

TEXAS DEPARTMENT OF TRANSPORTATION  
PUBLIC TRANSPORTATION ADVISORY COMMITTEE  
MEETING

Room 323  
Building 6  
3712 Jackson Avenue  
Austin, Texas

Tuesday,  
July 9, 2013

COMMITTEE MEMBERS PRESENT IN AUSTIN:

Michelle Bloomer, Chair  
J.R. Salazar, Vice Chair  
Brad Underwood

COMMITTEE MEMBERS PRESENT BY TELEPHONE:

Christina Crain  
Rob Stephens

COMMITTEE MEMBERS NOT PRESENT:

Al Abeson  
Glenn Gadbois

STAFF:

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

I N D E X

<u>AGENDA ITEM</u>	<u>PAGE</u>
1. Call to Order	3
2. Approval of Minutes from May 28, 2013 meeting	4
3. Division Director's report to the committee regarding public transportation matters (no report given)	5
4. In accordance with 43 TAC '1.83(c), review and comment on the final draft of proposed revisions to Chapter 31: amendments to '31.3 (General); '31.11 and '31.23 (State Programs); '31.16-31.18, '31.21, '31.22, '31.26, new '31.30, amendments to '31.31, '31.36 and '31.37 (Federal Programs); new '31.38, amendments to '31.40-31.45, '31.48 and '31.49 (Program Administration); new '31.51 and amendments to '31.57 (Property Management Standards). (Action)	6
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MS. BLOOMER: We will go ahead and get started.

It is 1:02 p.m.

The first item of business today is approval of the minutes from the May 28 meeting. Do I have a motion for approval of the minutes?

MR. UNDERWOOD: I just have one question, not a correction. On page 2 where it says I amended the motion for no set-aside for the intercity bus program for rural transit districts, my memory may fail me but I don't remember amending that. I think we kind of left it as, for me, at least, we left it as we'll go back and think about it, research it, and not really make any firm decisions. Maybe I was just withdrawing that piece, but I just want the minutes to clarify that it wasn't that I making a motion to not have a set-aside, it was just it was kind of inconclusive at the time, if my memory serves.

MR. KILLEBREW: For the record, Bobby Killebrew, deputy director of Public Transportation Division?

Brad, how would you like it to read?

MR. UNDERWOOD: I wasn't for pulling back a set-aside for the intercity bus program, it was just that it was kind of I think the way I worded it or my intention was to kind of go back and research some more options, not

1 to necessarily have that done. Does that make sense,  
2 Bobby? I don't know if there's a way to correct that.

3 MS. BLOOMER: This is Michelle. Bobby, on page  
4 97 of the transcript, line 20, Brad said, "Actually, I've  
5 got my motion, so basically it would be just to leave it  
6 like it is where it has no percentage and we'll look at  
7 that next time."

8 So I think the intent was to leave the set-  
9 aside there but to leave the percentage blank, and I think  
10 we gave TxDOT the flexibility of looking at ways to  
11 address the set-aside without maybe a percentage and/or to  
12 come back with a recommended percentage.

13 Brad, is that consistent with your recall?

14 MR. UNDERWOOD: Yes, ma'am.

15 MS. BLOOMER: Okay.

16 MR. UNDERWOOD: But with that correction, then  
17 I would move to approve the minutes as presented.

18 MR. EDMUNDS: This is J.R. I'll second that.

19 MS. BLOOMER: So I have a motion and a second.  
20 Any discussion?

21 (No response.)

22 MS. BLOOMER: Hearing none, we'll go ahead and  
23 do roll call.

24 MS. BLOOMER: Christina?

25 MS. CRAIN: Yes.

1 MS. BLOOMER: Okay, thank you. Brad?

2 MR. UNDERWOOD: Yes.

3 MS. BLOOMER: J.R.?

4 MR. EDMUNDS: Yes.

5 MS. BLOOMER: Michelle, yes.

6 All right. So the minutes pass, that takes  
7 care of item 2.

8 Item 3 is the division director's report, and  
9 Eric has opted not to give us an update today so we can  
10 focus on item 4, which is the Administrative Code  
11 revisions consistent with MAP-21. So what we're going to  
12 try to do to facilitate this process is we're going to go  
13 through exhibit by exhibit. We have five exhibits,  
14 Exhibits B through F, and for each exhibit we'll go  
15 section by section and just work our way through.

16 Bobby, do you need to give any sort of overview  
17 or preamble?

18 MR. UNDERWOOD: Do you want to take a break  
19 before we start this?

20 (General laughter.)

21 MS. BLOOMER: Before we dive right in, I'll  
22 turn it over to Bobby to proceed with Exhibit B.

23 MR. KILLEBREW: This is Bobby. First, take a  
24 very deep breath. Oh, my gosh, PTAC, what have you done?  
25 I wasn't even sure someone could actually get this on

1 your side of the fence, so hopefully you all got the  
2 packet, and it is quite large.

3           Again, don't be alarmed by the volume before  
4 you. There is a lot of pages that we probably won't touch  
5 on today because it has grammar corrections or it has  
6 updates to words where they should be hyphenated or not  
7 hyphenated, or some of it's deleted text. So there's a  
8 lot pages here that don't necessarily have a lot of meat  
9 to the matter.

10           I do want to go over a couple of things. In  
11 your packet, following the minutes there is a two-page  
12 document that has an estimated timeline for MAP-21 rule  
13 making, and I'd just like to refer back to this so that  
14 you can pinpoint in time where we are today. So we're  
15 about two-thirds down the page on the first page, the July  
16 9 meeting of PTAC. This is your first opportunity to  
17 comment on the draft rules as prepared by the department,  
18 that we'll be taking to the commission at the end of this  
19 month.

20           Now, in regard to what the committee can do  
21 today, there really are three things that the committee  
22 can do today: one of the items is that you can waive your  
23 comment as a committee on this package; the second thing  
24 you can do is you can defer your comment as a committee  
25 until this package actually hits the public comment

1 period; or the third thing that you can do is actually  
2 provide comment, and that doesn't mean you have to accept  
3 the whole package, that could be we like this section, we  
4 don't like that section because we'd rather it read such-  
5 and-such. So there are three things you can do: waive  
6 comment, defer comment, or you can make comment. We would  
7 be happy if the committee said you liked everything today  
8 and we could go home very early, but I can see the gleam  
9 in your eyes, so we will go section by section, as  
10 Michelle suggested.

11           So any questions on the timeline? There are  
12 many things that are going to happen after today: we have  
13 the commission meeting coming up, we go into a public  
14 comment period, we'll have a public hearing during that  
15 public comment period, PTAC will get back together again,  
16 and in October we'll go back to the commission for final  
17 adoption if everything stays on schedule and we don't have  
18 any bump in the road that would cause us to start over in  
19 the process. So rule making takes some time and we want  
20 to make sure we give the public ample opportunity to  
21 provide comments.

22           Well, then diving right into the rule package  
23 itself, with Christina on the phone and everybody here in  
24 the room, I tried to give guidance to individuals -- we  
25 don't do rules very often -- how to go through the rules

1 and when you're talking about a particular item, how to  
2 reference where you are in the rules. When you're looking  
3 at the exhibits that Michelle is referring to, in the  
4 lower right corner you'll see the word Exhibit and then it  
5 will be a B, C, D, E or F, I believe, and in the upper  
6 right-hand corner you'll see page references and along the  
7 left-hand side of the page you'll see line item  
8 references. So if I was to refer to the definition of  
9 administrative expenses and I wanted everybody to be on  
10 the same page with me, I would say, for example, Exhibit  
11 B, page 1, line 5, and so everybody can find  
12 administrative expenses, I hope.

13 So as we're talking as a committee, as you're  
14 looking at this , as you're making comments, it would be  
15 helpful if you can say the exhibit, the page, the line  
16 number so that everybody is at the same place.

17 As Michelle was saying, I'm going to kind of go  
18 through section by section within each subchapter to give  
19 you a broad overview. A lot of this the committee has  
20 been discussing over time, so what we tried to do is take  
21 the committee's wishes and put them down on paper, working  
22 with our legal counsel, to come up with something that  
23 fits the Code Construction Act, along with everything else  
24 we have to do for the legal folks downtown.

25 So I will be hitting the high points on this,

1 it will not be a line by line item, as I need to  
2 specifically draw you to -- Michelle is saying, no,  
3 please, not line by line -- to a specific item on a page.

4 And so the first section out here is section  
5 31.3 which is the definitions section. This section is  
6 fairly large. We did a lot of cleanup in this section.  
7 There were several terms in this section which we needed  
8 to add or amend because of MAP-21 changes. We also had  
9 one definition that we wanted to get closer to what the  
10 defined term was in the state statute, and so we amended  
11 that definition to further align with state statute, and  
12 then there's these various different definitions that were  
13 added or amended, and that was done for clarity's sake.  
14 We, in some cases, used the term "elsewhere in  
15 Administrative Code," and so we thought we better define  
16 it because it's just used and not defined.

17 In some cases, the way it was defined didn't  
18 quite make sense anymore. The code in some areas is kind  
19 of old, so we were working with different dates of  
20 amendments to the code, we tried to clarify those things.

21 And then there were a few definitions that over time  
22 they're no longer used in this chapter of the  
23 Administrative Code, so we've deleted those. And so  
24 you'll see on Exhibit B numerous pages that just deal with  
25 definitions. In fact, all of Exhibit B is just the

1 definition section. And so if the committee has any  
2 questions or comments about Exhibit B, I'm available.

3 MS. BLOOMER: Did we have somebody join us?

4 MR. STEPHENS: Yes, Michelle. Rob Stephens  
5 here. Sorry I'm late.

6 MS. BLOOMER: Hi, Rob. We are on item 4 on the  
7 agenda and have just started reviewing the Exhibit B in  
8 your packet.

9 MR. STEPHENS: Okay. Thank you.

10 MS. BLOOMER: Brad, did you have anything?

11 MR. UNDERWOOD: Yes. One question about page  
12 3, Exhibit B, line 7: Contractor--a recipient of public  
13 transportation funds through a contract or grant agreement  
14 with the department. This is just for my clarification.  
15 Political subdivisions of the states, like '5311  
16 providers, that would not be a contractor, they'd be  
17 subrecipients. Correct? Would that be more like a non-  
18 profit, or Greyhound, for example? Is that what we're  
19 looking for as contractors?

20 MR. KILLEBREW: This is Bobby. And thank you  
21 for bringing that up; Michelle and I had a conversation  
22 prior to the start of the meeting. These terms are only  
23 as used in this chapter of the Texas Administrative Code,  
24 and so when you look at the word contractor and the  
25 definitions, you'd have to go back further in the code to

1 see where contractor actually pops up, and that's now it's  
2 used. That could be an entity that's in a subcontract  
3 relationship with a rural transit district, for example,  
4 so you might hire someone to do some work for you so  
5 they're a contractor for you. That could be one  
6 reference. It could be a reference, just as you said, it  
7 might be one who is not a rural transit district and we're  
8 calling him a contractor just for in this Administrative  
9 Code.

10 MS. BLOOMER: This is Michelle. Bobby, on  
11 Exhibit B, page 4, line 9, employment-related  
12 transportation, would I be correct in assuming that it  
13 doesn't actually mention accessing employment because  
14 somewhere else there is a definition of access to  
15 employment and employment-related, so all they're doing is  
16 defining what employment-related is? Because it seems  
17 like going to work would be a key to employment-related  
18 transportation, not just job search or job preparation.

19 MR. KILLEBREW: I'm sorry for the delay, I had  
20 to confer with Karen. By the way, Karen Dunlap, who is  
21 sitting beside me, helped tremendously getting all this  
22 down into the legalese and so forth, and so I am leaning  
23 on her today. I may have to whisper on occasion to make  
24 sure I don't misspeak.

25 As Karen was relaying to my ear, this has

1 assumed that you could use this form of transportation to  
2 and from work but the original intent for this one was the  
3 auxiliary items that related to the employment.

4 MS. BLOOMER: Okay. So we're just defining it.

5 In the sentence it usually goes for employment and  
6 employment-related, and we're just defining the  
7 employment-related piece. Okay.

8 And then my only other comment was in Exhibit  
9 B, page 6, line 5, when we're defining a job access  
10 project, we say, "relating to the development and  
11 maintenance of transportation services designed to  
12 transport welfare recipients and eligible low-income  
13 individuals," if there is a need to continue to use the  
14 "welfare recipients," given they are low-income  
15 individuals, as we define them on the next page. It's  
16 just a thought if there is a need to continue to use the  
17 term welfare recipient."

18 MR. KILLEBREW: This is Bobby. We continued  
19 some of the definitions in here that have been  
20 historically related to the JARC and New Freedom programs,  
21 as they were previously defined under other authorization  
22 bills prior to MAP-21, because the department still has  
23 JARC and New Freedom funds that we are administering which  
24 we have to administer under those prior rules, because, as  
25 you know, the JARC and New Freedom programs were repealed.

1       So this mirrors what was in there for those funds and the  
2 rules that were associated with them.

3               I don't know if that answers your question,  
4 Michelle, but that's where this definition came from  
5 prior.

6               MS. BLOOMER: Okay. Are there any other  
7 questions from the committee regarding the definitions?

8               (No response.)

