

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

<u>AGENDA OF PUBLIC TRANSPORTATION ADVISORY COMMITTEE</u>	
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2. Approval of Minutes from May 14, 2010 meeting (Action)	3
3. Discussion and possible action on input to the department's Legislative Appropriations Request (LAR) (Action)	3
4. IN accordance with 43 TAC 1.83(c), review and comment on the final draft of proposed revisions to 43 TAC 31.36 (Section 5311 Grant Program) (Action)	20
5. Discussion and action on the department's Draft 2011-2015 Strategic Plan Vision, Mission Values, Goals, and Focus Area Statements (Action)	33
6. Discussion and possible action on PTAC Work Plan as it relates to Transportation Code Section 455.004(a)(1), which charges PTAC with advising the commission on the needs and problems of the state's public transportation providers, including the methods for allocating state public transportation money (Action)	35
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P R O C E E D I N G S

1
2 MS. BLOOMER: Let's start since we have a
3 quorum, call the meeting to order. First item on the
4 agenda this morning is approval of the May 14, 2010
5 minutes. Before asking for a motion, were there any
6 questions, comments or changes to the minutes?

7 (No response.)

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

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

11 MS. BLOOMER: We have a first.

12 MS. CRAIN: This is Christina, I second.

13 MS. BLOOMER: We have a first and a second.

14 We'll go ahead and take roll call. Al?

15 DR. ABESON: Yes.

16 MS. BLOOMER: Christina?

17 MS. CRAIN: Yes.

18 MS. BLOOMER: Vince?

19 MR. HUERTA: Yes.

20 MS. BLOOMER: J.R.?

21 MR. SALAZAR: Yes.

22 MS. BLOOMER: Michelle, yes.

23 All right, moving on to Item 3: Discussion and
24 possible action on input to the department's Legislative
25 Appropriations Request, or LAR. Eric, did you want me to

1 turn it over to you first, or just open it up for
2 discussion?

3 MR. GLEASON: Good morning. This is Eric
4 Gleason, TxDOT Division director.

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

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

12 MS. MAYLE: No.

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

17 DR. ABESON: Unmet needs.

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

1 letter.

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

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

11 DR. ABESON: That's perfect.

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

16 DR. ABESON: That would be ideal.

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

22 DR. ABESON: Good.

23 MS. BLOOMER: We had somebody else join us.

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

25 MS. BLOOMER: Good morning, Janet. We have

1 Christina and Al on the phone with you, and Vince, J.R.
2 and myself are here in Austin, and we are on Item 3 right
3 now talking about the Legislative Appropriations Request
4 and the letter.

5 MS. EVERHEART: Okay, thank you.

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

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

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

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

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

25 MR. GLEASON: So next Wednesday at a regularly

1 scheduled commission workshop, James Bass, the chief
2 financial officer, will present to the commission a draft
3 Legislative Appropriations Request for the next biennium,
4 and it is just that, the commission will not be asked to
5 adopt the draft, they are simply being presented the
6 draft. The schedule calls for then final adoption of an
7 LAR at the August commission meeting.

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

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

25 MS. BLOOMER: Okay. And I apologize because

1 I've never been to a commission workshop or a commission
2 meeting, but when you say an opportunity to present the
3 letter, am I just you have a copy of the letter?

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

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

1 base, general information, and is being used to brief the
2 commission on general impacts expected from the census.

3 And so the LAR presentation is number 5 on the
4 agenda -- and this on the internet -- but the items
5 preceding it will be discussion of the implementation of
6 2008 Sunset Commission staff recommendations, discussion
7 of a managed lane project in the Dallas and Denton Count
8 area, as well as some Tarrant County stuff; item 3 will be
9 discussion on the 2010 Federal Census; item 4 is a
10 discussion on pavement management goals; and then item 5
11 is the Legislative Appropriations Request. So it's
12 actually the last item on the agenda for that day.

13 And so in the census conversation, I will have
14 an opportunity, as a part of that, to allude to one
15 element that we've identified for additional funding --
16 actually two elements, the element that we've talked about
17 relating to the impact of the census on existing agencies,
18 and the second item being the growth in population in
19 general in the rural and small urban areas of the state
20 and the per capita impacts of that growth on spending. So
21 those two items I will have mentioned already as a part of
22 an earlier presentation, so when we get to the LAR
23 conversation, they'll be familiar with that, and it never
24 hurts to hear things two or three times, but they'll have
25 been exposed to some of that.

1 MS. BLOOMER: Okay. Now, in the back-and-
2 forth, I've seen some of the back-and-forth related to the
3 financial situation. What type of questions do you
4 envision they might ask?

