TEXAS DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION ADVISORY COMMITTEE - TELECONFERENCE MEETING

3712 Jackson Ave.
Bldg. 6, Room 324, Austin

Tuesday
September 29, 2015
1:00 p.m.

COMMITTEE MEMBERS:
John McBeth, Vice Chair
J.R. Salazar, Transportation Provider Representative

COMMITTEE MEMBERS PARTICIPATING VIA TELECONFERENCE:
Rob Stephens, Chair
Michelle Bloomer, General Public Representative

TxDOT PARTICIPANTS:
Eric Gleason, Director, Public Transportation Division (PTN) (Presenter)
Josh Ribakove, Communications Manager, PTN (Presenter)
Kari Banta, Program 5210 Manager (Presenter)
Kelly Kirkland, Planning Manager, Public Transportation Division (PTN) (Presenter)

TRANSCRIPT PREPARED BY:
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MR. McBETH: It's five after one. We have a quorum. Between J.R. and I and Michelle and Rob, we've got four people here. So I'll call the meeting to order, the PTAC for Tuesday, September the 29th of 2015 at -- starting at 1:05. The first order of business is a safety briefing and Josh is going to give that.

MR. RIBAKOVE: Hi, folks. I'm Josh Ribakove for the record from TxDOT. Should we need to evacuate, we'll leave out this door to my right with the exit sign above it. Turn left when you get out there. You'll see a stairwell and two elevators on the right side, use the stairwell, not the elevators. Should we need to evacuate, it's just that we're only on the third floor, just walk down to the lobby, and out through the lobby and out to the street. If we need to shelter in place, and we're not expecting any terrible weather today but should we need to, that same stairwell is a great place to do that. And -- and right there by the elevators, you'll also find the men's and women's rooms and there is a little breakroom with some vending machines for drinks and snacks right across the hall.

MR. McBETH: Thank you. A little housekeeping before we start, since we have two folks on by conference call, as well as some general public people I'm sure will join us. So that we all know who's speaking, when you have
a comment or have a question, please state your name so we can have it for the record and who you're with.

And with that, I will accept a - oh, also if you would, if you're on the call, please -- please mute your side until you have a comment or -- or need to speak so that we don’t get any feedback.

Third Item on the agenda is approval of minutes from July 23rd, 2015 meeting. I'll entertain a motion to adopt.

MR. SALAZAR: This J.R. I move to approve the minutes.

MR. McBETH: We have a motion from J.R. Do we have a second?

MR. STEPHENS: This is Rob. I second.

MR. McBETH: We have a motion from J.R., a second by Rob. Do we have anyone opposed?

(No audible response)

MR. McBETH: Hearing no opposition, I'll call the question. All those in favor, s -- signify by saying aye.

(Chorus of ayes)

MR. McBETH: All opposed --

MS. BLOOMER: Aye.

MR. McBETH: All opposed by signifying and saying nay. We had four ayes and no nays so that is passed and the minutes can be signed.

Next Item, number 4, is TxDOT's Public Transportation
Division Director Report to the Committee regarding public transportation matters. Eric.

MR. GLEASON: All right. Thank you, John. My name is Eric Gleason. I'm the director for public transportation at TxDOT. I'll keep my report fairly short today. We've got a lot of substantive items on the agenda.

At the July Commission Meeting, Commission did ask out -- take action on remaining balances and awards for FY15 federal program funding -- combination of discretionary and formula funding. Since that time, we have worked aggressively in the federal grant system to get all of those grants and the funds associated with those grants executed prior to team shutdown, which happened on the 25th. So we were successful in doing that.

And the significance of that -- well, that's a significant action every year. This year it's particularly significant because when the federal grant system open up again in October, it's going to be a brand new system. And if your grant was not actually fully executed before shutdown, you would need to do that all over again under the new system.