9               MS. BLOOMER: If not, then we'll go ahead and  
10 do I have a motion for acceptance of Exhibit B, section  
11 31.3, Definitions, as presented?

12              MR. UNDERWOOD: So moved, with corrections that  
13 we talked about. Have we made any corrections besides  
14 that?

15              MS. BLOOMER: I don't think we made any  
16 corrections.

17              MR. KILLEBREW: No corrections.

18              MS. BLOOMER: There were no corrections.

19              MR. UNDERWOOD: So move to adopt as presented.

20              MR. SALAZAR: This is J.R. I'll second that.

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

22 We'll go ahead and call roll. Rob?

23              MR. STEPHENS: Yes.

24              MS. BLOOMER: Christina?

25              MS. CRAIN: Yes.

1 MS. BLOOMER: Brad?

2 MR. UNDERWOOD: Aye.

3 MS. BLOOMER: J.R.?

4 MR. SALAZAR: Aye.

5 MS. BLOOMER: Michelle, yes.

6 Okay. So that moves us on to Exhibit C, and  
7 the first section is 31.11, the Formula Program. Bobby.

8 MR. KILLEBREW: Yes. This is Bobby again.

9 Exhibit C, starting on page 1, the State  
10 Formula Program, this is our state grant money that we  
11 hand out. There were actually three major changes that we  
12 made to 31.11 Formula Program. One of the changes deals  
13 with actually just revising the text for the distribution  
14 of urban funds. When looking at the Code, we noticed that  
15 we were very -- this begins somewhat on page 1, line 21 of  
16 Exhibit C -- we were pretty elaborate in defining  
17 different things about urban transit districts, we didn't  
18 do so when we defined rural transit districts, and so  
19 we've backed off a little bit about going into such  
20 lengthy detail here in the Administrative Code and simply  
21 specified urban transit districts. The state statute  
22 governs who we can give the money to, so to do it here in  
23 the Texas Administrative Code would not really be the  
24 proper place to do that. For whatever reason, in the  
25 past we felt it necessary and now we felt it necessary to

1 leave it not too detailed as much as we had.

2 The second area that we've added some text on  
3 deals with a motion that came out of PTAC, one of the  
4 previous meetings, and that is when we are considering or  
5 we're calculating the performance award in the state grant  
6 funding that we've added text that allows the department  
7 to consider alternatives that if a transit district were  
8 to have a negative impact based on performance factors  
9 that are outside of the agency's control, the transit  
10 agency's control, then the department might be able to  
11 consider how that performance calculation is done, and  
12 we've added text in there that allows the department the  
13 authority to do that.

14 And the last thing throughout this section  
15 you'll see some terminology change, where we've used  
16 designated recipient before, we've now changed that to  
17 urban or rural transit district to be more specific in  
18 this section of the Administrative Code as to who this  
19 applies to. And those were the major changes in the State  
20 Grant Formula Program.

21 MS. BLOOMER: Does the committee have any  
22 questions for Bobby?

23 MR. UNDERWOOD: On 4 and page 5 where the  
24 revisions have been made, line 6 through 13, and on the  
25 back page, 13 through 19, that's worded very good, I like

1 the way that sounds, because there are some unique  
2 situations we've had, especially in the western part of  
3 the state where this would have been very helpful to have.

4 So I really like this language, it's very good. And it  
5 doesn't put us so far in a box either that as situations  
6 change and move, I think it gives the department some  
7 flexibility, some area to move around a little bit, so I  
8 really like that language.

9 MS. BLOOMER: And Bobby, that specifically  
10 addresses one of the concepts that PTAC had laid out in  
11 the papers and received comments on. Thank you.

12 Any other questions or comments regarding  
13 Exhibit C, section 31.11?

14 (No response.)

15 MS. BLOOMER: And Bobby, that is the only  
16 section in Exhibit C.

17 MR. KILLEBREW: There is another section in  
18 Exhibit C, but I can go over it quickly, it's very short,  
19 and you can have one motion for all of Exhibit C.

20 MS. BLOOMER: Okay.

21 MR. KILLEBREW: The other section in Exhibit C  
22 is Exhibit C, page 10, line 4, called the Discretionary  
23 Program, and the only changes in this section were  
24 formatting and clarity changes.

25 MS. BLOOMER: Bobby, is there a reason we go

1 from 31.11 to 31.13? What happened to 31.12?

2 MR. KILLEBREW: 31.12 doesn't exist in the  
3 Administrative Code; it's a placeholder, we call it.

4 MS. BLOOMER: Okay. Any questions on 31.13?  
5 (No response.)

6 MS. BLOOMER: Hearing none, would anybody like  
7 to make a motion?

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

9 MS. BLOOMER: I have a motion. Do I have a  
10 second?

11 MR. UNDERWOOD: Second.

12 MS. CRAIN: This is Christina. I'll second.

13 MR. UNDERWOOD: Let Christina have it.

14 MS. BLOOMER: Okay. Second by Christina.  
15 We'll go ahead and take roll call. Rob?

16 MR. STEPHENS: Aye.

17 MS. BLOOMER: Christina?

18 MS. CRAIN: Yes.

19 MS. BLOOMER: Brad?

20 MR. UNDERWOOD: Aye.

21 MS. BLOOMER: J.R.?

22 MR. SALAZAR: Aye.

23 MS. BLOOMER: Michelle, aye. Okay. So that  
24 takes care of C.

25 Moving on to Exhibit D, and the first section

1 in Exhibit D is 31.16, the '5309 grant program.

2 MR. KILLEBREW: This is Bobby again.

3 The '5309 program beginning Exhibit D, page 1,  
4 line 2. You heard us talk in previous PTAC meetings that  
5 MAP-21 changed '5309 tremendously. It's no longer what it  
6 used to be for what we drew the money down on which is  
7 basically a lot of competitive programs to do vehicle  
8 replacements and construction of facilities, it's mainly  
9 rail.

10 So the department still has some old '5309  
11 money that we're administering so we can't repeal this  
12 section out of the Administrative Code, we have to keep  
13 it. We've added a paragraph at the beginning, it starts  
14 on line 3 of page 1, that kind of sets up this section now  
15 that says this really only applies to money that was pre  
16 MAP-21 authorized, so that's the funds we're talking about  
17 in '5309.

18 And the rest of the changes in this particular  
19 section are for clarity's sake.

20 MS. BLOOMER: So Bobby, we're just talking in  
21 Exhibit D, section 31.16 which is pages 1 through the end  
22 of page 2, line 23.

23 MR. KILLEBREW: That's correct.

24 MS. BLOOMER: Are there any questions on that  
25 section?

1 MR. UNDERWOOD: It's pretty straightforward.

2 MS. BLOOMER: Now, I don't know that we want to  
3 take every section by every section, but given this is  
4 probably going to be the most difficult one, let's just go  
5 ahead and do it section by section, I think that will be  
6 easier in the long run. Do I have a motion regarding  
7 Exhibit D, section 31.16?

8 MR. UNDERWOOD: Move to approve.

9 MS. CRAIN: Second.

10 MS. BLOOMER: I have a first and a second,  
11 motion by Brad, a second by Christina.

12 Rob?

13 MR. STEPHENS: Aye.

14 MS. BLOOMER: Christina?

15 MS. CRAIN: Aye.

16 MS. BLOOMER: Brad?

17 MR. UNDERWOOD: Aye.

18 MS. BLOOMER: J.R.?

19 MR. SALAZAR: Aye.

20 MS. BLOOMER: Michelle, aye.

21 Okay. Moving on to the next section which is  
22 31.17 which is Exhibit D, page 3, line 2.

23 MR. KILLEBREW: This is Bobby again.

24 We're now moving over into another program that  
25 was repealed under MAP-21. Again, the department has

1 funding available in this program, we still need to  
2 continue to administer those funds, so we have to keep  
3 this section in the Administrative Code until we no longer  
4 funds and it can be repealed. So you have that lead-in  
5 paragraph that begins on page 3, line 3 that references  
6 the prior authorization bills. The other things in this  
7 section really are for clarity's sake, or to correct  
8 grammar, and those were the only items that changed in  
9 this section.

10 If it's okay with the committee, I might take  
11 the next section doing the same. I believe the committee  
12 will probably want to do these two together.

13 MS. BLOOMER: The next section is '5317.

14 MR. KILLEBREW: Yes. Which is going to be the  
15 New Freedom Program. That begins Exhibit D, page 17, line  
16 6. Same thing applies here, we still have New Freedom  
17 funds available that the department is administering, so  
18 we have a very similar lead-in paragraph for this section,  
19 and likewise there's other things that we have done in  
20 this section for clarity's sake or to correct grammar, no  
21 other changes in this section.

22 MS. BLOOMER: Okay. So it looks like for  
23 Exhibit D, section 31.17, starting on page 3 and going  
24 through page 17, line 4, and then the section 31.18  
25 addressing the New Freedom Program that starts on Exhibit

1 D, page 17, line 6 and goes through page 31, line 6. So  
2 do I have a motion to accept those as presented? I'll  
3 make the motion. Do I have a second?

4 MR. SALAZAR: This is J.R. I'll second that.

5 MS. BLOOMER: Okay. We have a motion and a  
6 second.

7 Rob?

8 MR. STEPHENS: Aye.

9 MS. BLOOMER: Christina?

10 MS. CRAIN: Aye.

11 MS. BLOOMER: Brad?

12 MR. UNDERWOOD: Aye.

13 MS. BLOOMER: J.R.?

14 MR. SALAZAR: Aye.

15 MS. BLOOMER: Michelle, aye.

16 All right. Moving right along. So now we are  
17 on still Exhibit D, page 31, line 8, section 31.12, the  
18 '5303 program.

19 MR. KILLEBREW: Section 5303 program. Bobby  
20 again.

21 In this particular program we have made some  
22 changes here at TxDOT. At the request of the MPOs in  
23 Texas, we are going to be utilizing what's called the  
24 Consolidated Planning Grant Program at the federal level.  
25 We will be flexing the FTA MPO planning money over to

1 FHWA at the U.S. DOT level, and then those funds will be  
2 pulled down through one funding cycle through FHWA back to  
3 TxDOT. So the program will be administered  
4 administratively by one division here at TxDOT and we'll  
5 be getting it from one federal source now instead of two  
6 federal sources. So more efficiently managed, and at the  
7 request of the MPOs in Texas, this will also satisfy their  
8 request to us to us to do this.

9 So what you see in this program is a new  
10 paragraph that talks about that very item I just  
11 described, flexing the money over to FHWA and what you see  
12 deleted out of this particular section is our old  
13 administrative formula on how we allocated just the FTA  
14 funds. When the funds are brought in through FHWA,  
15 they'll be administered under the department's allocation  
16 formula with FHWA.

17 MS. BLOOMER: Okay. Any questions for Bobby on  
18 this section? I think, Bobby, the only question is just  
19 to confirm that this is something the MPOs have all agreed  
20 upon and are requesting?

21 MR. KILLEBREW: Absolutely.

22 MR. UNDERWOOD: The other thing is all these  
23 FHWA funds, these are all formula funds to MPOs?

24 MR. KILLEBREW: Yes, they are.

25 MS. BLOOMER: The point is there used to be FTA

1 funds and FHWA funds and now the FTA funds are going to  
2 FHWA so there's just one apportionment. Okay.

3 Do I have a motion for approval of Exhibit D,  
4 page 31, line 8, section 31.21, as presented?

5 MR. UNDERWOOD: So moved.

6 MS. BLOOMER: I have a motion. Do I have a  
7 second?

8 MR. SALAZAR: Second.

9 MS. BLOOMER: I have a second from J.R.  
10 Rob?

11 MR. STEPHENS: Aye.

12 MS. BLOOMER: Christina?

13 MS. CRAIN: Aye.

14 MS. BLOOMER: Brad?

15 MR. UNDERWOOD: Aye.

16 MS. BLOOMER: J.R.?

17 MR. SALAZAR: Aye.

18 MS. BLOOMER: Michelle, aye.

19 Okay. So that moves us on to section 31.22  
20 which is Exhibit D, page 33, line 9.

21 MR. KILLEBREW: This is Bobby.

22 In this section we really only have one change  
23 and that is to clarify the local share requirements.  
24 We've rewritten that paragraph to mirror the items in MAP-  
25 21, plus we've also clarified in this paragraph that

1 transportation development credits can be used as match.  
2 No other changes other than clarity changes are in this  
3 section.

4 MS. BLOOMER: Okay. Any questions or a motion?

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

6 MS. CRAIN: Second.

7 MS. BLOOMER: I have a motion from J.R. and a  
8 second from Christina.

9 Rob?

10 MR. STEPHENS: Aye.

11 MS. BLOOMER: Christina?

12 MS. CRAIN: Aye.

13 MS. BLOOMER: J.R.?

14 MR. SALAZAR: Aye.

15 MS. BLOOMER: Brad?

16 MR. UNDERWOOD: Aye.

17 MS. BLOOMER: Michelle, aye.

18 Okay. Moving on to section 31.26 of Exhibit D,  
19 page 34, line 12, which is the '5307 grant program.

20 MR. KILLEBREW: Bobby again. Michelle, you're  
21 doing great, you're right on task, perfect.

22 Section 5307, just for everybody's sake, this  
23 section in the Administrative Code refers to the  
24 governor's apportionment, or those urbanized systems below  
25 200,000 in population, so we're not talking about the

1 large metros, we're just talking about the small urban  
2 areas of the state.