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

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

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

23 MS. BLOOMER: Okay.

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

25 MR. GLEASON: Sure.

1 DR. ABESON: Eric, good morning.

2 MR. GLEASON: Good morning.

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

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

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

24 DR. ABESON: And I would agree, I think you're
25 exactly right, it would be a perception issue. I mean, I

1 have such little knowledge of how the commission works and
2 those relationships. In my view, I'd like this to be as
3 strong a recommendation as we can that would add to what
4 the department is requesting and be seen as somewhat
5 independent of the department where we could be perceived
6 the same. This is a group that's been created to advise
7 the commission; as we work with the department, it is our
8 sense that this is what is needed to advance the state.

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

11 MR. GLEASON: Yes.

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

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

17 MR. GLEASON: What I believe the draft will say
18 with respect to your work will be it will acknowledge each
19 of the areas of need that you have identified as needing
20 additional funding. What I believe the draft
21 recommendation will be is that the funding associated with
22 the hold harmless amount on the census impact, the \$3.2
23 million or so that we've identified as being needed in the
24 biennium to at least hold existing agency's harmless to
25 the potential impacts of the census, that \$3.2 million, I

1 believe the draft is going to recommend come from the
2 State Highway Fund. The draft will recommend that the
3 balance of the areas of need that have been identified
4 that those be included in the LAR but that they be
5 included as what we call exceptional request items,
6 meaning that the department is requesting that the funds
7 for those items come from some other area other than the
8 State Highway Fund.

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

25 MS. BLOOMER: Because Mr. Bass is basically

1 going to present the division and the department's, and
2 like you said, ours is similar but different in where
3 we're wanting the money to come from.

4 MR. GLEASON: Yes.

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

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

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

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

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

19 MS. CRAIN: Yes.

20 DR. ABESON: Yes.

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

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

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

8 MR. GLEASON: Absolutely.

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

11 MR. GLEASON: Yes, there is.

12 MS. BLOOMER: In front of the commission.

13 (General laughter.)

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

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

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

20 MR. SALAZAR: We'll hold you up.

21 MS. BLOOMER: I guess what I need in order to
22 be comfortable standing up in front of the commission and
23 talking is sort of I need to know what I'm going to say,
24 and so that's what I was talking about like talking points
25 or like a written speech where I wouldn't necessarily read

1 it word for word because I don't want to get up there and
2 read it, but in the event I panic or freeze, I could read
3 it. Is that something that PTN could assist with?

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

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

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

15 MS. BLOOMER: Okay.

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

25 I once had an experience with an attorney in

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

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

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

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

23 MR. SALAZAR: This is J.R. I have a really
24 dumb question. Is this a commission meeting or a
25 commission workshop?

1 MR. GLEASON: It's a workshop but it is a
2 formal meeting of the commission. It is intended to be a
3 place where what were previously discussion items on the
4 regular Thursday agenda occur on the day before so that
5 more time can be spent on them. It's called a workshop
6 but it is a formal meeting and the agendas are posted and
7 all that, and you can actually follow it, they do stream
8 the broadcast.

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

11 MR. GLEASON: That's right.

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

18 MS. CRAIN: Christina will be there.

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

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

23 MS. BLOOMER: Okay, great.

24 MS. CRAIN: And remind us of the time and the
25 location.

1 MR. GLEASON: Well, it starts at 1:30 p.m. and
2 it is in the Greer Building in downtown Austin, and we'll
3 send you all that. It's 125 East 11th Street, and we can
4 send you all that information if you need it.

5 MS. CRAIN: Great.

6 MR. GLEASON: Right across from the Capitol.

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

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

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

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

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

22 MR. GLEASON: Yes, it looks like it to me too.
23 There's a description of it, I don't know how
24 controversial that is or not, but you guys always seem to
25 generate conversation.

1 MS. BLOOMER: So item 2 may stall us. Item 1,
2 implementation of the Sunset Commission staff
3 recommendations.

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

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

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

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

11 (General laughter.)

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

23 If there's nothing else on the LAR, we will
24 move on to Item 4 which is review and comment on the final
25 draft of proposed revisions to 43 TAC '31.36, or in

1 layman's terms, the Section 5311 Grant Program.

2 MR. GLEASON: All right. I'm going to have
3 Bobby Killebrew, the deputy director for the division,
4 walk you through this item.