So we are positioned to move ahead with -- with those grants that were approved at the July meeting with the Commission. And we're in a -- various stages of getting project grant agreements signed to get those funds out.
there. The -- so we're not -- we are anticipating the new grant system coming up in mid-October -- late October and we'll be getting our refresher courses on that.

And honestly beyond that, much of my time as Division Director has actually been spent over in the Transportation Alternatives Program which is a federal highway program that the Division manages for the Department that looks at the construction of bicycle and pedestrian infrastructure.

I will report that in -- the Commission approved 17 projects for that program at its September meeting. And a number them, a small number, but nevertheless significant, actually were improvements that leveraged existing transit improvements in communities. So we're -- we're kind of making that connection across programs to leverage the benefit of -- of those individual investments.

I want to recognize someone in the crowd here today. Bobby Killibrew is retiring from TxDOT.

UNIDENTIFIED VOICE: Yay.

MR. GLEASON: In case any of --

(Laughter)

MR. GLEASON: -- you didn’t know. In case any of you didn’t know, Bobby's last day at the Department will be tomorrow, although rumors are that he'll be in for a couple days in October. But for all intents and purposes, Bobby, thank you for your service. I've been here 10 years and
I've enjoyed working with you tremendously so --

(Applause)

MR. GLEASON: And with that, Mr. Chair, that concludes my report.

MR. McBETH: Thank you. Item number 5 is discussion of potential changes to the Section 5310 Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities program activities for Fiscal Year 2016. And it's an action item.

MR. GLEASON: So I'll introduce and then Kari Banta, our program manager 5310, will please join me up here and give a brief presentation. We've had a number of conversations with the Committee over the last several meetings about the 5310 program. Today, what we want to focus on is a change in how we approach the program from a -- from a timing standpoint in the state. And we want to talk to you about an idea of moving to an every-other-year format for the program. Kari will kind of walk you through how we'll get there. And we're interested in any feedback we might get from you.

It's listed as an action item. We're not asking for your approval of this. But if the Committee does choose to want to take action in some capacity on this, you're certainly free to do so. We got Kari.

MS. BANTA: For the record, my name is Kari Banta.
There is a handout associated with this. And I need to make a couple of corrections for clarity's sake and for the benefit of those listening on the phone. On the fourth line of the table, it says, 5310 application period FY18-19. That's winter 16 slash 17. And then on the -- the last row, that's winter 18 slash 19 so we understand what timeframe we're talking about.

MR. GLEASON: Winter starts December 21st --

MS. BANTA: Yes.

MR. GLEASON: -- of every term.

MS. BANTA: So -- most of it's in the next year. I guess, to put this in perspective, when the 5310 program solicited input from our staff at PTN and our stakeholders, providers, there were a number of issues raised regarding the -- the burden of the 5310 application and its timing in the process. In particular, last year we ran the process with the deadlines at the same time. That -- we'd -- we'd hoped that it would make it easier to have the information together at the same time. But unfortunately, it didn’t work out that way. So one of the first moves we're making would be to have the 5310 application due a month later than the coordinated call.

Going into next year, we're looking at that being the last year for a single-year cycle. Part of what we're doing is alternating -- looking to begin alternating
years between 5310 and 5311 coordinated call. So the
agencies that apply for both aren’t jammed together. Also,
we're hoping that the two-year cycle will give some more
stability in terms of developing budgets and looking ahead
at projects.

Because 5310 is so closely tied to the regional
coordinated transportation plans, we're also shifting the
deadlines at certain points so that the plan is completed.
And there is a month after that so the plan -- I believe the
plan is due in March. That year the -- the 5310 application
wouldn’t be due until April.

So looking at the table, the line that's highlighted in
pink would be the first year of the -- of the two-year
cycle. And actually - -- for those of you who are familiar
with the 5310 contract periods, we -- we don’t run a 12-
month cycle. We run a couple months ov -- over so even
switching to this cycle, there would still be an overlap in
the contracts. In case something happens like we had with
the -- the FTA this year. With the situation they're
delaying when we could get the -- the contracts out. So if
you all have any questions or would like clarification --

MR. McBeth: So it -- so it appears that you're
proposing that we go to a -- an application process once
every two years.