3 In this particular section we deleted the term  
4 "designated recipient." There's been a recent change in  
5 this program -- I see Brad shaking his head, Michelle as  
6 well -- the department, on the governor's behalf, now is  
7 the designated recipient for this program, it's not  
8 something that we can give away, so we've cleaned up this  
9 section to reflect FTA's most current direction on that  
10 designation.

11 We also had used a term in this section,  
12 "transportation management area" but that term had never  
13 been defined, so we defined it in this section because it  
14 is only used in this section, and that term is defined on  
15 page 36, line 3.

16 And lastly on here, still on page 36, beginning  
17 on line 4, you'll see some added text -- excuse me -- page  
18 36, line 11, you'll see some added text, and then  
19 following that added text, some deleted text. We've  
20 cleaned up that deleted paragraph and it describes how the  
21 department now and how we have been doing, reviewing grant  
22 balances in the governor's apportionment systems. If a  
23 system is unable to spend their balances before that money  
24 lapses to the State of Texas, it allows the department to  
25 take some administrative action to reallocate those funds

1 to some other areas of Texas so Texas doesn't lose out on  
2 the overall apportionment that comes to the governor.

3 And those were the changes in '5307.

4 MS. BLOOMER: Okay. Are there any questions  
5 for Bobby on that last section? If not, I'll make a  
6 motion to approve. Do I have a second?

7 MR. UNDERWOOD: Second.

8 MS. CRAIN: Second.

9 MS. BLOOMER: That was a tie. Christina, you  
10 have the second. So a motion by Michelle, a second by  
11 Christina.

12 We'll call roll. Rob?

13 MR. STEPHENS: Aye.

14 MS. BLOOMER: Christina?

15 MS. CRAIN: Aye.

16 MS. BLOOMER: Brad?

17 MR. UNDERWOOD: Aye.

18 MS. BLOOMER: J.R.?

19 MR. SALAZAR: Aye.

20 MS. BLOOMER: Michelle, aye.

21 Okay. We are moving on to section 31.30 which  
22 is Exhibit D, page 37, line 4, and the '5339 grant  
23 program.

24 MR. KILLEBREW: This is Bobby again.

25 This is a new program under MAP-21 and under

1 this program TxDOT is the administrative agency for two  
2 pieces of this program. This program actually is split  
3 into three pieces: one goes for the rural areas of the  
4 state, one for the small urban areas of the state, and a  
5 third piece for the large urbanized areas. The piece  
6 that's in the Administrative Code that's before you today  
7 in the new section only addresses the small urban and the  
8 rural pieces which TxDOT will be responsible for  
9 administering.

10 This section was drafted to mirror the concept  
11 papers and the discussions that have happened at the PTAC  
12 meetings. Very quickly, the allocation of the funds in  
13 this program is based off of fleet condition of individual  
14 systems. Once those funds are allocated to a system, it's  
15 up to that system to determine how they want to spend  
16 those funds. It could be for any other capital project,  
17 it doesn't have to be based off of replacement of fleet,  
18 it can be for any capital projects. There is a  
19 requirement that PTAC wanted to put in here and that is  
20 that the projects have to be linked to the transit asset  
21 management plan, and so that's in here as well.

22 And not in here, but discussed at the PTAC  
23 meeting, is something the department can do  
24 administratively. We did not feel it necessary to put it  
25 in the TAC, but administratively, if a system decided that

1 they did not want to take their allocation one year, the  
2 department administratively could do what we call bank the  
3 allocation to the next year. I know the committee  
4 discussed that as well. That's something that we can do  
5 administratively. We didn't feel it necessary to put it  
6 in the TAC because that might tie our hands for future  
7 allocations, so we prefer to do that administratively.

8 And that's the new section for '5339.

9 MS. BLOOMER: Bobby, this is Michelle. So  
10 we're confident that administratively we can manage the  
11 banking outside of the Code and that gives you more  
12 flexibility.

13 MR. KILLEBREW: This bobby. We do that for our  
14 program of projects, just like we do on some of the other  
15 programs, '5310, '5311 and so forth, so yes.

16 MS. BLOOMER: Okay. Are there any questions  
17 from the committee?

18 (No response.)

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

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

22 MS. BLOOMER: And this is Michelle. I'll  
23 second. So we have a motion and a second.

24 Call roll. Rob?

25 MR. STEPHENS: Aye.

1 MS. BLOOMER: Christina?

2 MS. CRAIN: Aye.

3 MS. BLOOMER: Brad?

4 MR. UNDERWOOD: Aye.

5 MS. BLOOMER: J.R.?

6 MR. SALAZAR: Aye.

7 MS. BLOOMER: Michelle, aye.

8 Okay. So we are now on section 31.31, Exhibit  
9 D, page 39, line 16, the '5310 program.

10 MR. KILLEBREW: Thanks, Michelle. This is  
11 Bobby again.

12 To draw the committee's attention to this, when  
13 we were updating '5310 after the committee's last  
14 conversations on this particular program, quite frankly,  
15 looking at it, it got really, really busy and we thought  
16 difficult for anyone outside of those who actually were  
17 writing the text to even understand. The text was just  
18 add-delete, add-delete all over the place. And so we  
19 elected to repeal the entire section and start from fresh.

20 Now, having said that, that doesn't mean we  
21 threw out everything from the old section, it just got too  
22 busy on the page for people to actually go through and  
23 understand. I found it difficult and I was helped writing  
24 this. So when you see this, you see a lot of pages here.

25 The new text is in the front. The new text actually

1 starts on page 39 and goes to page 53. Page 53 through 65  
2 is the old deleted text. So you'll see two of these  
3 programs there, one is new, one is deleted or repealed,  
4 and I'm just going to be referring to the added text.

5 This is also one of the sections, because it is  
6 quite large, I'm going to break it down into pieces to  
7 help you, so if you need to interrupt me at a particular  
8 piece, don't be shy about that. I think it's better for  
9 everyone to understand as opposed to me kind of rattling  
10 through this whole section.

11 There are some general edits that we did. One  
12 was under MAP-21 this program was renamed. The term  
13 "elderly" is no longer appearing in the title, it's now  
14 "seniors" and so you'll see throughout the added text,  
15 anywhere where we were copying over the old text to the  
16 new text we substituted the word "senior" for the word  
17 "elderly." I know you've already approved the definitions  
18 section. "Senior" was a new term in the definitions  
19 section because we felt we needed to define as well. FTA,  
20 for the first time, at least in my history, actually has  
21 defined "senior." They in the past never really defined  
22 "elderly," they kind of danced around that, but under MAP-  
23 21 "senior" is defined, and that is an individual 65 or  
24 older.

25 Starting on page 39 of Exhibit D, line 17, it

1 talks about the purpose. I'm going to kind of compare the  
2 new language to the old language. What we did in the  
3 purpose area here, the only thing we changed on that was  
4 to allow for all the eligible expenses under MAP-21  
5 basically so that operating now would be an eligible  
6 expense, so you'll see in that particular item it allows  
7 for all the expenses.

8 Under goals and objectives which is on that  
9 same page on line 22, MAP-21 repealed the New Freedom  
10 Program but they made the revised '5310 program a program  
11 that would allow for New Freedom type expenses, and so in  
12 the goals and objectives we have added New Freedom type  
13 expenses as an eligible part of the '5310 program in the  
14 objectives section. Specifically, those relate to  
15 anything that is beyond the ADA requirements or that might  
16 decrease someone's reliance on the ADA complimentary  
17 paratransit service. The rest of the goals and objectives  
18 mirrors some of the old text that we copied over from the  
19 previous version.

20 Going to Exhibit D, page 41, line 6, this is  
21 kind of the next little break which talks about the  
22 department's role in the '5310 program. The department  
23 acts as the designated recipient for some of the funds  
24 that come to Texas. The '5310 program is another program  
25 that kind of got split into pieces under MAP-21. There's

1 three components: there's the rural component, the small  
2 urban component, and there's the large urban component.  
3 For the rural and the small urban component, TxDOT will  
4 act as the designated recipient for the funds and will  
5 administer the program. The large urbanized area gets  
6 their monies directly from FTA.

7 The piece you see here in the Administrative  
8 Code does touch on all three of those pieces, and let me  
9 explain to you why that is the case. In some of those  
10 large urbanized areas, the MPO has asked TxDOT to be the  
11 designated recipient for a period of time. Because we  
12 will be administering those program funds, we had to write  
13 in the Administrative Code not only the rural and small  
14 urban areas, which we had already planned on  
15 administering, but also some pieces in here that talks  
16 about the large urbanized areas and how we will administer  
17 the program in the large urbanized areas for that period  
18 of time that the MPOs asked us to do it.

19 I do want to bring to your attention that we do  
20 have a typo on page 42 of Exhibit D, line 12, the letter  
21 (H) should actually be a letter (G). We did not omit  
22 something here, we didn't forget something, we actually  
23 just couldn't do the alphabet. That was probably my  
24 fault.

25 MR. UNDERWOOD: As long as you can do the

1 numbers.

2 (General laughter.)

3 MR. KILLEBREW: Actually, we're kind of  
4 surprised the paralegal didn't catch this either, but  
5 we'll get it corrected with the folks downtown.

6 Also on page 42, I'll bring to your attention  
7 as well, on line 14 there is a new paragraph in here that  
8 starts with the number (3), it says "Failure to expend  
9 funds in a timely manner..." This is something that we  
10 have added. This is has been a practice of TxDOT, and we  
11 certainly can do this through contractual agreement and we  
12 have done so in the past. But we want to put an emphasis  
13 on this, that if we award funds to a subrecipient and for  
14 whatever reason their project doesn't get carried out in a  
15 timely fashion that we think it should, this gives us the  
16 ability, at least the Administrative Code puts them on  
17 notice that we might take those grant awards back and give  
18 them to another project that needs to go forward. So this  
19 is putting some emphasis on this program about spending  
20 the funds in a timely manner.

21 MR. SALAZAR: I like that.

22 MR. KILLEBREW: The next little break on this  
23 section deals with eligible recipients, and this is on  
24 page 42, line 17. This is another one of those areas where  
25 we've had to clarify, because of our role in some of the

1 large urban areas of the state, we've had to add some  
2 extra text in here that talks about our role and who the  
3 eligible recipients for those areas would be.

4 In the old program, you might remember, that  
5 TxDOT administered, it was the rural urban transit  
6 districts were the primary recipients of the program;  
7 that's still in here. And then we can go to the alternate  
8 level of subrecipients; that's still in here. So what  
9 we've added is text that deals with those large urbanized  
10 areas because we don't have rural and urban transit  
11 districts in large urbanized areas, so we had to add text  
12 in there that talks about when we're going to select  
13 eligible recipients in those large urbanized areas, who  
14 might they be. So we put in here that the transit  
15 authorities would be eligible for that and also list  
16 things such as alternate recipients being local public  
17 bodies and private non-profit organizations.

18 MR. UNDERWOOD: What about number (3), a  
19 private for-profit transportation business, is that new?

20 MR. KILLEBREW: "...such as the taxicab company  
21 may participate as a contractor to an eligible recipient."

22 MR. UNDERWOOD: Yes.

23 MR. KILLEBREW: I'll have to check on it real  
24 quick. It's not a new practice, by any means, so if they  
25 qualify, we'll have to check to see.

1 MS. BLOOMER: Just for clarification, we're not  
2 saying that they can be a direct recipient but they can be  
3 a third party recipient.

4 MR. KILLEBREW: Well, as a contractor.

5 MS. BLOOMER: As a contractor.

6 MR. KILLEBREW: Yes.

7 MR. UNDERWOOD: They're an eligible recipient.

8 MS. BLOOMER: As a contractor.

9 MR. KILLEBREW: The next little break in this  
10 is on the same page, page 43, line 11 which talks about  
11 the eligible assistance categories, and for the most part,  
12 this remains unchanged from what the program was before.  
13 You remember PTAC wanted the programs really administered  
14 the same, so we've kept all the same things as much as  
15 possible.

16 There is a few changes in this is that under  
17 the eligible assistance categories we do have a higher  
18 reimbursement rate that MAP-21 is allowing for vehicle  
19 purchases that comply with either ADA or the Clean Air  
20 Act, so we've written that in here to allow for that  
21 higher percentage of federal participation. However,  
22 under MAP-21 and '5310, the sliding scale flexibility for  
23 match ratios was repealed for '5310, and that dealt with  
24 states that had federal lands or Indian reservations, you  
25 might be able to get a higher match ratio because of that,

1 but that doesn't apply to '5310 anymore under the federal  
2 statute. So it does allow for a federal higher match  
3 ratio for ADA and Clean Air, but the sliding scale has  
4 been taken out.

5 The other large change for this program is  
6 going to deal with that we've added in there now operating  
7 expense as an eligible item for '5310.

8 MR. UNDERWOOD: Can I ask another question?  
9 Maybe I'm just not reading it right, but I can't get past  
10 it. The way I read this where it says eligible recipients  
11 on (d) where it talks about the urban and the rural  
12 transit districts, then it says a second -- the way I  
13 would be reading this is I would be going down the line to  
14 see who's eligible for this program -- number (2) For an  
15 area not covered by the transit provider or the existing  
16 provider is not willing to provide the transportation, the  
17 director may chose a local public entity or a non-profit  
18 organization as an alternative recipient to receive '5310  
19 funds. Now, if we're going to include a for-profit  
20 transportation business, to me that would say almost like  
21 a comma and, because if it puts a (3) out to the side it  
22 looks like to me that's the third possible eligible  
23 recipient. So no, I'm not the first, and no, the second  
24 didn't occur, but I'm the third, so therefore, I'm  
25 eligible. Should that line not be with the line above?