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

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

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

21 The rules themselves, when we go through a
22 rulemaking process, we don't do this very often and
23 certainly as a committee you all don't do this very often,
24 so it gets a little confusing. I always like to do a
25 little timeline cheat sheet, and I know in your workshop

1 back in April in your workbooks we provided you with a
2 little example cheat sheet, and I promise, as followup to
3 today's meeting, we're going to take that example and fill
4 in some dates for you, now we have the dates, I can fill
5 them in, and we will get you that as quickly as possible
6 so that you know what's going to occur.

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

23 I'm not a lawyer nor do I play one on TV, so
24 Christina, we'll let you speak up if I misstep here,
25 please correct me, but I want to make sure everyone

1 understands I'm not a lawyer nor do I play one on TV. I
2 always like to say that because some people look at me and
3 they say you do rules all the time, you must be a lawyer.

4 No, I'm not.

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

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

1 that's the current terminology of the day.

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

11 One of the changes that we are making that has
12 been discussed with this committee and also brought to the
13 department's attention by the industry and by the Texas
14 Transit Association and that is the amount of funds that
15 is currently being held aside in what's been coined as the
16 discretionary pot for the commission. Back when these
17 rules were passed, we didn't envision that this program
18 would have so much funding, and congratulations to all of
19 us today, it has a lot of money. Well, so has that
20 discretionary pot grown, it's grown to quite a bit, so the
21 industry and the Texas Transit Association brought to the
22 department that perhaps we should limit that discretionary
23 pot to a certain amount. So what you see before you today
24 is a limitation on that discretionary pot to no more than
25 10 percent of the annual apportionment.

1 And lastly, what you also see here is something
2 that the commission has done historically with their
3 discretionary pot and that is an award that we're now
4 calling vehicle mile allocation, and that is making an
5 award from this program based on vehicle miles to the
6 transit recipients that are eligible under this program.

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

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

25 MS. BLOOMER: And Eric, you said in one of the

1 e-mails that you had provided this information to the
2 rural providers and you have not heard any comment either.

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

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

19 So I see that as something that it's an
20 opportunity we have now to make a relatively small but
21 significant tweak to the federal program portion of the
22 Administrative Code that is completely consistent with
23 what I believe, anyway, to be a practice of the department
24 that folks are in agreement with. Again, it's a little
25 hard to know when you get nothing back, but as J.R. said,

1 I think that the history is such that no news is good
2 news, and we're going to proceed along that line.

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

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

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

25 So as Eric said, today we're meeting as a

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

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

18 During the public comment period, individual
19 PTAC members can submit comments as individuals. The
20 group won't necessarily submit a comment but individually
21 you're certainly welcome to submit comments, along with
22 everybody else who can submit comments to the department.

23 You can also appear as individuals at the public hearing,
24 if you would like, and submit a comment. So I just wanted
25 to make sure you understand as individuals you can act

1 during a public comment period.

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

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

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

24 MR. GLEASON: So from an impact on funding
25 standpoint, assuming these rules proceed through the

1 process and become final and adopted, first opportunity
2 for these rules to be applied would be for federal fiscal
3 year 2011 whenever we were to receive 5311 Program
4 apportionment amounts, that would be the first time these
5 new rules would apply.

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

15 MR. KILLEBREW: You are correct.

16 DR. ABESON: I have a minor question. The
17 \$20,104,352 number, is that a number that is assured from
18 year to year?

19 MS. BLOOMER: Al, the \$20.1 million in the
20 Administrative Code was a sort of ceiling, it wasn't
21 related, my understanding, to the amount of federal funds
22 that come in, that changes every year, and at the time the
23 \$20.1 million cap was set, the annual federal
24 apportionment was much less. But since then it's gone
25 over the cap and this is where we have this issue where as

1 the years go on, the difference between the \$20.1 million
2 cap and what the federal apportionment is continues to
3 grow. So the \$20.1 million cap is going to stay in there,
4 next year we'll probably get, if we get the same amount we
5 did in 2010, what would that be?

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

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

13 MR. KILLEBREW: Yes, sir.

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

25 I am surprised, though, that we haven't heard

1 anything from the providers.

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

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

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

23 MS. BLOOMER: Okay. A second?

24 MR. HUERTA: This is Vince Huerta and I second
25 that.

1 MS. BLOOMER: Thanks, Vince and J.R. We'll go
2 ahead on the phone first. Christina?

3 MS. CRAIN: Yes.

4 MS. BLOOMER: Al?

5 DR. ABESON: Yes.

6 MS. BLOOMER: Janet?

7 MS. EVERHEART: Yes.

8 MS. BLOOMER: Vince?

9 MR. HUERTA: Yes.

10 MS. BLOOMER: J.R.?

11 MR. SALAZAR: Yes.

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

14 Moving on to Item 5: Discussion and action on
15 the department's Draft 2011-2015 Strategic Plan Vision,
16 Mission, Values, Goals and Focus Area Statements.