MS. BANTA: Yes.
MR. McBETH: You would get two years' worth of the funds, basically the same way that we sign a contract now for the state funds for the 5311 program. Is that -- is it like that --

MR. GLEASON: Well, we can only put under contract --

MR. McBETH: Right.

MR. GLEASON: -- each year what we had.

MR. McBETH: Each year what you had. Yes but --

MR. GLEASON: But you would have a -- this is Eric Gleason by the way. You would have a decision process --

MR. McBETH: Yeah.

MR. GLEASON: -- that would be for two years' worth of projects. Now I think we probably anticipate in the intervening year some minor adjustments as -- after apportionment amounts come out --

MR. McBETH: Come out.

MR. GLEASON: -- as contract expenditures get known, minor adjustments. But we don’t believe that those adjustments would rise to the level of triggering any sort of stakeholder or steering committee process. Now it could very well be that during the year an event occurs, that might trigger us either locally or state wide to have to go back in. But we don’t think that's going to be the norm. And we're hoping that this response to the -- the over
burden concerns that people have about doing this every year along with coordinated call every year that, you know, the certainty of knowing two years' worth of funding as opposed to one.

Now having said that, I think it -- it also possibly -- there's a tradeoff however with flexibility. You know, where, you know, you might experience something locally and within that two-year timeframe that really says, Oh, we don't really want to spend this money this way. We want to spend it that way. And the -- this process may not allow us to go back and make that kind of adjustment. And that -- that's the tradeoff. We think it's worth it. At least it's worth a try.

MR. McBETH: I agree.

MR. GLEASON: And then -- and then what -- what would also be happening in this transition timeframe is we'd be moving to an every-other-year cycle with the coordinated call. And there's just -- there's -- there's a -- it's going to take us 18 months to get there, get everything sorted out and everything on track that way. So I just can't flip a switch and switch to it. We have to get there in a deliberate fashion. That -- that's our objective.

MR. SALAZAR: This is J.R. I just have one question. Is the application process going to be the same or -- or -- or -- I know we're still a ways off. But do you
know if that process is going to be the same?

MS. BANTA: There are going to be some changes. Most significantly we're moving to the eGrants system which will be an online system that will be able to save information and save different documentation that we require. So you won't be resubmitting. That'll reduce the redundancy significantly. The application process for this year will be roughly the same. We're looking to make changes to streamline the application and see what we can do to decrease redundancy. We had a new application last year and got some significant feedback on that, that we're going to address.

MR. GLEASON: So Mr. Chair, this is for all intents and purposes a discussion item opportunity for the Committee. And, you know, there's no action required so just let us know when you're ready to move on and -- or we can stay on this as long as we need to.

MS. BLOOMER: This is Michelle.

MR. McBETH: Hi, Michelle.

MS. BLOOMER: Hi. I'd just like to make a couple comments. First, I appreciate TxDOT taking the initiative to address concerns regarding the timing of the 5310 Call for Projects. My concern remains, I don't think we've addressed the more substantial issues related to the 5310 program. And I heard mention that, you know, the 5310
program is so closely tied to the regional coordination plan. But, yet -- and maybe it's just my personal view, but I actually see it on the complete opposite end of the coordination plan.

When I first starting working in the region, we were funding a bunch of small mom and pop senior citizen centers, independent living centers, et cetera. And two to three years into that, TxDOT -- or at the federal level realized this isn't working. We need to coordinate better since the miles weren't being put on those vehicles. They weren't being used. We spent the last 10 plus years working on regional coordination. And it seems like we've come full circle again with the new 5310 program of providing funds to small entities and piecemealing the service, not coordinating it through the existing providers for that given area. So that's my first concern.