1           If I were reading this, if I was a private for-  
2 profit business and I went out and said am I eligible for  
3 '5310 funds, I'm not the first one, no, well, number (2),  
4 that's not happening, but I am number (3) so then I'm  
5 eligible. But if that line was put in with number (2) it  
6 would be a caveat that said if the transit provider is not  
7 willing to provide service or cannot, then a private for-  
8 profit business, such as a taxicab, would be allowed to  
9 participate.

10           Am I the only one reading that that way?

11           MR. STEPHENS: No. Brad, I read it the same  
12 way. Do we have to even include number (3) in this,  
13 period? I mean, that's what I'm saying. Why do we have  
14 to point out that we can have a contractor help us out?

15           MR. UNDERWOOD: Is that utilized in some areas  
16 of the state?

17           MR. STEPHENS: Well, sure, but is there any  
18 reason why we have to point it out? What are we trying to  
19 accomplish with number (3) there?

20           MS. BLOOMER: So are we not allowed to do that,  
21 regardless if it's specifically called out in the TAC?

22           MR. STEPHENS: There's nothing in the Code that  
23 prevents us from doing business with private entities,  
24 eligible recipients?

25           MR. UNDERWOOD: No. Because we can do that

1 under the capital cost of contracting.

2 MR. STEPHENS: Sure.

3 MS. BLOOMER: Hold on just a second. We're  
4 conferring.

5 MR. STEPHENS: Yes, okay. I wasn't sure what  
6 we were doing.

7 MS. BLOOMER: Sorry.

8 MR. STEPHENS: That's fine. It's hard to be on  
9 a conference call, you don't know what's going on.

10 MR. KIRKLAND: Can I put my two cents in? This  
11 is Kelly Kirkland, for the record.

12 I believe it's the intent of these rules for  
13 that subsection to say that for-profit companies can  
14 participate but going through an eligible recipient, it's  
15 not the intent to say that they are eligible on their own  
16 standing as an eligible recipient.

17 MR. UNDERWOOD: Do you read it that way if you  
18 were looking at this TAC? If I were a private company  
19 saying who's eligible under (d), well, the first one, I'm  
20 not a rural or urban or transit district, so I wouldn't be  
21 there, in an area, well, that's not happening, but item  
22 number (3), I'm a private for-profit transportation  
23 provider, and that's under eligibility, so to me that  
24 tells me I'm eligible.

25 MS. BLOOMER: But Brad, if you read it, it says

1 "may participate as a contractor to an eligible  
2 recipient." So they're not really the third level, it's  
3 just saying they are eligible but only if they go through  
4 number (1) or (2).

5 MR. KIRKLAND: And both (1) and (2) talk about  
6 the eligibility. For number (1) it listed transit  
7 districts will be the primary recipients. Okay, if you go  
8 past that, then you have local public entity as an  
9 alternate recipient. It does not say that a for-profit  
10 business is a recipient, it says they could be a  
11 contractor.

12 MR. STEPHENS: I don't know, I don't have as  
13 much experience as you guys do looking through these  
14 things, but I don't even know why we have to mention  
15 number (3) unless it's strictly prohibited other places.  
16 I mean, if they're an eligible recipient, then they are an  
17 eligible recipient, so a private company is not an  
18 eligible recipient, so why even mention them?

19 MR. KILLEBREW: This is Bobby.

20 A lot of this has to do with when we merged the  
21 New Freedom type eligible expenses into '5310. As you  
22 recall, under the New Freedom Program and the JARC Program  
23 we had some other type of transportation providers who  
24 were eligible for funds, so this is clarifying also the  
25 private industry's role in '5310 as a subcontractor or

1 contractor to one of the eligible recipients in this  
2 program.

3 Brad, is it the way that it's worded that's  
4 giving you grief?

5 MR. UNDERWOOD: It makes sense what Kelly said,  
6 it helps me. I see that "may participate as a contractor  
7 to an eligible recipient."

8 MR. KILLEBREW: Yes. Not as an eligible.

9 MS. BLOOMER: This is Michelle.

10 I get Rob's point too where it's under the  
11 section of eligible recipients and they aren't eligible  
12 recipients. So I don't know if there's a way to put a  
13 clause in front of it that says, "while not eligible  
14 recipients, a private for-profit business, such as a  
15 taxicab, may participate as a contractor to an eligible  
16 recipient."

17 MR. UNDERWOOD: I don't like it sectioned out,  
18 like (1), (2) and then (3), here's another one kind of  
19 thing. I don't like that, that's what originally caught  
20 me on it.

21 MR. STEPHENS: What I think it might do, in  
22 some areas of the state it might put pressure on an  
23 eligible recipient to contract with a private provider and  
24 not give them, I don't know, enough leeway to be able to  
25 decide if they want to deliver the services themselves. I

1 don't know, this could be interpreted as, you know,  
2 encouraging them to do something to keep that status quo.

3 I don't like it.

4 MR. KILLEBREW: Not to make a motion from PTAC,  
5 I understand your point, it's in a line of almost like  
6 this, then that, then that, then that. If we pulled out  
7 that paragraph and stuck it, say, down towards the end  
8 someplace in its own special slot for itself, would that  
9 be something you're thinking about?

10 MR. UNDERWOOD: I just don't like where it's  
11 at. I'm with Rob.

12 MR. KILLEBREW: So maybe the location of it is  
13 throwing you off, not necessarily altogether the wording  
14 of it? So for example, at the end of this we always talk  
15 about other things like vehicle leasing and incidental  
16 vehicle use, maybe it belongs down there towards the  
17 bottom where it talks about contracting opportunities, and  
18 we can just say a private for-profit transportation  
19 business, and so forth.

20 MR. UNDERWOOD: Because it would be treated as  
21 a capital expense. Correct?

22 MR. KILLEBREW: It could be. We treat it as an  
23 operating expense now too, as well.

24 MS. BLOOMER: Can we go ahead and just put this  
25 on the back burner for now until we get through it, and

1 then maybe when you're thinking of where it might go, you  
2 can flag that for us.

3 MR. KILLEBREW: And I think in your motion if  
4 you recommend that.

5 MS. BLOOMER: Okay.

6 MR. KILLEBREW: Continuing along then, unless  
7 there's any more discussion on this particular one, I'll  
8 continue going through the '5310 program on some of the  
9 other changes that are here. We had just finished up with  
10 eligible assistance categories, and my last comment was  
11 that we've added operating as an eligible expense.

12 Let's go on to the next one. The next one  
13 deals with local share requirements. This actually is on  
14 page 45 of this exhibit, line 23, the very last line on  
15 the page, the local share requirements, and it continues  
16 on to the next page. This does mirror what's in MAP-21,  
17 with the exception that we added transportation  
18 development credits in this long list of match resources  
19 for these program funds.

20 On that same page, page 46 of Exhibit D,  
21 starting on line 22 we get into the funding distribution  
22 for this program. Again, this program, the new text  
23 mirrors the old text on how TxDOT is going to allocate the  
24 funds, except, because we are the designated recipient for  
25 some large urbanized areas, we had to add some text

1 specifically for those large urbanized areas. So let me  
2 take this one at a time, the three pieces.

3 For the small urbanized areas, those urbanized  
4 areas under 200,000 in population, 25 percent of the  
5 available funding is divided equally amongst the TxDOT  
6 district boundaries. The remaining 75 percent is  
7 allocated on a pro rata basis, using the populations for  
8 seniors and individuals with disabilities. And so what we  
9 have at the end of the day is basically each TxDOT  
10 district boundary has an allocation for small urbanized  
11 areas if that district has a small urbanized area in it.  
12 If it doesn't, it doesn't get any money.

13 The same thing holds true for the rural piece  
14 of this apportionment: 25 percent would be split equally  
15 amongst the TxDOT district boundaries, 75 percent prorated  
16 based off of seniors and individuals with disabilities  
17 population.

18 The large urbanized piece, whatever is  
19 apportioned to that large urbanized area goes to that  
20 large urbanized area. We don't have the flexibility to  
21 move money between large urbanized areas, and that's only  
22 for the large urbanized areas that TxDOT is the designated  
23 recipient for, that's all that is referred to in this  
24 Administrative Code. For large urbanized areas that  
25 choose to get their money directly from FTA, this does not

1 cover those areas, this is just where TxDOT is the  
2 designated recipient.

3 MR. UNDERWOOD: Since our last meeting I've had  
4 several conversations about this. Let's see if I  
5 understand this right, Bobby. So 65 percent of the '5310  
6 money goes to the large urbanized areas. Is that a  
7 correct percentage, is it 65 percent?

8 MR. KILLEBREW: Sixty percent.

9 MR. UNDERWOOD: Sixty percent. Okay.

10 MR. KILLEBREW: You're talking about the  
11 federal formula that goes to the states, 60 percent is to  
12 large urbanized areas nationwide, and then 20 percent is  
13 apportioned to small urbanized areas to the state and 20  
14 percent is apportioned to rural areas.

15 MR. UNDERWOOD: But we have fewer small urbans  
16 than we do rural transit districts. Right?

17 MR. GLEASON: Yes.

18 MR. UNDERWOOD: I'm just trying to see if I can  
19 walk this through in my head. So in certain districts you  
20 will go and there will be a rural call, so everyone that's  
21 eligible shows up for rural money, but if there's only one  
22 transit district that's a small urban district in the  
23 room, they're the only ones eligible for the money.  
24 Right? The rurals can't say I'll take that other 20  
25 percent. So it's almost like you're going to have two

1 separate meetings there, one for the small urban portion  
2 and one for the rural portion. No? Then I don't  
3 understand this. Then how do you make sure that the money  
4 that's coming from the small urban portion goes to the  
5 small urban?

6 MR. GLEASON: We just track it.

7 MR. UNDERWOOD: I'm just trying to figure it  
8 out.

9 MR. KILLEBREW: And while you're thinking about  
10 that, I might also add, because there's more to the  
11 allocation formula than what I just said, there's a few  
12 more pieces to it. So I don't want to confuse you but I  
13 also don't want you to not hear about this as well.

14 And it talks about the residual funds, so if in  
15 the process of identifying projects for these district-  
16 based allocations, if some of the money is not needed,  
17 let's say the urban operator doesn't need any money and  
18 the district allocation had some urbanized funding in it,  
19 then these rules will also allow the department, the  
20 commission or the executive director of the department, to  
21 move money to other areas of the state that might need it  
22 so we can fund it. So for example, if Abilene District,  
23 which only has the urbanized area of Abilene in it, did  
24 not need all of its urbanized money, we might move it over  
25 to someplace else in the state in East Texas that might

1 need it that has an urbanized area.

2 Likewise, at the end of the day, if we add up  
3 all the needs, if all the urban pots have been satisfied  
4 with their projects and there's still money left over,  
5 these new rules also allow the department to move money  
6 from the small urban pot over to the rural pot to go help  
7 with the needs in the rural areas of the state. We do  
8 that on a statewide level. So I don't know if that  
9 complicates your thinking or if that helps your thinking.

10 MR. UNDERWOOD: It makes sense. What about  
11 Abilene, do they also do any rural service, staying on  
12 that same example.

13 MR. KILLEBREW: The urbanized area of Abilene.

14 MR. SALAZAR: We're the rural provider.

15 MR. UNDERWOOD: You're the rural provider.

16 Okay. So I'm thinking that EZ-Rider. Is that who that is  
17 in Abilene?

18 MR. GLEASON: City Link.

19 MR. STEPHENS: City Link from Odessa.

20 MR. UNDERWOOD: Sorry, Rob. So City Link would  
21 not be eligible for the rural portion of '5310, J.R. and  
22 whoever is doing service in that district would be  
23 eligible. Right? But J.R. can't say I want urbanized  
24 money '5310.

25 MR. KILLEBREW: J.R. could say that if he's

1 running an urbanized project, but he's running a rural  
2 project so he's only going to go after the rural pot.  
3 It's possible that a rural operator may have a project  
4 that's both a rural and an urbanized project. We'd like  
5 to see coordination efforts out there in the other  
6 programs and so it could be a mixed bag of funding.

7 MR. UNDERWOOD: But it wouldn't be, when you  
8 show up to go to your '5310 meeting to go we've got  
9 \$400,000 here, some of it's urban, some of it's rural,  
10 what would the projects look like.

11 MR. GLEASON: This is Eric. I would imagine it  
12 would be that, with the recognition that at the end of the  
13 day we're going to have to be able to document the  
14 expenses back to those original rural and urban  
15 allocations. But to the extent that we can, we want the  
16 public process and the project selection process because  
17 we know that travel doesn't respect those boundaries. So  
18 we're going to try and be as flexible as we can in this  
19 effort to take advantage of whatever means we have to make  
20 sure that we get the money to where it needs to be. So  
21 we've got some end-of-the-day requirements that we have to  
22 be able to document things, but to the greatest extent  
23 possible through the process, we want to have it be one  
24 conversation.

