here because when we look at the rules they're kind of confusing the way they're currently laid out, so we've tried to put these in an order that is more or less chronological so that when the public looks at the rules, they can go okay, step one, step two, step three, step four, now I understand what goes on. So that's all kind of happening and that's not really changing anything that's currently out there today.

        One of the changes that we are making that has been discussed with this committee and also brought to the department's attention by the industry and by the Texas Transit Association and that is the amount of funds that is currently being held aside in what's been coined as the discretionary pot for the commission. Back when these rules were passed, we didn't envision that this program would have so much funding, and congratulations to all of us today, it has a lot of money. Well, so has that discretionary pot grown, it's grown to quite a bit, so the industry and the Texas Transit Association brought to the department that perhaps we should limit that discretionary pot to a certain amount. So what you see before you today is a limitation on that discretionary pot to no more than 10 percent of the annual apportionment.
And lastly, what you also see here is something that the commission has done historically with their discretionary pot and that is an award that we're now calling vehicle mile allocation, and that is making an award from this program based on vehicle miles to the transit recipients that are eligible under this program.

So in essence, what you have in front of you is a bunch of rule changes, 14 pages that has some markup in it, putting things in chronological order, limiting the discretionary pot to no more than 10 percent, and creating a new allocation called vehicle mile award allocation. And with that, I will probably end this and ask if the committee has any questions of me or need to have discussion.

MR. SALAZAR: This is J.R., I don't really have a question, more of a comment being that Janet and I had the discussion the other day that we have not personally received any comment from any rural transit agency in the state whether they are in favor of or opposed, and so I would assume that no news is good news. Personally speaking, I like the revenue mile as a barometer of service, and again, I hadn't heard from anybody in the state whether they like it or they don't, and so I think it's a good thing.

MS. BLOOMER: And Eric, you said in one of the
e-mails that you had provided this information to the rural providers and you have not heard any comment either.

MR. GLEASON: That's correct. We sent out a description of these changes to the entire rural program and I had one comment, I had a thanks from our Austin area provider, but that's the extent of the feedback we've gotten.

One thing I will say is these rules are consistent with what we have done as a matter of practice for the past two fiscal years, and so it is not anything new to people, it's just simply putting into Administrative Code, which carries a great degree of additional certainty with it from one year to the next, what the past practice has been, and we've talked about this with this committee before, and actually, it was at the request of this committee last year that we began communicating on this topic with the rest of the rural program.

So I see that as something that it's an opportunity we have now to make a relatively small but significant tweak to the federal program portion of the Administrative Code that is completely consistent with what I believe, anyway, to be a practice of the department that folks are in agreement with. Again, it's a little hard to know when you get nothing back, but as J.R. said,
I think that the history is such that no news is good news, and we're going to proceed along that line.

MS. BLOOMER: And this is just our first viewing so we will have additional time to try to seek input, we'll have the provider semiannual meeting in the middle as well.

MR. GLEASON: Right. These will be presented to the commission next week at their meeting on Thursday as proposed rules, and so the commission will adopt a set of proposed rules, and we then enter into a public comment period. And Bobby, why don't you go ahead and walk through some of the key dates there that end up with final rules.

MR. KILLEBREW: This is Bobby again, and you will get a copy of a timeline, again, after this meeting. I was filling in the dates this morning, I'm missing a couple of dates, I don't have it finished. We actually intended the rules to go in July to the commission, I think we had mentioned that to you all, an opportunity fell in our lap. Lots of the department's rulemaking process moved from June to July and July became very heavy, and so Eric saw an opportunity that we could actually get into the June meeting and we have seized that opportunity.

So as Eric said, today we're meeting as a
committee for you to take action. On June 24, there will be a formal presentation of the rules to the commission meeting as proposed rules for them to take action. If the commission adopts these as proposed rules, they will be posted in the Texas Register. The next Texas Register publication after that commission action won't be until July 9, so that's when they'll hit the public on July 9. We'll enter into a 30-day comment period which begins on July 9.