My second concern is the evaluation criteria. So, I guess, do all the entities that are applying for funds know what the evaluation criteria is? Who's on the evaluation committee? In previous go-arounds with the 5310 -- 10 program, the entities submitting the proposals reviewed the proposals, which I don't necessarily agree that's the way to go. But I think we need to know who is on the evaluation committee or at least who is -- who's being represented on the transportation committee. You know, we don't need to
say it's Jane Smith and, you know, here's her home phone number, please feel free to call her. But we could say there's a transportation provider. There's an independent living center rep -- rep. There's an X, Y, and Z.

Also, what are the evaluation criteria that may or may be included in the RFP -- or sorry, the Call for Project. But then, if folks are submitting it and they don't know what they're being evaluated against, that makes it hard for them to improve their application for the next go-around. Also, if they don't know how they scored, that makes it difficult for them to know, okay, what do I need to do next time to make my project rank higher or score better so that I can receive funding?

And I don't think those issues have been addressed. But at least, I mean, I'm glad to see we're thinking about how -- how to streamline it. So we aren't over burdening the providers with multiple Calls for Projects. But, again, I think we're -- we're missing the bigger picture here on this program. That's all.

MR. GLEASON: So Michelle -- Michelle, this is Eric. Couple -- couple things -- so the -- it seems to me that it was -- it was the shift in the federal guidance that -- with regard to your first concern, it was the shift of the -- the recent shift in federal guidance that brought back to the forefront the -- the -- sort of the -- the
smaller non-profit agencies as traditional recipients of this funding.

So there may yet be a way through this new guidance that results in -- where you, in your description of, you know, more going to the providers. But I think that we had to adjust to the new guidance and that direction certainly did not seem to be toward a further consolidation of subrecipients of the program. Is that a fair statement, or are you thinking there's something that we did at our level, or can do at our level to address that?

MS. BLOOMER: I guess that's what I'm trying to figure out.

MR. GLEASON: Okay.

MS. BLOOMER: And I -- I've heard and I don't know if this is accurate or not, but I've heard FTA's position is, is that's not how the program is designed; that that is at TxDOT's discretion. So I think what I'd like to get at, is TxDOT thinking it's at the federal level and the federal level's saying, no, it's at the state level. So who -- who's really putting that research in on how the program is now designed? Is that the feds and do they agree, or is it TxDOT?

MR. GLEASON: So, I think that's a fair question. What I can tell you is that we've gotten very, very positive feedback from the federal level that we are doing it in the
way they intended it to be done. So obviously, we've got some different opinions out there. But we can continue to try -- because I have an interest in this -- in this topic as well. So we will continue to try and push that. But there seems to be a diversity of opinion out there on who can do what about that issue.

The -- certainly with respect to the evaluation criteria, we can go back in and look at the application and make sure that it's clear in the application what the criteria to be used will be and are. And that if you were to then look at the subsequent scoring, you will see a clear roadmap between those criteria in the application and what is being used in the scoring. With respect to the evaluation committee, are you suggesting that there be a standard membership list to the committee in each area? Is that what you're suggesting?

MS. BLOOMER: No. I'm not suggesting that because I don't -- you know, VFW isn't like south -- south Texas --

MR. GLEASON: Okay.

MS. BLOOMER: -- or east Texas or west Texas. What -- what I'm simply requesting is that whatever east Texas decides to have -- and I'm not saying they need to say, okay, Michelle Bloomer serves on the committee. She's a public transportation representative. Here's her cell phone number and her home address.
MR. GLEASON: Well, no --

MS. BLOOMER: It doesn’t need to be the -- that list of --

MR. GLEASON: -- I -- no, I -- yeah. No. I understand that completely.

MS. BLOOMER: But --

MR. GLEASON: But it had more to do with the committee makeup. Whether you were suggesting we should put out there that we need this kind of a makeup or not that, but this is who is on it and this is the general interest that they represent. Is that what you're saying?