25 And so within a TxDOT district if there's an

1 urban transit district that could be going after urban  
2 funds and a rural transit district after rural funds, we  
3 wouldn't have two separate processes there, we would look  
4 to have one. It's much more efficient for everybody, and  
5 it probably results in a better solution. In fact -- and  
6 Bobby hasn't gotten to it yet -- we've got the flexibility  
7 in here to combine districts to further streamline and  
8 facilitate the process. So we're going to try not to get  
9 ourselves trapped into those boxes if we don't have to.

10 MS. BLOOMER: And this is Michelle.

11 I think that's consistent with the existing  
12 process, at least I know in the North Texas region where  
13 there is an urban and a rural portion.

14 MR. GLEASON: But we don't get the money that  
15 way.

16 MS. BLOOMER: Right. There's sort of an  
17 acknowledgment that there's a total amount, so it's all  
18 one process, not two separate processes.

19 MR. UNDERWOOD: But before that urban transit  
20 district provider were to lose money from their '5310  
21 urbanized money to be taken to another area of the state  
22 for urbanized money, there would be an opportunity there,  
23 correct, for that provider?

24 MR. SALAZAR: For that rural provider.

25 MR. UNDERWOOD: No. For that urban provider.

1 It's got to go to urban districts first to see if anyone  
2 needs it before it goes to rural. Correct?

3 MR. KILLEBREW: This is Bobby.

4 I think in Brad's example, the example I was  
5 using in the Abilene area, if the Abilene urbanized  
6 allocation isn't totally needed, we might be able to move  
7 that money to rural areas of the state or to another  
8 urbanized area of the state. But yes, the processes are  
9 played out locally at the district always first to make  
10 sure the urbanized needs are being met before any of the  
11 money is moved around anywhere, whether it's to another  
12 area of the state or it's flexed over to the rural  
13 program. And vice versa, the rural area needs to play  
14 out, that process needs to play out, in case we decided  
15 there's a need to flex more money to urban. The processes  
16 need to play out locally before any money is moved around.

17 MR. UNDERWOOD: Okay. And so traditionally,  
18 what we've done in the '5310 meetings is we will not award  
19 but we will select projects greater than the amount of  
20 money that's available in case additional funding does  
21 come, then we kind of decide how we're going to distribute  
22 that step by step kind of thing.

23 MR. KILLEBREW: And I think the committee heard  
24 from some of the operators at your last meeting and they  
25 were very vocal about this, and they were interested in

1 having a process that was a single process, not  
2 necessarily having an urban call and a rural call.  
3 Because actually many operators now -- Brad, you're an  
4 example where you're both, you're an urban operator and  
5 you're a rural operator, so it would benefit you to have a  
6 single call and not have to go to several meetings. It  
7 helps in your coordination efforts, it helps with the  
8 regional planning agencies, the lead agencies there to get  
9 their coordination plans on the table as well. So we'd be  
10 looking to have a streamlined process with just a single  
11 meeting.

12 MR. UNDERWOOD: But at the end of the day, the  
13 urban money has got to be spent in the urbanized district  
14 and the rural money has got to be spent in the rural  
15 district.

16 MR. GLEASON: At the end of the day, we have to  
17 document, and the process that Bobby outlined, we have to  
18 make sure that urban needs are met, but at the very end of  
19 the day, if urban needs are met, we can move the money.  
20 But the whole thing is very transparent, and much more so  
21 than in the past when we just received a sum of funds for  
22 the entire state without any sort of geographic area  
23 associated with any portion of it. That's what's new  
24 about this.

25 So the trick is to stay flexible to give us the

1 greatest chance to address what we need to do, but also be  
2 able, at the end of the day, to back out the numbers so  
3 that we can demonstrate to FTA that we've spent the funds  
4 or we've gone through a process of establishing that need  
5 has been met before we transfer.

6 MR. UNDERWOOD: Okay. I think I understand.  
7 Thank you.

8 MR. KILLEBREW: This is Bobby. Good  
9 discussion. Thank you.

10 If I may continue then. The next piece in this  
11 '5310 program actually is on page 49 of Exhibit D,  
12 beginning on line 5, and that's the application  
13 requirements. We copied this section over from the  
14 previous text and we did not make any changes to the  
15 application requirements.

16 On that same page, line 12, Brad, this gets  
17 into the project selection which, I think, is where your  
18 discussion was headed previously. There are some major  
19 changes in this section. This is based, again, off the  
20 PTAC comments, the concept papers we presented, the  
21 feedback we got from the providers, obviously the  
22 witnesses you had at your last meeting. So in crafting  
23 this section we talked about lots of things, so I want to  
24 kind of hit the high points on this one too.

25 The decision-making process and the

1 coordination opportunities, at least in the written  
2 context here, is being streamlined. As Eric was talking  
3 about, instead of having a process that plays out on a  
4 TxDOT district by TxDOT district basis, we're allowing in  
5 this revised text here for the department to combine  
6 contiguous department district boundaries to help with  
7 that stakeholder engagement and the project selection  
8 process, and the public involvement process and that  
9 public outreach which is also very important in this  
10 program.

11 So we might have some district boundaries that  
12 two or three get together and hold a more regional type  
13 meeting to facilitate the project selections. That  
14 certainly would help with some of the operators because we  
15 have all kinds of lines on the maps, they don't ever line  
16 up, there's all kinds of district lines, all kinds of  
17 transit districts, TxDOT districts, health districts, MTP  
18 districts, on and on and on. So we think that will help  
19 in that process.

20 The composition of that stakeholder group,  
21 whatever that stakeholder group is geographically defined,  
22 does have some very specific requirements in the text  
23 here. These do mirror a lot what's in MAP-21, so it talks  
24 about who should be represented in that stakeholder group.

25 Also, reference is made the FTA Circular in here. The

1 FTA Circular does a much better job than we probably could  
2 do in the Administrative Code as to defining what those  
3 groups are. For example, it says transportation partners,  
4 but then if you go to the circular it will better define  
5 transportation partners, give you examples of what  
6 transportation partners are. And so we refer to the FTA  
7 Circular to do those types of things because we know FTA  
8 also makes changes from time to time, and so it would be  
9 better for us to refer to their most recent guidance as  
10 opposed to putting that in the Administrative Code.

11           There is specific criteria for consideration  
12 when the projects are being selected. If you'll remember,  
13 in prior PTAC meetings, PTAC came up with some very  
14 defined items regarding project selection, such as  
15 leveraging resources, being sustainable over time and so  
16 forth, and those are listed actually on page 50, beginning  
17 on line 7. So if you remember back to your discussions  
18 you had on that, you'll see on line 7 the "(2) In  
19 recommending projects," underneath there beginning on line  
20 10, you'll see an (A), (B), (C), (D), (E), (F), those were  
21 those items that PTAC came up with in prior meetings. We  
22 captured those, I believe, pretty much verbatim.

23           Also on page 50, beginning on line 18, we  
24 introduce another thing. With operating being an eligible  
25 expense in this program, there is a federal statutory cap

1 on how much can be spent on operating, and that is 45  
2 percent. Because the project selection process is at the  
3 local level, we've passed down that 45 percent cap to  
4 those individual local project selection stakeholder  
5 groups, so it's a 45 percent cap for each area that's  
6 selecting projects as well.

7 MR. SALAZAR: This is J.R.

8 I have more of a comment than a question,  
9 Bobby, on Exhibit D, page 50, line 5. Being that I serve  
10 in four different TxDOT districts, I can tell you  
11 sometimes it gets somewhat hard on us to try to engage  
12 work force centers and health and human services. We do  
13 try to do that, but for the most part, to be perfectly  
14 honest, they start off in the process and then back out.  
15 And that's just my comment.

16 MR. UNDERWOOD: And we can attest to that. And  
17 my concern is in line 23 where it says "the stakeholder  
18 groups must include representatives of the following." So  
19 when you show up, if you've got transportation partners,  
20 you've got partners and advocates but you don't have  
21 anyone from work forces, it's like we can't have our  
22 meeting.

23 MR. GLEASON: This is Eric. Let me just jump  
24 in a little bit.

25 You can't require folks to participate. You

1 can have them on your invite list, you can have them as  
2 members of the committee, but we can't require  
3 participation.

4 MR. UNDERWOOD: That's what I'm saying because  
5 it says we must include.

6 MR. GLEASON: Must include.

7 MR. UNDERWOOD: Okay.

8 MS. BLOOMER: They're on your roster, they're  
9 invited.

10 MR. GLEASON: You can do what you can do, but  
11 we can't hold you accountable for participation.

12 MR. SALAZAR: Okay.

13 MS. BLOOMER: Bobby, this is Michelle.

14 On line 15, "(E) involve partnerships with non-  
15 profit organizations and for-profit transportation  
16 providers," we had talked at the last meeting about  
17 broadening that to just be involve partnerships. Do we  
18 include any potential partnership -- by specifically  
19 stating non-profits and for-profit transportation  
20 providers, I mean, does that cover everybody that you  
21 could potentially partner with? I mean, I would hate to  
22 limit partnerships to two groups.

23 MR. KILLEBREW: When we went back and looked at  
24 the transcript for this one, we thought that pretty much  
25 captured what was decided by the committee. It certainly

1 can be changed now if we didn't capture it correctly. The  
2 intent of this was to capture those providing transit  
3 services in whatever area that you're looking at, and  
4 there's an emphasis under MAP-21 to engage more of the  
5 private community in transit programs, and so this also  
6 reflects the intent of doing that as well.

7 MS. BLOOMER: And I guess my question is that I  
8 just want to make sure that by specifically mentioning  
9 those two types, we aren't excluding other partnerships,  
10 and we've talked about they can non-financial  
11 partnerships. If I get a group of parents that have  
12 children with special needs and I'm partnering with them  
13 to address that need, is that not a partnership, but  
14 they're not necessarily a non-profit organization or a  
15 for-profit transportation provider. Or if I partner with  
16 a dialysis center which isn't a non-profit organization  
17 or a for-profit transportation provider, are they not  
18 considered a partner. And so my only concern is we're  
19 limiting the types of partners.

20 MR. KILLEBREW: We're going to go back and look  
21 at MAP-21 while we're discussing the rest of this section  
22 to see how closely we actually aligned that with the  
23 federal statute. I don't know if we want to further  
24 define it from the federal statute, but we'll look at that  
25 before the committee makes a motion.

1 MS. BLOOMER: Okay. So we'll come back to that  
2 item?

3 MR. KILLEBREW: Yes. Karen has got the MAP-21  
4 version over here. When we were writing some of the  
5 text -- well, from the concept papers and the PTAC  
6 discussions you had, a lot of the stuff came out of MAP-  
7 21, so going back to check to see if we might have copied  
8 this text verbatim out of something.

9 MS. BLOOMER: Because I know we initially  
10 had -- I think we had just had involve partnerships with  
11 for-profit transportation providers at the last meeting  
12 and we talked about expanding it, and the meeting before  
13 that.

14 And then my other question is on number (3),  
15 line 18, where we're applying the 45 percent operating cap  
16 at the district level, I may be wrong, but I thought we  
17 had initially talked about applying it to the statewide  
18 level.

19 MR. UNDERWOOD: We did, but how do you track  
20 that, though?

21 MS. BLOOMER: But you can track it at a  
22 district level, and if you have one district that's at 40  
23 percent, then you have flexibility elsewhere. You're  
24 limiting your flexibility by saying it's 45 percent at  
25 every district level.

1 MR. UNDERWOOD: But I'm trying to think if you  
2 got a meeting and we're saying we'll take as much  
3 operating as anybody wants to take, and you allocate 75  
4 percent at your meeting, we have to come back later and go  
5 whoops, we passed the state cap. I don't know how,  
6 without going meeting after meeting after meeting to try  
7 to figure out what that looks like, because all these  
8 projects come in at one time. Right?

9 MR. KILLEBREW: When we're talking about at the  
10 statewide level, that's when we're also talking about the  
11 statewide competition, and if we do a competition on the  
12 statewide level, it's easy to do that 45 percent cap, but  
13 since these projects are being selected at the local  
14 level, it's really impossible, and as Brad said, once  
15 everything comes in, go back out to people and say we have  
16 too much operating assistance statewide, someone has to  
17 cut, who is it going to be.

18 MR. UNDERWOOD: I don't disagree with you,  
19 Michelle, it's just I don't know how you'd monitor that  
20 and I don't know how you'd ever successfully implement it.

21 MS. BLOOMER: I'm just wondering if there's a  
22 way to not completely close that door.

23 MR. UNDERWOOD: Well, you can go back to my  
24 statewide call.

25 MS. BLOOMER: No. But we do it at the district

1 level, the 45 percent, and then PTN would have the  
2 discretion, if one district is under and another district  
3 wants more, and you're moving money from one rural area to  
4 another or urban area to another to address the needs,  
5 that you give yourself that flexibility. Because this  
6 pretty much shuts the door on that flexibility because it  
7 will 45 percent at the district level, not more than.  
8 Right. So somebody can do less, but if somebody does  
9 less, that means somebody can do more.

10 MR. SALAZAR: So like that commercial, we want  
11 more, we want more, that little girl.

12 MR. UNDERWOOD: But I don't know how you  
13 successfully implement that. If everyone had their same  
14 meeting on this date and we all reported back, I don't  
15 know how you'd ever do that.