During that 30-day comment period which will go through August 9, we will have a public hearing. We're set up to schedule right now one public hearing on this, so it will happen sometime probably between July 20 and August 6; my guess it's going to happen that first week in August because Eric wants to be here and he'll be in the office that first week of August. So that will be the public hearing.

During the public comment period, individual PTAC members can submit comments as individuals. The group won't necessarily submit a comment but individually you're certainly welcome to submit comments, along with everybody else who can submit comments to the department. You can also appear as individuals at the public hearing, if you would like, and submit a comment. So I just wanted to make sure you understand as individuals you can act
during a public comment period.

    PTAC will come back together at some point. Typically this group likes to come together after the public comment period so you can see what public comments were received, so sometime between maybe August 16 and August 31, and I'm just kind of guessing these dates because I haven't got with Ginnie yet, we may have another PTAC meeting, and that will be your opportunity as a committee to look at the set of rules again before they're presented to the commission as final adoption.

    MR. GLEASON: And are we looking at September, Bobby, for final adoption?

    MR. KILLEBREW: And then once PTAC has its opportunity at that time, the next opportunity for us to go before the commission in a normal schedule would be the September 30 commission meeting, and that's when the commission would have the opportunity to take final adoption. If they adopt them as a final set of rules, they will file that then with the Secretary of State and the rules will become effective 20 days after that filing, so sometime in October. They'll also be published in the Texas Register as final as well. So that's kind of the timeline that lays out over the next few months.

    MR. GLEASON: So from an impact on funding standpoint, assuming these rules proceed through the
process and become final and adopted, first opportunity
for these rules to be applied would be for federal fiscal
year 2011 whenever we were to receive 5311 Program
apportionment amounts, that would be the first time these
new rules would apply.

MS. BLOOMER: And Bobby, I just wanted to
clarify. The no more than 10 percent of the annual
apportionment, the annual apportionment comes in, the 15
percent for inner city bus is taken off that number, the
up to 15 percent for state administration which is
generally much less than that is then taken off, that
amount that's left is then what the no more than 10
percent for the commission discretionary is going to apply
to.

MR. KILLEBREW: You are correct.

DR. ABESON: I have a minor question. The
$20,104,352 number, is that a number that is assured from
year to year?

MS. BLOOMER: Al, the $20.1 million in the
Administrative Code was a sort of ceiling, it wasn't
related, my understanding, to the amount of federal funds
that come in, that changes every year, and at the time the
$20.1 million cap was set, the annual federal
apportionment was much less. But since then it's gone
over the cap and this is where we have this issue where as
the years go on, the difference between the $20.1 million cap and what the federal apportionment is continues to grow. So the $20.1 million cap is going to stay in there, next year we'll probably get, if we get the same amount we did in 2010, what would that be?

MR. KILLEBREW: This is Bobby. The FY 2010 federal apportionment for this program was a little bit over $33.8 million.

DR. ABESON: Okay. I just was concerned about putting a number that I thought was so specific in rule that it's supposed to survive from year to year, but now I understand. Thank you.

MR. KILLEBREW: Yes, sir.

MS. BLOOMER: And I think what we're trying to accomplish, without changing that part of the rule, is to address that issue through this rulemaking action. So we'll leave the $20.1 million cap in there but then explain that the difference, not more than 10 percent, will go into the commission discretionary cap, and the remaining difference will be allocated on a pro rata basis which is what the PTAC subcommittee recommended and PTN has done the last two years, sort of informally, so we're more formalizing the current informal process which I think is a good first step.

I am surprised, though, that we haven't heard
MR. GLEASON: Well, I have been talking with a number of the leadership group from the association, there have been conversations taking place informally amongst them as it has come together, so there is some awareness of it, and again, I don't know how to characterize the lack of response other than people are in general agreement with it. It's a busy time of year for everyone, I'm told, a lot of budgets coming together, a lot of local governments doing their budgets, and people are extremely busy making the rounds with those groups. And honestly, in the last couple of years we've not received any objections or concerns over the practice we have followed, so I have to believe this is a good thing and will be embraced by the community.

MS. BLOOMER: Any more discussion on this item? If not, I think Bobby would like an action, and like he mentioned, we have a couple of options: we can approve, approve with comments, waive or defer. Do I have a motion from the committee?