MS. BLOOMER: No and yes. So yes to this is the general makeup of the committee. But no to saying this is who has to be on it.

MR. GLEASON: Okay.

MS. BLOOMER: So I think it would be good for TxDOT to give some --

MR. GLEASON: Okay.

MS. BLOOMER: -- the regions or the PTCs guidance on who -- who they might want to consider to have on the committee.

MR. GLEASON: Okay.

MS. BLOOMER: But not to be as stringent as saying these are the five people that have to be -- or the five representatives that have to be because each region's
different. But you may have a list of like 10 -- these are people you may want to consider given your regional makeup.

MR. GLEASON: And then so -- and then taking that and then once we have the decision on who is on the committee that a, you know, name and area of -- of interest or expertise that they bring to the committee -- making sure everyone knows that?

MS. BLOOMER: Right. Yes.

MR. GLEASON: Okay. Okay. The final point was on feedback to improve the quality of submittal. You know, I think realistically we can look at webinars and formats like that at the beginning of an application process that would describe to participants, you know, what makes a good application and what makes a not so good one.

It's a little daunting to think we would be able to get back -- although I do appreciate the -- the idea very much and agree with it. It's a little daunting to think we might be able to get back with everyone who applied to give them feedback. There's just so many people. I'm not sure we could sustain that. But I do -- what -- what -- what I think we can do --

MS. BLOOMER: Right.

MR. GLEASON: -- is -- what -- what I think we can do is look for ways early to get out to people opportunities to learn how to do a good application. And --
MS. BLOOMER: I think that -- This is Michelle. Eric, I think that's a great idea on the frontend. But on the backend -- and I'm not asking for TxDOT to call every single individual and let them know how they did.

MR. GLEASON: Okay.

MS. BLOOMER: But at the PTC level, here's every -- you know, just for transparency's sake. Here's everybody that submitted an application. Here's what they requested. 25 points for, you know, topic one, 25 for two, three, and four -- for a total of 100 points. Submitter one, under section one, 25 possible -- got 20 -- et cetera, all the way through. So they can see how they ranked. Now if they have questions, then that would be on them to follow up with -- okay, you know, where was I lacking and I only got 20 out of 25. But I -- I --

MR. GLEASON: Okay.

MS. BLOOMER: I think it's more just to give them an idea of where they rank with everybody else. And if there's X amount of money available, here's how it was distributed and some sort of basis for how that was done.

MR. GLEASON: Okay. I understand what you're saying. Thank you. That's a -- that’s a -- that's a great suggestion.

MS. BLOOMER: Thank you. That was it.

MR. McBETH: Thank you, Michelle. Any other
comments?

(No audible response)

MR. McBETH: Hearing none, we will move on to Item number 6 --

MR. GLEASON: Sorry.

MR. McBETH: -- presentation by Linda Cherrington of the Texas A&M Transportation Institute on the effects of urbanization on transit, a report that I've been anxiously awaiting for months. And with that --

MS. CHERRINGTON: And with that -- so thank you. What I'd like to do is to walk through some information that was delivered in your agenda packet. It's -- it's heavy on information and data. And so if I might with the permission of the Committee, I'll j -- just go through each page and just kind of highlight what it presents. It's really intended to be background information for your continued discussions about the effects of urbanization, particularly on the transit -- Texas Transit Funding Formula.

So I want to talk today about four topics. The first is the impact of large urbanized areas that grow into rural -- their adjacent rural transit districts. I've referred to this as rapidly urbanizing rural areas. The second is to talk about gaps -- urban gaps when metropolitan areas grow and there is not a corresponding ability to serve transit in the areas that -- as they grow. The third is the change in
MAP-21 funding that effects the limited eligibility providers in the Dallas-Fort Worth-Arlington urbanized area. And the fifth is the growing number of urbanized areas and how they are handled in the Texas Transit Funding Formula for state funds.