16 MS. BLOOMER: Well, it's like: Hey, more money  
17 is available. Well, instead of saying whoops, you've  
18 already reached your 45 percent cap, we now have a second  
19 round of funding for priority B projects that now makes  
20 more money available, but you can't use it for anything  
21 but capital because you've already reached your 45 percent  
22 cap.

23 I mean, that's fine, I'm good with it as is.

24 MR. SALAZAR: I'm okay with the way it's  
25 written.

1 MS. BLOOMER: We've just been talking about  
2 flexibility.

3 MR. UNDERWOOD: I just want to be able to be  
4 successful with it and not have to go to 15 '5310 meetings  
5 because we can't ever get our apportionment right under  
6 the 45 percent, and go back and hack up projects every  
7 time. When we leave, I'd rather be done and not have to  
8 keep going back, and go: Well, we can now go back and all  
9 ask for 5 more percent in operating because someone was  
10 under.

11 MS. BLOOMER: You had me at okay.

12 (General laughter.)

13 MR. GLEASON: This is Eric, if I could.

14 I think this is one we're just going to have to  
15 get some experience under our belts with, and it might be  
16 something that a couple of years from now, if that has  
17 emerged as a significant issue, maybe we go back in and  
18 put some flexibility in, but right now we're just kind of  
19 shooting in the dark. And I guess I wouldn't want to  
20 create an expectation out there that, you know, kind of  
21 see how moves first because we might want to come in with  
22 more. It just might introduce a dynamic that might not be  
23 productive. But I think this is an area we'll have to  
24 revisit.

25 MS. BLOOMER: Okay.

1 MR. KILLEBREW: While Karen is still  
2 researching, Michelle, your other comment and we'll get  
3 back to you, we'll continue then.

4 There are some other requirements in this same  
5 area that were unchanged from the previous version, like  
6 demonstrated need, financial and managerial capability of  
7 the applicant, past efforts to coordinate, local support,  
8 and absolutely the inclusion of the project in the  
9 coordinated public transit human service plan, all those  
10 still remain. We just copied those over the old text into  
11 the new text, we did not make any changes in those areas.

12 We did discontinue a piece in the old '5310  
13 section which was something the department actually did  
14 administratively. We had it in the Code for some reason,  
15 but we had it in there, and that was that we had required  
16 at that time our districts to do a three-year transit  
17 development plan and to turn in a three-year plan to us.  
18 That's something internal to the department, so obviously  
19 the stakeholders had input on that. That item has been  
20 taken out of this. I think you had kind of discussions as  
21 well, and so that has been deleted from the old text.  
22 That also will closer align that selection process as  
23 proposed in this new text with what's happening in the  
24 lead agency and coordinated regional plan effort, so that  
25 makes those two mirror a little bit closer together.

1           The last two little sections that we did in  
2 '5310, they remain unchanged from the previous one. One  
3 deals with vehicle leasing that's on page 52, line 13, and  
4 on that same page 52, line 20, incidental vehicle uses.  
5 That remains unchanged from the previous text.

6           And let me check with Karen to see if we had  
7 anything on the partnership.

8           MS. DUNLAP: For the record, this is Karen  
9 Dunlap.

10           The MAP-21 itself does not talk about the  
11 involvement of private for-profits in this particular  
12 section. It does talk about engaging some of those folks  
13 in reference to the metropolitan planning process, but it  
14 doesn't talk about it right here. My understanding is  
15 that it is most likely in the *Federal Register* that came  
16 along with the apportionments, there was a large section  
17 which talked about engaging the for-profit transportation  
18 community that came out of the concerns that taxicab and  
19 that group of operators had with being excluded from this  
20 process.

21           Furthermore -- every time you read this thing  
22 it's like you open a new door and a window opens -- the  
23 MAP-21 definition of a subrecipient simply says that it is  
24 a local governmental authority -- which all you guys  
25 are -- a private non-profit organization, or an operator

1 of public transportation. So actually, in saying the taxi  
2 companies can only serve as a contractor, we have shut  
3 them out of subrecipient status.

4 I'm deferring to Kris Dudley who is the program  
5 manager for that. Has that been traditional in the '5310  
6 program that you know of, is it more of a holdover from  
7 looking at this from the New Freedom/JARC projects? More  
8 of a holdover from their role with New Freedom and JARC,  
9 how we treated the taxicab companies. So by and large,  
10 they haven't been pounding down the door to participate in  
11 the program, anyhow, and it may actually in the long run  
12 be easier for them to be a contractor than to be a  
13 subrecipient and deal with all the 60 million things that  
14 come with subrecipient status.

15 MR. KILLEBREW: This is Bobby.

16 So not to confuse the two points, because Brad  
17 had a comment about the contractor, Michelle's comment was  
18 about the partnerships involving the private for-profits  
19 and the non-profit organizations and other partnerships.

20 MS. BLOOMER: This is Michelle.

21 I think Karen's response was more to Brad's  
22 question than it does to mine because the section I'm  
23 looking at on page 50, line 7 where we're listing out  
24 those goals, are all things that PTAC laid out in the  
25 concept paper, and when we first started -- I don't know

1 that I have the original concept paper -- the first one I  
2 believe we had said projects that involve partnerships  
3 with for-profit transportation providers, and then PTAC  
4 requested that that be expanded, and on the last meeting  
5 the line read: projects that involve partnerships with  
6 non-profit and for-profit transportation providers. And  
7 at that point last meeting we had a discussion of why are  
8 we limiting it to just those two types of entities and not  
9 broadening it to partners, period, and allowing the entity  
10 requesting the funds to sort of list out and describe who  
11 all their partners are, regardless if they're non-profit  
12 organizations or for-profit transportation providers.

13 So I don't know. I mean, we could involve  
14 partnerships including, but I mean, we're basically  
15 limiting it to those two types of partnerships and just  
16 acknowledging those two types of partnerships and not any  
17 other partnership a transit entity could possibly have,  
18 and that's my concern, because I have a lot of  
19 partnerships that don't fit into either one of those  
20 categories.

21 MR. KILLEBREW: This is Bobby.

22 I think that's a point well made and I think in  
23 perhaps making the motion for this section, you might want  
24 to include some edited text in the motion so the  
25 department can consider your suggestion.

1 MS. BLOOMER: And then back to Brad's earlier  
2 point on the for-profit transit providers being listed  
3 under the eligible entities, we discussed potentially  
4 moving them, taking them out the eligible entities  
5 section, since they are not an eligible entity, and moving  
6 them to somewhere else. Would somewhere else be where we  
7 just were?

8 MR. UNDERWOOD: (E) is what it says: "involve  
9 partnerships with non-profit organizations and for-profit  
10 transportation providers." That kind of sums it up,  
11 doesn't it?

12 MS. BLOOMER: But I'm going to make a motion  
13 that we broaden that.

14 MR. UNDERWOOD: Such as?

15 MS. BLOOMER: Involve partnerships including  
16 but not limited to non-profit organizations and for-profit  
17 transportation providers. And then delete the section --  
18 where was that again?

19 MR. KILLEBREW: It's on page 43 is the area  
20 that we're talking about the taxicab company and for-  
21 profit providers participating as a contractor.

22 MS. BLOOMER: Okay. So involve partnerships --  
23 what did we just say -- involve partnership including --

24 MR. UNDERWOOD: Are you structuring a motion  
25 right now?

1 MS. BLOOMER: I'm trying. Including but not  
2 limited --

3 MR. KILLEBREW: If I may, Michelle, though.  
4 The area that you're editing right now deals with project  
5 selection, and the involvement of private companies, as  
6 written on page 43, deals with not project selection as  
7 much as it deals with how can I participate in getting  
8 money out of this program in providing service.

9 MS. BLOOMER: But I guess the question I keep  
10 hearing is aren't for-profit providers eligible  
11 contractors under any program. So if you're an eligible  
12 recipient, number one, as an existing rural transit  
13 district or urban transit district, or in those areas  
14 where they don't cover, the director can choose a local  
15 public entity or a private non-private, can't any one of  
16 those entities, if they so choose, then contract with a  
17 for-profit transportation provider to provide the service,  
18 and all we're doing is specifically calling that out here.  
19 And I guess the question is do we need to specifically  
20 call it out, and if so, why.

21 Is there any discussion from the committee?

22 MR. UNDERWOOD: I think you're doing it right.  
23 I mean, delete that line and expand where you're going to  
24 expand under (E).

25 MS. BLOOMER: And the partnership piece, they

1 could be a partner as a funding partner, a non-funding  
2 partner, or they could be a partner in the sense of  
3 they're a third-party contractor.

4 MR. KILLEBREW: Again, I'm not sure we're  
5 editing the new language. Are you still under project  
6 selection?

7 MS. BLOOMER: No. We're recommending that on  
8 page 43, line 3, section (3) be deleted completely, and  
9 not deleted and moved anywhere else, but deleted. And  
10 then recommending that on page 5, line 15, when we talk  
11 about under project selection, that "In recommending  
12 project selection, stakeholder groups should consider the  
13 program goals and objectives set forth in subsection (b)  
14 of this section and consider projects that:" (A), (B),  
15 (C), (D), and (E) is "involve partnerships including, but  
16 not limited to, non-profit organizations and for-profit  
17 transportation providers."

18 MR. UNDERWOOD: The "not limited to" opens it  
19 up to a lot of those things you were discussing.

20 MR. GLEASON: Michelle, if I may. I don't know  
21 if perhaps a short recess to allow staff to kind of put  
22 our heads together and come back with something more  
23 specific would be helpful.

24 MS. BLOOMER: Five minutes?

25 MR. GLEASON: Ten minutes. And I think the

1 term is recess.

2 MS. BLOOMER: Yes, Christina.

3 MS. CRAIN: Michelle, how much longer do you  
4 think we have?

5 MS. BLOOMER: Well, we're on page 50 of 82, and  
6 then we have one more section after that which is 29  
7 pages, but I believe that that last exhibit is the one  
8 that has been going fairly quickly, so I think right now  
9 this is the bulk of it here, the '5310 program, and then  
10 I'm guessing after this we have '5311, so I think we'll  
11 probably just go ahead and take a ten-minute recess and  
12 reconvene at 2:45, and my goal would be to end no later  
13 than 3:30.

14 MS. CRAIN: Okay. That will probably work for  
15 me. I've just got another meeting, I've got someone  
16 waiting on me, so 3:30 would be fine.

17 MS. BLOOMER: Okay. Let's go ahead and take a  
18 ten-minute recess and we'll reconvene at 2:45. Thank you.

19 (Whereupon, a brief recess was taken.)

20 MS. BLOOMER: We're going to close up the  
21 discussion and go ahead, and are we ready for a motion on  
22 section 31.30 which is Exhibit D? It starts on page 37,  
23 line 4, and goes through the new text --

24 MR. KILLEBREW: Michelle, this is Bobby. You  
25 may want to take roll call to make sure you still have a

1 quorum.

2 MS. BLOOMER: Rob?

3 (No response.)

4 MS. BLOOMER: Christina?

5 MS. CRAIN: Yes.

6 MS. BLOOMER: All right. And then we have  
7 Brad, J.R. and myself, so we have a quorum.

8 (General discussion about section numbers and  
9 page numbers in exhibit.)

10 MS. BLOOMER: Exhibit D, page 39, line 16,  
11 section 31.31, the '5310 program. I think would somebody  
12 like to make a motion? Okay. I'll try to make the motion  
13 based on the discussion we had. So I think the motion is  
14 to adopt section 31.31 with the following changes.

15 The first change is to take on page 43, lines 3  
16 through 5, that section (3) that says "a private for-  
17 profit transportation business, such as a taxicab company,  
18 may participate as a contractor to an eligible recipient,"  
19 to delete that text from the eligible recipient section  
20 and move it to the end of section 31.31.

21 The second change is on page 49, line 23, and  
22 to revise the sentence to say instead of "the stakeholder  
23 groups must include" to revise the word "must" to say  
24 "should."

25 And then the final change is on page 50, line

1 15, to take the text that says, "involve partnerships with  
2 non-profit organizations and for profit transportation  
3 providers" and revise that text to read "involve  
4 partnerships including, but not limited to, non-profit  
5 organizations and for-profit transportation providers."

6 MR. UNDERWOOD: Terrific. I'll second that  
7 motion.

8 MS. BLOOMER: All right. We have a motion and  
9 a second. Any further discussion?

10 (No response.)

11 MS. BLOOMER: Hearing none, we'll take roll  
12 call. Rob?

13 MR. STEPHENS: Aye.

14 MS. BLOOMER: Christina?

15 MS. CRAIN: Aye.

16 MS. BLOOMER: Brad?

17 MR. UNDERWOOD: Aye.

18 MS. BLOOMER: J.R.?

19 MR. SALAZAR: Aye.

20 MS. BLOOMER: Michelle, aye.

21 All right. So we are moving on to the next  
22 section which is section 31.36 which starts on page 65,  
23 line 5 of Exhibit D. Bobby.

24 MR. KILLEBREW: Thank you, Michelle.

25 As you find your way to page 65, line 5, let me

1 outline the changes that are in this section. We've also  
2 changed in this section, like the previous section, to  
3 allow for the higher reimbursement rate on vehicle  
4 purchases that comply with the ADA and also the Clean Air  
5 Act. Planning is now a new eligible expense in this  
6 program, so we've added a category to allow for planning  
7 expenses.