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

MS. BLOOMER: Okay. A second?

MR. HUERTA: This is Vince Huerta and I second that.
MS. BLOOMER: Thanks, Vince and J.R. We'll go ahead on the phone first. Christina?

MS. CRAIN: Yes.

MS. BLOOMER: Al?

DR. ABESON: Yes.

MS. BLOOMER: Janet?

MS. EVERHEART: Yes.

MS. BLOOMER: Vince?

MR. HUERTA: Yes.

MS. BLOOMER: J.R.?

MR. SALAZAR: Yes.

MS. BLOOMER: Michelle, yes. All right, thank you.


MR. GLEASON: This is Eric. Again, Michelle and committee members, I'm not sure how much conversation the committee wants to have on this this morning. The commission is scheduled for final adoption of a Strategic Plan at their June meeting, and we sent out a summary of a conversation that I had with staff and the consultant team on some of the comments from the committee that didn't appear to be addressed in the last draft that we saw, and so I would defer to the committee at this point in time to
what extent you may wish to pursue this any further. Kelly Kirkland is here to help answer any questions, but I really do want to defer to you, Michelle, and the committee to figure out where to go next with this.

MS. BLOOMER: Okay. I don't know if anybody has any comments or feels strongly. Given that the commission is set to adopt the Strategic Plan next Thursday, I don't know if there are any further comments from the committee.

MR. GLEASON: What I will say is I've not yet seen the final plan and so I don't know the extent to which it might have been further changed following my conversation with them that you have a summary of. But I also want to emphasize that the next step for the department is going to be to push down then to the division or functional level area within the department -- I think in our case it will be to the division -- to then put together a companion plan, if you will, that will speak more specifically and in more detail to those sets of priorities and tasks that will be carried out at that level in support of the department achieving its Strategic Plan goals. I do see that next step as something that this committee would help with.

From a timing standpoint, it looks as though the department is planning to have some initial
conversations internally about this toward the end of July, and so it may very well be that when we look at bringing the committee together again for review of final rules on the previous item that we could also begin a conversation with you about this effort for the division.

MS. BLOOMER: Are there any comments from the committee? I would tend to agree with Eric, I think at this point we could probably shift our focus to the next phase which will be development of the companion or complement agreement that the division will draft in support of the department's vision, mission, goals and strategies.

MR. GLEASON: I guess I should clarify, and I don't know for sure, but I don't see the effort at the division level as something that would result in the committee actually advising the commission on something because I don't think the commission is going to be asked to take action on those division-level plans, but I will extend to the committee a commitment on our part that we will engage you in a meaningful way in our development of that.

MS. BLOOMER: Any comments? Going once, twice. (No response.)

MS. BLOOMER: Okay, moving on to Item 6, and I believe this is: Discussion and possible action on PTAC
Work Plan. I believe we continue to keep this on the agenda in the event we want to take up an item. I know at the last meeting the committee's feeling was let's get past and through the LAR request and then we can pick our next work task. I'm thinking maybe we should just continue in that vein and wait until after next Wednesday and maybe at our July meeting, yet to be determined, we can start to pinpoint the next item we want to take up. What does the rest of the committee think about that option, or do you want to dig in right now?

DR. ABESON: I'm in favor of what you just indicated.

MS. CRAIN: Yes.

MR. SALAZAR: This is J.R., me too.

MS. BLOOMER: Okay. One biggie at a time.

Okay, then we'll continue to focus on the LAR and, as my director likes to say, getting that across the goal line.

Any other comments on Item 6 there? If not, we'll move on to Item 7, the Division Director's Report.

MR. GLEASON: All right. Well, each of you got a copy of this -- oh, nobody got a copy of it.

MS. BLOOMER: No.

MR. GLEASON: Well, then let me go down this a little bit. What we're highlighting in this report today is just some recent commission action and then some
upcoming topics.