So if I go to page one -- page two -- pardon me -- the first topic is the rapidly urbanizing rural areas. I want to talk about the access for rural transit districts that see large urbanized areas growing into their district and how those funds are accessed, the ability to use 5307 funds for operating assistance, and the limited sources of revenue for local share.

I'd like to use as my example on this topic the Fort Bend transit -- Fort Bend Public Transportation Department and Paulette Shelton is -- is here today, if you all have some additional questions. It is a good example and a very -- it's a good example for illustration and practicality of the problems in this area.

So on page three, you'll see in the top graphic, this is Harris County. And the colors are showing how the urbanized area has grown in the last three decades; the yellow is the 1990 urbanized area, the kind of burnt orange is the 2000, and the dark orange is 2010. And you'll see how the urbanized area is growing into the adjacent counties, particularly into Fort Bend County. And -- and
each of those counties surrounding Harris has a rural
transit district. And so we're going to talk more
particularly about Fort Bend.

So if you look at the bottom of the page, you see a
blowup of Fort Bend County. And you see how m -- much of
that area is now urbanized, largely as effect of the 2000
and the two -- and the 2010 census. So now there's a large
area and a large population in Fort Bend County that is
urbanized. So we'll talk about what that impact is on the
access to funding to help provide transit to that extended
urbanized area.

On page four, I provided just for your background and
reference, the 5307 Urban Area Formula Grant apportionment
criteria. So this -- again, this is just background.
Sometimes we forget the factors that go into the allocation
of 5307. And the top part of page four is the formula
funding for small urban areas and the bottom is for large
urbanized areas. And you'll see that there's really five
elements, two are related to bus service and two are related
to fixed guideway. And Houston Metro does operate fixed
guideways, so that's a significant set of the funding
apportionment to -- to the urbanized area. And then there's
a small allocation to low-income. Information in case we
need to refer to it.

Page five take -- talks a li -- a little bit about the
background of -- if you are -- if you're Fort Bend County and you see this growth in the urbanized area, how do you get access to funds that may be used to provide transit in that urbanized area? Well, first you must go to the designated recipient and work through the metropolitan planning process, so the NPO.

The designated recipient is a significant player in the allocation of 5307 in large urbanized areas. And this -- in small urbanized areas, the designated recipient is TxDOT. It's -- it's -- it's actually the governor who delegates it to the Commission who delegates it to the -- TxDOT. And then each of the small urbanized areas is -- is a direct recipient.

But in a large urbanized area, if -- if you're Fort Bend County, you go to the NPO and to the designated recipient, which is Houston Metro, and you -- you go through the process that is local to ask for funding. And every large urbanized area has its own process. Its -- its own -- sometimes it's a formula. Sometimes it's negotiated. And in the case of the -- the Houston Metro, Houston-Galveston area, it's a negotiated process.

The designated recipient may elect to designate a direct recipient and allocate funds that are then approved by the NPO process or they may elect to -- to act as a subrecipient and give a grant to the rural transit district.
In the case of Houston Metro, they do designate Fort Bend County as a direct recipient.

On the bottom of page five and page six, I provided illustrations just to give an idea of the role and responsibilities of each of the players in this process. FTA apportions the funds, the NPO has the process, the designated recipient is accountable to the FTA for the use of the funds, and it allocates funds in cooperation with the NPO, and then the designated recipient may elect to -- to name a des -- direct recipient or a subrecipient.

And the reason I take the time to bring this out now is because different urbanized areas -- large urban areas in Texas do it differently; some name a direct recipient, some have a subrecipient. So if we refer back to that later, I -- this gives you some background.

I'll go to page seven. Seven brings up the real issue of a small transit provider that's asking for funds and needing to use the funds to provide operating assistance in a large urbanized area. So in MAP-21, there was provided what is called the Operating Assistance Special Rule. It's also sometimes referred to as the hundred bus rule. And if I may step you through on page seven, the four steps in the process because it's -- it is complex.