8 I'll have to flip over a page here, bear with  
9 me. We've also, similar to the previous sections which  
10 talks about the local share requirements and where the  
11 money can come from, we've revised this to mirror the text  
12 that is used in those sections, transportation development  
13 credits is also added as an eligible match source. We did  
14 delete something in the local share requirements. In the  
15 previous text for this program there was some text that  
16 said 50 percent of the local share requirements had to be  
17 cash. We can no longer find that that is a federal  
18 requirement or even in a regulation or in an FTA policy,  
19 so that has been deleted.

20 Beginning on page 75, there is some text that's  
21 been added in regards to the intercity bus program -- I  
22 believe this is on page 74 -- thank you, Eric -- on page  
23 74 some text added in regards to the intercity bus  
24 program, and this also deals with the local share  
25 requirements. There was a pilot program that FTA had for

1 some time and then they actually formalized that pilot  
2 program and now it's in federal statute regarding the  
3 feeder service and the unsubsidized portions of intercity  
4 bus expenses that you can use for match on the '5311  
5 program.

6 On page 75, around line 7, this was some items  
7 that PTAC had discussed also in regards to the intercity  
8 bus program. We've added some text here in regards to the  
9 intercity bus funds and how they're awarded to support the  
10 intercity bus industry to more clearly identify facility  
11 and service as providing access and connections to rural  
12 areas. That was a strong point that this committee had  
13 made about the connection to rural areas in the intercity  
14 bus program.

15 On page 77, line 12, you'll see some similar  
16 text that you've seen in some other sections regarding the  
17 performance and the negative impact, if there is a  
18 negative impact, calculating the performance factors and  
19 allowing the department to have some alternatives in  
20 addressing those situations. So this is similar to the  
21 same text we had back in the state grant program, we've  
22 copied over here into the federal program.

23 On page 78, line 13, you'll see some inserted  
24 text regarding the furtherance of the department's goals.  
25 This deals with project selection in what's commonly

1 called the Discretionary Program out of the '5311 federal  
2 funds. This was also another PTAC comment that as the  
3 department is considering projects out of the  
4 Discretionary Program that they be tied to the  
5 department's goals, and so we've added some text here to  
6 have that in the Administrative Code.

7 And the last change in t is program that I'd  
8 like to bring to your attention is actually on page 80,  
9 beginning on line 8, and this also deals with the  
10 intercity bus program. We've added some text, the  
11 committee had a fairly lengthy discussion about the  
12 intercity bus funding of projects, whether there should be  
13 a set-aside or not a set-aside for this intercity bus pot  
14 of money, and so we've added some text here to clarify the  
15 department's role in selecting projects, and that added  
16 text begins on line 8. And this is to looked at a  
17 balanced investment in intercity bus travel and that the  
18 department would have the ability to establish investment  
19 targets among all the eligible applicant type groups for  
20 the intercity bus projects and types and for the  
21 solicitation that we do in the coordinated call every  
22 year.

23 And those are the major changes in the '5311  
24 federal program.

25 MS. BLOOMER: Are there any questions from the

1 committee?

2 (No response.)

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

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

5 MS. BLOOMER: So I have a motion. Do I have a  
6 second?

7 MR. UNDERWOOD: Second.

8 MS. BLOOMER: I have a motion from J.R., a  
9 second from Brad.

10 Roll call. Rob?

11 MR. STEPHENS: Aye.

12 MS. BLOOMER: Christina?

13 MS. CRAIN: Aye.

14 MS. BLOOMER: Brad?

15 MR. UNDERWOOD: Aye.

16 MS. BLOOMER: J.R.?

17 MR. SALAZAR: Aye.

18 MS. BLOOMER: Michelle, aye.

19 All right. I think that leaves us with one  
20 section left in Exhibit D which is on page 80, section  
21 31.37, the Rural Transportation Assistance Program, which  
22 starts on line 14. Bobby.

23 MR. KILLEBREW: Yes. And other than the other  
24 comments we've been talking about, changing non-urbanized  
25 to rural and some of the clarity type things, the only

1 change we made in this section actually is on page 81,  
2 line 12. The current language was fairly restrictive  
3 where it said that research and statewide technical  
4 assistance projects will be competitively advertised and  
5 evaluated by department personnel, we're changing that to  
6 may be competitively advertised and evaluated by  
7 department personnel.

8 The reason for this is that we do contracts a  
9 lot with universities, with the University of Texas or  
10 Texas A&M and so forth, and so those are not competitively  
11 procured type services, we do those through the  
12 Interagency Contract Act, so we need to change that "will"  
13 to a "may" so we technically get back on track.

14 MS. BLOOMER: Okay. Any questions from the  
15 committee? If not, do I have a motion?

16 MR. UNDERWOOD: So moved.

17 MS. BLOOMER: Brad made a motion, I'll second  
18 the motion.

19 Rob?

20 MR. STEPHENS: Aye.

21 MS. BLOOMER: Christina?

22 MS. CRAIN: Aye.

23 MS. BLOOMER: Brad?

24 MR. UNDERWOOD: Aye.

25 MS. BLOOMER: J.R.?

1 MR. SALAZAR: Aye.

2 MS. BLOOMER: Michelle, aye.

3 All right. That takes care of Exhibit D.

4 Moving on to Exhibit E -- hold on, there is an  
5 Exhibit F.

6 MR. KILLEBREW: These will go quick, Michelle,  
7 I promise.

8 In Exhibit E, beginning on page 1, we have a  
9 brand new program, in section 31.38, the Rural Transit  
10 Safety Program. This is a new program that is required  
11 out of MAP-21. This piece in the TAC that you see before  
12 you today, all new language, does mirror the language  
13 that's in MAP-21 and also the language that was in the  
14 concept paper.

15 Just as a matter of FYI, the department, TxDOT,  
16 is responsible for ensuring that the '5311 agencies have  
17 certified public safety transit plans, so we do need to  
18 have new text in here that talks about this. We know FTA  
19 hasn't finished all their rules and regulations on this,  
20 but this does give us the general authority to carry it  
21 out once FTA gets their act together. And that's the new  
22 section.

23 MS. BLOOMER: Are there any questions on  
24 section 31.38?

25 (No response.)

1 MS. BLOOMER: Bobby, do you think we could go  
2 ahead and take section 31.42 as well?

3 MR. KILLEBREW: If we can have a motion on this  
4 section, and then I'll do the next group of sections all  
5 together.

6 MS. BLOOMER: Okay.

7 MR. UNDERWOOD: I would move to approve that  
8 section.

9 MS. BLOOMER: 31.38?

10 MR. UNDERWOOD: Yep.

11 MS. BLOOMER: Okay. I'll second that motion.  
12 Rob?

13 MR. STEPHENS: Aye.

14 MS. BLOOMER: Christina?

15 MS. CRAIN: Aye.

16 MS. BLOOMER: Brad?

17 MR. UNDERWOOD: Aye.

18 MS. BLOOMER: J.R.?

19 MR. SALAZAR: Aye.

20 MS. BLOOMER: Michelle, aye.

21 Okay. Moving on to the next section, 31.41.

22 MR. KILLEBREW: 31.40, actually, Michelle.

23 It's on page 2 towards the bottom on line 21 of Exhibit E,  
24 public involvement. This is another section, when we  
25 started working on this, that got a little too busy on the

1 page, so we're repealing section 31.40 and replacing it  
2 with the new text you see here. This is a section that  
3 references applicable federal laws. A lot of the repeals  
4 and things had to do with JARC and New Freedom being taken  
5 out of MAP-21, so again, by the time we deleted some old  
6 text and revised this, it was a little busy. So what you  
7 see here is the new requirements under MAP-21.

8           There is a special reference regarding JARC and  
9 New Freedom because we still administer those programs,  
10 and so we had to, on page, beginning on line 5, going  
11 through line 12, craft some language that says if it's  
12 JARC or New Freedom, it's basically under the SAFETEA-LU  
13 requirements because those don't exist under MAP-21. So  
14 that would be this piece on public involvement.

15           Continuing on to private sector participation  
16 which is on page 4, line 8, this is just a Code  
17 Construction Act change in the way that they list the  
18 references to the United States Code.

19           On page 4, continuing down to line 14, you'll  
20 see section 31.42. Again, this is another section, when  
21 we started working on this, it seemed more reasonable and  
22 legible just to repeal the entire section and draft a new  
23 one. The old 31.42 listed several pages of federal  
24 requirements, and we did some research on those to see how  
25 the department does this in other areas of its business,

1 and we've recreated 31.42 to be a much shorter,  
2 streamlined version. As you'll see, it's only a few  
3 lines, compared to the several pages. But this also  
4 allows us to keep this list a little bit more current  
5 because as soon as we publish a very long list of all the  
6 federal requirements, something changes somewhere and  
7 we're out of date again. So by doing this the way we've  
8 done it, it does fit with the way the department does it  
9 for other programs and it will cover everything we need to  
10 do for transit.

11 If you flip over to page 13 of Exhibit E, down  
12 on line 18 there will be a section on contracting  
13 requirements. We've made a few changes in this section.  
14 Our public transportation coordinators are now division  
15 employees, so we have updated this section to reflect  
16 they're no longer working in the district offices, and  
17 that type of correction will appear in the remaining  
18 sections as they go through. I may not mention them, but  
19 we've gone through and taken out references to people  
20 working in the district and now they work for the  
21 division.

22 And also in 31.43, actually on the next page,  
23 page 14 down on line 15, there's been some text that's  
24 been stricken. In regards to subcontracts in excess of  
25 \$25,000, it had some pro forma grant type language that

1 had to be included. That language is actually included in  
2 our master grant agreement, so to put that contractual  
3 type language in the Administrative Code didn't follow the  
4 normal department process and how they listed things, and  
5 so we've taken that out of the Administrative Code, but it  
6 does, again, appear in our master grant agreement that  
7 every subrecipient signs with TxDOT if they're getting  
8 transit grant funding from us. We also found out that  
9 this list is not up to date in the Administrative Code,  
10 the list in the master grant agreement is up to date.

11 MR. UNDERWOOD: Where does this \$25,000  
12 threshold come from? Was this our old procurement  
13 threshold?

14 MR. KILLEBREW: That I don't know the answer  
15 to.

16 MR. UNDERWOOD: I'm just thinking because we've  
17 changed all our procurement to 50 now.

18 MR. GLEASON: If you fall under the Local  
19 Government Code, it's 50. This would be for entities who  
20 did not.

21 MR. UNDERWOOD: That's right. Okay.

22 MR. KILLEBREW: Continuing on to page 15 at the  
23 top of the page, line 1, section 31.44, procurement  
24 requirements, there's been some changes in this section.  
25 The sections actually appear on the next page which is

1 page 16, beginning on line 3. A less intensive  
2 procurement process is identified here for goods and  
3 services or equipment valued with a total cost of \$3,000  
4 or less not requiring quotes or offers from the three  
5 sources. This actually is a process that was introduced  
6 some time ago but we're updating the TAC now to meet  
7 current practice.

8 The next section is 31.45, and 31.45 is just  
9 grammar and/or word edits.

10 And 31.48 which is on page 19, line 14, there  
11 are only grammar changes in this section or word edits.  
12 There were a few changes in 31.48 -- I misspoke here. In  
13 31.48 there were some grammar and word changes, as well as  
14 there were some additional things regarding the  
15 department's collection of data. These are actually on  
16 page 20, starting on line 22 and continues on to page 23.

17 We had to add some text in here regarding the collection  
18 of data for the transit asset management plan. We also,  
19 with JARC and New Freedom being repealed out of MAP-21 yet  
20 we still have providers out there that are still getting  
21 money from us, we had to add some text in here that talked  
22 about those type of entities still reporting to us.

23 We also had to add some text now that '5310  
24 money, at least a portion of it is going directly to the  
25 large urbanized areas, under state statute, whoever those

1 large urbanized areas select as their transit  
2 subrecipients for '5310 must also report to the  
3 department. So we've had to add text in various areas  
4 under these responsibilities to clarify the reporting of  
5 the performance measure data and of the reports either  
6 required by federal law or by state law.

7 And finally, on page 25 of this exhibit, on  
8 line 6 there's also some clarifying language in here that  
9 deals with the drug and alcohol program requirements,  
10 again for those JARC and New Freedom recipients who are  
11 still getting money from us under prior authorizations  
12 before MAP-21.

13 So you see we had to make lots of changes to  
14 accommodate pre MAP-21 and post MAP-21 type situations, so  
15 there's lots of writing you'll see there, but that's what  
16 the changes were for this section.

17 The next section is on page 27, line 8 which  
18 deals with the transportation needs of clients of health  
19 and human service agencies and the coordination of  
20 services. We updated a reference, actually on line 20 of  
21 that page, to the department's plain regulations. The  
22 department changed its place in the Administrative Code so  
23 we needed to update our reference to that section.

24 And that's all of Exhibit E.

25 MS. BLOOMER: Are there any questions from the

1 committee on the remainder of Exhibit E?

2 (No response.)

3 MS. BLOOMER: Okay. Do I have a motion for  
4 approval of the remainder of Exhibit E from page 2, line  
5 21 through the end of page 29, and that's eight sections.