So at the May meeting we did have, I think, a very significant May meeting with the commission. There were five actions that the commission took impacting public transportation. They did adopt our recommended awards resulting from this year's coordinated call program, they awarded some planning funds to the Nortex and the South Texas Development Council planning region for coordination planning. We awarded the balance of the 5310 program, the program for Elderly Individuals and Individuals with Disabilities, awarding the balance of the fiscal year '10 apportionment for that. And we then distributed, as we just talked about, the remaining balance, with the exception of a small amount, the 5311 program based on revenue mile to the rural transit districts. The final action the commission took was to adopt the sanction rules that this committee had looked at and the commission did adopt those in final form.

So that was May. Next week again another important meeting for us, lots of things on the agenda. Obviously, the rules that we just talked about will be introduced as proposed rules. We will also be awarding, as we do every year in this time frame, the next fiscal year's amount of state funding for public transportation and this is an award that goes to both the rural and the
small urban cities in the state. We will be handing out
some development credits to both the City of Odessa and to
the City of Galveston to help with some capital program
needs that they have. And then, again as we do every
year, we will be distributing federal Metropolitan
Transportation Planning funds from the FTA, 5303 funds; we
award these to the various metropolitan planning
organizations around the state. So that is it for June.

Looking ahead to July, I think we just have one
relatively small item on that. I'm not going to be here
for that meeting so Bobby will be doing that presentation.
But all in all, I think May and June, some very
significant activity at the commission, and in addition to
all of that, I think that the committee's presentation at
the workshop next week is significant as well.

MS. BLOOMER: Any questions for Eric on those
items or any other items?

DR. ABESON: I'm just curious, and maybe,
Bobby, you're the person to answer this question, how long
did it take to move the sanction rules from beginning to
end?

(General laughter.)

MR. GLEASON: Well, I'm certainly not going to
take that, and I'm not sure Bobby knows the answer to that
either. Just keeping in mind that the sanction rules
applied across the entire department and all of the activities, and so moving in a way to bring everyone along took a lot longer than I think anyone anticipated initially, and I still think we have more to go in this general area. We ended up, somehow, I think being second in this whole effort. And so let me just answer that, Al, by saying I think longer than anyone expected when we started.

DR. ABESON: So now the training begins associated with those rules. Right?

MR. GLEASON: Yes, and we will have on our semiannual business meeting scheduled for July on that agenda, we will be starting that training. Suzanne Mann is scheduled to make a presentation and then also be available to assist people in this, so yes, we are following through on that.

DR. ABESON: All right, good.

MS. BLOOMER: And Eric mentioned the semiannual meeting and I think we mentioned it at the last meeting, but the date is July 14.

MR. GLEASON: July 14, yes.

MS. BLOOMER: I will be attending, Vince and J.R. are shaking their heads they'll be there as well, and I think we extended the invitation last time to other PTAC members if you're interested as well. It's a very good
opportunity, a lot of the state's transit providers are there, but we'll make sure that everybody gets a copy of the agenda, I think they're still working on it, but it's a good opportunity. Some of us will be there to represent PTAC and if you'd like to join us, please do.

MR. GLEASON: Our next meeting is going to be following the public comment period to the rules. Have I got that right? That's the next time that we need to meet, so I think we're looking at late August, possibly early September.

MS. BLOOMER: Okay, are there any other questions or items for discussion? I think we've accomplished a lot in the last couple of months.

(No response.)

MS. BLOOMER: Any public comment, Ginnie?

MS. MAYLE: No.

MS. BLOOMER: Confirm date of the next meeting: We'll do that via e-mail once we have a better idea of the public comment time and some date after that. And then I'll just go ahead and adjourn. I don't think we need to vote, I think everybody is all in favor.

Meeting adjourned. Thank you.

(Whereupon, at 10:57 a.m., the meeting was concluded.)
CERTIFICATE

MEETING OF: Public Transportation Advisory Committee

LOCATION: Austin, Texas

DATE: June 17, 2010

I do hereby certify that the foregoing pages, numbers 1 through 41, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Penny Bynum before the Texas Department of Transportation.

06/20/2010

(Transcriber) (Date)

On the Record Reporting
3307 Northland, Suite 315
Austin, Texas 78731

ON THE RECORD REPORTING
(512) 450-0342