First of all, if you are a small operator and you've asked for 5307 funds in a large urbanized area, you are
eligible to use those funds for operating only in the following cases: First of all, does the small operator report fixed route to the National Transit Database? If no, then you cannot use 5307 funds for operating. So if you provide only demand response services, you have no access to -- to large urbanized area 5307 for operating. If yes, you might be eligible.

The next step is, does the small operator report 100 busses or fewer in fixed route service during peak-hour service? If the answer is, no, I operate more than 100, then you have no opportunity to use Section 5307 large urbanized area funds for operating. If the answer is, yes, my agency operates 100 busses or fewer, then you need to identify whether you operate equal to or less than 75 busses or between 76 and 100. And I'll come back to that later.

So now, yes, I operate 100 or less and now I'm calculating whether I'm 75 or under or over 75.

Then you go to step two. So now I -- I'm 100 busses or less. I oper -- I report fixed route to N -- to NTD. Now what? Number two -- a percent of the apportionment is attributable to the operator based on vehicle revenue hours. So now we -- we've changed from busses and now we change to vehicle revenue hours. This is the source of the data that's reported to NTD for all operators in the U -- in the UZA.
And if you're a small operator, you take your number of vehicle revenue hours and divide by the entire large urbanized area, and that percentage is the percentage that is apportioned to you as an operator. And that may be a -- a one percent or less than one percent. It may be 10 percent or it may be one percent. It's -- it's your small operator revenue hours divided by everybody else. Then you go to -- to -- and that -- that's the percentage of the total apportionment to the region that you might be able to use for operating. We haven't got to the end yet. You might be able to use this.

Then you go to number three. Then -- so I've figured out my percentage of the total apportionment to the region. And it's some tens or hundreds of thousands of dollars. Now I can use up to 75 percent of that if I operate 75 busses or less. I can use 50 percent if I operate between 76 and 100 busses. So I can't use all the apportionment. I can only use part of it.

And then you go to number four. And then you go back to the number of revenue hours reported, and you multiple that times the apportionment, times the number of dollars to the UZA, times 75 percent or 50 percent. And now you've got the maximum amount that you can use for 5307. S -- so we've gone through this whole process and that may mean that you have a few thousand or a few hundred thousand.
So if you go to the next page, I've used as an example, again, carrying three -- through Fort Bend County. So this is the table that is issued from FTA under the apportionments. And this is the FY2015. And actually it's for Texas. I -- pardon me. It's for -- this is all of Texas. And you see for each of the large urbanized areas, you see the number of vehicles operated in fixed route service. So if there's any other operators in those -- in those areas, they aren't -- they aren't eligible.

And then you see the apportionment for the entire urbanized area times that percent of apportionment, times the eligible percent, and in this case it's all 75 percent. And that's how much money you can use up to 50 percent of your operating deficit. And -- and you see in some cases, we're talking now -- we've been through this whole process. And we're talking -- I need to turn my lights on. In the case of Public Transit Services, PTS, it's $29,000 through this whole process. Probably spent 29,000 doing the math. (Laughter)

MS. CHERRINGTON: And then if you look down in the next section, this is Houston. Houston has three small urbanized areas. And you go through this whole process. And in the case of Fort Bend County, they were eligible to use up to $889,107 as local operating assistance. And I've provided all of the other large urbanized areas. Why aren't
Austin, San Antonio, and El Paso on this list? Because they have no fixed route operators that report to the NTD so they have no small operators that can be eligible.

Now the last point I want to make in this topic is on the far right. So now you have to provide a local match for those urbanized dollars. You're a small operator. Most of these are rural transit districts. Where do you get your local match? Well, you may be eligible for a local sales tax dedicated to transit. And that's the case of Denton County Transit Transportation Authority, Corpus Christi, and Laredo. Or you may be eligible for the State Urban Funds. And you see those that are eligible for State Urban Funds, which we'll talk about more later.