6 MS. CRAIN: So moved.

7 MS. BLOOMER: Okay. I have a motion. Do I  
8 have a second? I'll second that.

9 Roll call. Rob?

10 MR. STEPHENS: Aye.

11 MS. BLOOMER: Christina?

12 MS. CRAIN: Aye.

13 MS. BLOOMER: Brad?

14 MR. UNDERWOOD: Aye.

15 MS. BLOOMER: J.R.?

16 MR. SALAZAR: Aye.

17 MS. BLOOMER: Michelle, aye.

18 All right. Moving on to our final exhibit,  
19 Exhibit F.

20 MR. KILLEBREW: This is Bobby again.

21 Exhibit F, page 1, line 2, we have a new  
22 section which deals with asset management. This is a new  
23 section that as created under MAP-21. The language in  
24 this section mirrors what's in MAP-21, it also mirrors  
25 what was in the concept paper that was discussed by PTAC.

1       And the department is responsible in this are for  
2 certifying all the subrecipients' asset management plans  
3 so we do need to have this in the Administrative Code to  
4 give us the authority to do this.

5               This is another area where FTA has not written  
6 all the rules and regulations, but this general authority  
7 will allow us to carry out this program once those rules  
8 and regulations are satisfied under the FTA.

9               I can continue with the next section that would  
10 be the last section.

11              MS. BLOOMER: Yes, please continue.

12              MR. KILLEBREW: Okay. The next section is  
13 actually on page 2 of Exhibit F, starting on line 17 with  
14 disposition. The majority -- let me refer you to,  
15 actually, under this same section, it's page 4, line 5 --  
16 the majority of dispositions and activities that happen  
17 with vehicles is usually through a sale or through  
18 auction, but there are times when a transit operator is  
19 getting rid of a vehicle and it's more appropriate for us  
20 to relocate that vehicle with another subrecipient. And  
21 so we've added clarifying language here that talks about  
22 transferring to another recipient the FTA funds and that's  
23 done in a couple of places in this section, and that's  
24 just to clarify that that's our intent when we still have  
25 a vehicle that has useful life in it, instead of going

1 through a sale or an auction, we may want that  
2 subrecipient just to relocate it with another FTA-funded  
3 subrecipient.

4 MS. BLOOMER: This is Michelle. Can I ask a  
5 question? Because by specifically saying another  
6 recipient of FTA funding, we're limiting the number of  
7 entities that provide transportation that could receive  
8 that vehicle. So for instance, Catholic Charities is not  
9 another recipient of FTA funding, and hence, would not be  
10 eligible to receive transfer of vehicles from another  
11 transportation provider. Am I reading that correctly?

12 MR. KILLEBREW: There are exceptions to this  
13 which is my next comment in this area, Michelle.

14 MS. BLOOMER: Okay. Sorry.

15 MR. KILLEBREW: That's okay. Actually on page  
16 5, beginning on line 11, there was an exceptions piece  
17 that got deleted right there. We've added that to the  
18 very end, so if you flip all the way over to the last  
19 page, page 8, you'll see an exception paragraph there, and  
20 that allows the department to consider things on a case-  
21 by-case basis. So it's not 100 percent that it has to go  
22 to a recipient of FTA transit funding, so in the cases  
23 where it's better used by someone who is not a direct  
24 recipient of FTA funding, the department can consider  
25 those type of transfers as well.

1 MS. BLOOMER: Okay.

2 MR. UNDERWOOD: Are you okay with that,  
3 Michelle.

4 MS. BLOOMER: I am.

5 Are there any questions from the committee on  
6 Exhibit F? If not, do I have a motion for approval of  
7 Exhibit F, as presented?

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

9 MS. BLOOMER: All right. I have a motion. Do  
10 I have a second?

11 MR. STEPHENS: I'll second.

12 MS. BLOOMER: Okay. I have a second from Rob.  
13 We'll do roll call. Rob, I'm assuming you're  
14 an aye.

15 MR. STEPHENS: Aye.

16 MS. BLOOMER: Christina?

17 MS. CRAIN: Aye.

18 MS. BLOOMER: Brad?

19 MR. UNDERWOOD: Aye.

20 MS. BLOOMER: J.R.?

21 MR. SALAZAR: Aye.

22 MS. BLOOMER: Michelle, aye.

23 Okay. Bobby, correct me if I am wrong, but I  
24 think that takes care of item 4.

25 MR. KILLEBREW: Michelle, you are correct.

1       Congratulations.

2                   MS. BLOOMER: Woo-hoo! Thank you all. We made  
3       it through. So just to clarify, the action we are taking  
4       is to make comment, and our comment is we're good with all  
5       the sections minus the changes we mentioned in certain  
6       sections.

7                   MR. KILLEBREW: Yes. And just to let the  
8       committee know, what we'll do now is the department will  
9       consider the committee's comments. If we concur with the  
10      comments, we'll just make the edits to the Administrative  
11      Code draft that you're seeing, and it will go forward to  
12      the commission with committee approval. If the department  
13      disagrees with the committee comments, then we'll note  
14      that in the preamble that the committee did make the  
15      comment but the department did not concur, and so that  
16      will be in the preamble as well. I think we're probably  
17      agreeing with your comments, though. So the next version  
18      you see of this will probably be in a little bit different  
19      order, it may have a different page number because we may  
20      add and remove text.

21                   It is scheduled to go to the commission at the  
22      end of this month, so keep your eyes open and we'll  
23      certainly send you all a copy once we have that made  
24      available to us from the legal counsel folks.

25                   Looking at the timeline, this will be published

1 in the *Texas Register* on August 9 and the public comment  
2 period will begin on that day. Again, we have one public  
3 hearing that we're going to hold during the public comment  
4 period. The next time PTAC gets back together, typically  
5 this group doesn't want to meet until all the public  
6 comments have been received, so your next meeting -- and  
7 I'm kind of jumping a little bit maybe ahead of Michelle  
8 on the agenda -- your next meeting will be after the  
9 public comment closes, so I'm guessing it's probably going  
10 to be towards the end of September time-wise. If anybody  
11 has got conflicts or whatever, but we'll get Rebecca to  
12 target a date for the group to meet again.

13 MR. UNDERWOOD: Eric, whenever this goes before  
14 the commission for comment in the first initial time, do  
15 you need a representative from PTAC there in case there's  
16 questions or anything like that at the commission to talk  
17 about the work we've done?

18 MR. GLEASON: I don't need a representative. I  
19 think the committee can choose to have one there. I think  
20 the commission appreciates when the advisory committee  
21 does attend, and certainly if you wish to make comment,  
22 that's fine as well.

23 MR. UNDERWOOD: Especially something this  
24 large, all the proposed rules, I think it might be  
25 beneficial for us to have someone there.

1 MR. GLEASON: I was going to ask the committee  
2 that question before we left today, but now that we're on  
3 that.

4 MR. UNDERWOOD: Okay.

5 MR. GLEASON: But before we get there, if I  
6 may, I do want to thank the committee for what I consider  
7 to be an exceptional level of engagement on this. I think  
8 we started this, what, before the end of last calendar  
9 year in some fashion or another. We've had a lot of  
10 outreach, we've had a lot of discussions, 152 pages of  
11 changes to the Code, that is a phenomenal amount of work,  
12 and quite honestly, I don't recall another standing  
13 department advisory committee doing something of a similar  
14 nature. So I do want to thank you all. Christina, Rob,  
15 on the phone, thank you so much for your time today, and  
16 your commitment to this is quite an accomplishment.

17 MR. UNDERWOOD: And I'd like to also say if  
18 look at all the work that's been done here, the staff has  
19 done a tremendous job in translating some of the ideas and  
20 flippant comments that we've had throughout this process,  
21 and really sincerely appreciate all the work they've done,  
22 it's huge.

23 MR. GLEASON: And back to your first question,  
24 I think there are two opportunities in this process that  
25 the committee can choose to address the commission, you

1 can choose to do both, if you wish. The first would be at  
2 this July meeting where these are recommended to be  
3 adopted as proposed rules, and then the second would be at  
4 the end of the process at what we're now reading as the  
5 October meeting when they would be up for final adoption.

6 So any form of communication is an option for the  
7 committee at this point in time.

8 MR. KILLEBREW: And if I may also weigh in, as  
9 individuals, not as a committee, but as individuals you  
10 are certainly able to participate in the public comment  
11 process. So if you feel you need to weigh in as an  
12 individual, I'd encourage you to do so during the public  
13 comment period by submitting a comment, or at the public  
14 hearing as well.

15 MR. GLEASON: There is one thing on the agenda  
16 is that a discussion of these or a summary of changes is  
17 on our agenda next week at our semiannual business meeting  
18 with transit providers, and so I'm imagining that  
19 conversation, you might hear through there or we might  
20 hear constructive criticism of what is being moved  
21 forward. But nothing about what we're talking about here  
22 today will change because of that conversation, this is  
23 the last say, if you will, with respect to that. So we  
24 may very well hear, you know, some level of discontent  
25 among the people with some specifics, and the trick will

1 be when we do enter the formal comment period following  
2 commission action in July, they will need to reflect those  
3 concerns via the formal comment period.

4 MS. BLOOMER: So was there a consensus of the  
5 committee, do we need to take action related to committee  
6 members attending the July 25 commission meeting and then  
7 the October, or can we handle that sort of offline?

8 MR. GLEASON: The thing I think you would need  
9 to do here today would be you ought to just sort of  
10 generally go over what you think the content of the  
11 comments would need to be if you do choose to either in  
12 written format or to verbally deliver some comment to the  
13 commission, I think that maybe you ought to discuss it  
14 generally.

15 MS. BLOOMER: Brad, did you have a  
16 recommendation for written or verbal.

17 MR. UNDERWOOD: I'd like to have -- I don't  
18 know if I need to say this in a motion or just in  
19 general -- I'd like to have J.R. represent us at the  
20 commission meeting and verbally speak for us and just  
21 reiterate the work that's been done and appreciation and  
22 how we recommend these and we're in agreement on them.

23 MR. SALAZAR: I won't be here.

24 MR. UNDERWOOD: You will be here. Look, you'll  
25 be back.

1 MR. SALAZAR: That's when I land.

2 MS. BLOOMER: Well, I think since Brad is  
3 making the recommendation, maybe you would be willing,  
4 Brad, to represent the Public Transportation Advisory  
5 Committee at the July 25 meeting to give our verbal  
6 support of the proposed rules.

7 MR. UNDERWOOD: I would have no problem with  
8 that, however, I will be out of town that week.

9 (General talking and laughter.)

10 MS. BLOOMER: We're all going to be out of  
11 town: I'm out of town, J.R. is out of town, you're out of  
12 town.

13 MR. UNDERWOOD: I'd like to recommend Rob  
14 Stephens do this on our behalf.

15 MR. STEPHENS: That's a pretty jam-packed week  
16 for me too. I don't want to commit right now. I don't  
17 have anything on the schedule but I know it's coming. I  
18 don't think I'm going to be available, guys. I appreciate  
19 the vote.

20 MS. BLOOMER: The other option, too, would be  
21 to sort of postpone and see what happens. Obviously, in  
22 the preamble you're going to mention that is in support of  
23 the rules that are being presented.

24 MR. KILLEBREW: Yes.

25 MS. BLOOMER: And then we can wait and see what

1 feedback we get at the July semiannual meeting, the  
2 comments we receive at the public meeting, and then  
3 everybody hold that last week in October to go to Austin  
4 in support of final adoption of the rules.

5 MR. STEPHENS: That's good.

6 MS. CRAIN: That sounds good. Why don't we do  
7 that.

8 MS. BLOOMER: Okay. Then I think we'll go with  
9 that recommendation.

10 If there are any other items. Let's see,  
11 public comment, I don't believe we have anybody from the  
12 public.

13 We talked about the next date being late  
14 September, I believe you said.

15 MR. KILLEBREW: Normally you would have a  
16 meeting -- because you have scheduled meetings now, there  
17 would be one at the end of this month, but I think since  
18 PTAC met now, you probably don't want to meet again at the  
19 end of this month.

20 MS. BLOOMER: So we would meet at the end of  
21 September anyway. Right?

22 MR. KILLEBREW: You would meet after the public  
23 comment period. We can schedule that to be your next  
24 meeting, unless there is a need to meet earlier.

25 MS. BLOOMER: We did them quarterly -- no, we

1 did them every other month.

2 MR. KILLEBREW: You did them every other month.

3 MS. BLOOMER: We had a regularly scheduled  
4 meeting at the end of July. The next regularly scheduled  
5 meeting would be at the end of September, which would be  
6 close to when you need us to meet.

7 MR. KILLEBREW: Yes.

8 MS. BLOOMER: Okay. So we'll either keep our  
9 regularly scheduled date or some other date around that  
10 time frame, and Rebecca will let us know.

11 MR. KILLEBREW: Yes.

12 MS. BLOOMER: Any other business today? Six  
13 minutes early. Do I have a motion to adjourn?

14 MR. UNDERWOOD: So moved.

15 MR. SALAZAR: Second.

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

17 All those in favor?

18 (A chorus of ayes.)

19 MS. BLOOMER: All right. Thank you so much.

20 (Whereupon, at 3:24 p.m., the meeting was  
21 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: July 9, 2013

I do hereby certify that the foregoing pages, numbers 1 through 95, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Texas Department of Transportation.

07/10/2013  
\_\_\_\_\_  
(Transcriber) (Date)

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