17 MR. GLEASON: This is Eric. Again, Michelle
18 and committee members, I'm not sure how much conversation
19 the committee wants to have on this this morning. The
20 commission is scheduled for final adoption of a Strategic
21 Plan at their June meeting, and we sent out a summary of a
22 conversation that I had with staff and the consultant team
23 on some of the comments from the committee that didn't
24 appear to be addressed in the last draft that we saw, and
25 so I would defer to the committee at this point in time to

1 what extent you may wish to pursue this any further.
2 Kelly Kirkland is here to help answer any questions, but I
3 really do want to defer to you, Michelle, and the
4 committee to figure out where to go next with this.

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

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

24 From a timing standpoint, it looks as though
25 the department is planning to have some initial

1 conversations internally about this toward the end of
2 July, and so it may very well be that when we look at
3 bringing the committee together again for review of final
4 rules on the previous item that we could also begin a
5 conversation with you about this effort for the division.

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

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

22 MS. BLOOMER: Any comments? Going once, twice.

23 (No response.)

24 MS. BLOOMER: Okay, moving on to Item 6, and I
25 believe this is: Discussion and possible action on PTAC

1 Work Plan. I believe we continue to keep this on the
2 agenda in the event we want to take up an item. I know at
3 the last meeting the committee's feeling was let's get
4 past and through the LAR request and then we can pick our
5 next work task. I'm thinking maybe we should just
6 continue in that vein and wait until after next Wednesday
7 and maybe at our July meeting, yet to be determined, we
8 can start to pinpoint the next item we want to take up.
9 What does the rest of the committee think about that
10 option, or do you want to dig in right now?

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

13 MS. CRAIN: Yes.

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

15 MS. BLOOMER: Okay. One biggie at a time.
16 Okay, then we'll continue to focus on the LAR and, as my
17 director likes to say, getting that across the goal line.

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

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

22 MS. BLOOMER: No.

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

1 upcoming topics.

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

19 So that was May. Next week again another
20 important meeting for us, lots of things on the agenda.
21 Obviously, the rules that we just talked about will be
22 introduced as proposed rules. We will also be awarding,
23 as we do every year in this time frame, the next fiscal
24 year's amount of state funding for public transportation
25 and this is an award that goes to both the rural and the

1 small urban cities in the state. We will be handing out
2 some development credits to both the City of Odessa and to
3 the City of Galveston to help with some capital program
4 needs that they have. And then, again as we do every
5 year, we will be distributing federal Metropolitan
6 Transportation Planning funds from the FTA, 5303 funds; we
7 award these to the various metropolitan planning
8 organizations around the state. So that is it for June.

9 Looking ahead to July, I think we just have one
10 relatively small item on that. I'm not going to be here
11 for that meeting so Bobby will be doing that presentation.

12 But all in all, I think May and June, some very
13 significant activity at the commission, and in addition to
14 all of that, I think that the committee's presentation at
15 the workshop next week is significant as well.

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

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

22 (General laughter.)

23 MR. GLEASON: Well, I'm certainly not going to
24 take that, and I'm not sure Bobby knows the answer to that
25 either. Just keeping in mind that the sanction rules

1 applied across the entire department and all of the
2 activities, and so moving in a way to bring everyone along
3 took a lot longer than I think anyone anticipated
4 initially, and I still think we have more to go in this
5 general area. We ended up, somehow, I think being second
6 in this whole effort. And so let me just answer that, Al,
7 by saying I think longer than anyone expected when we
8 started.

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

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

17 DR. ABESON: All right, good.

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

21 MR. GLEASON: July 14, yes.

22 MS. BLOOMER: I will be attending, Vince and
23 J.R. are shaking their heads they'll be there as well, and
24 I think we extended the invitation last time to other PTAC
25 members if you're interested as well. It's a very good

1 opportunity, a lot of the state's transit providers are
2 there, but we'll make sure that everybody gets a copy of
3 the agenda, I think they're still working on it, but it's
4 a good opportunity. Some of us will be there to represent
5 PTAC and if you'd like to join us, please do.

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

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

14 (No response.)

15 MS. BLOOMER: Any public comment, Ginnie?

16 MS. MAYLE: No.

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

22 Meeting adjourned. Thank you.

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

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C E R T I F I C A T E

MEETING OF: Public Transportation Advisory Committee
LOCATION: Austin, Texas
DATE: 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.

(Transcriber) 06/20/2010
(Date)

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