The rest of those boxes, including the rural transit districts, don’t have access to a source of funding to match those large urbanized dollars. They have to find it another way. It's not through a sales tax and it's not through state funds. That's the end of topic one. Questions before we go on?

MR. McBETH: This is John. This is really a good chart.

MS. CHERRINGTON: Yeah.

MR. McBETH: This really a good chart.

MS. CHERRINGTON: Yeah.

MR. McBETH: Yeah.
MS. CHERINGTON: It really does illustrate --

MR. McBETH: Yes, it does.

MS. CHERINGTON: -- the dilemma.

MR. McBETH: It -- it -- it -- it outlines the dilemma I figured was there. Yeah.

MS. CHERINGTON: So I'll go on and cover -- the other things won't be quite as extensive. I'll cover the other topics to benefit your conversation.

So the next area that I wanted to talk about was urban gaps. And our definition -- this is a -- kind of term that we developed over the last 10 years. It's urbanized areas that are outside the -- the regional or municipal transit authority that -- that have access to funds apportioned to the UZA. But they're not operating -- they're not eligible for the -- the service. And this -- and it's also urbanized areas not included in urban transit districts or municipal transit service areas so that may be small urban areas.

So to illustrate the urban gap in 10 -- page 10, this is a -- the bar chart shows the size of the urban gap. It shows what it was in 2000. Remember these are areas that are outside the -- the transit agency service area. But in the urbanized area, and not -- basically they don't have a sponsor for transit services. And you see that the most of it is around the metro urbanized areas. It's a small percentage but a growing percentage that is around the small
urban met -- municipal areas.

And the bottom of page 10 just gives you the -- the actual populations so that you can -- the bar charts kind of puts it in perspective. The actual dollar -- the actual population numbers are at the bottom. And you see that the growth in the urbanized areas in the urban gap was -- around the metros was 65 percent from 2000 and 2010. And it more than doubled in the smaller munici -- the small urban areas.

Going to page 11, I provided several illustrations to -- to give you an idea of who's affected and the size. So page 11 is the western part of the Dallas-Fort Worth-Arlington urbanized area. It shows you the surrounding rural transit districts and the growth of the urbanized area into those transit districts. The color scheme is the same; yellow is 1990, burnt orange is 2000, and the dark orange is 2010.

Page 12 shows you the eastern side of the Dallas-Fort Worth-Arlington area, same set up, the rural transit districts. I might mention to you that McKinney UZA and I -- and I labeled it -- isn't -- is the adjacent UZA. This is looking at the large urbanized area, Dallas-Fort Worth-Arlington.

Page 13 shows you the San Antonio urbanized area. And you'll notice that the VIA Metropolitan Transit service area includes most of Bexar County. But the urbanized area
growth is added to the adjacent counties, into Comal and Guadalupe and a little bit into Kendall County. So you'll see that most of that was in 2010. So it really significantly changed the picture in the San Antonio area.

Page 14 illustrates for you the Austin area.

MR. McBETH: Wow.

MS. CHERRINGTON: The color scheme is a little bit different. It shows you the -- the orange is actually the 2010 UZA service area and the green is the area in the urban gap. So the orange is within the Capital Metro service area. And the green, you see Cedar Park, Round Rock, Pflugerville, Georgetown, Buda, and Kyle on the south. They're in the urban gap. They are not a part of the -- the CARTS rural service area. They're urbanized.

And then if you go to the next page, it shows you El Paso. The interesting point about El Paso is, El Paso is a municipal transit department with a half-cent sales tax. But it's limited to the city of El Paso. So they can enter in to inter-local agreements. But there is no sales tax to support it in adjacent cities. And if you look at that green area to the south, that is some of the -- the -- the areas with the highest transit needs -- Socorro, Ysleta in the south side of El Paso. But they're outside the city of El Paso. So they are not provided service. And they are not -- they're in an urban gap.
And then on page 16, I wanted to -- to give you one example. It's a very good illustration of a small urban area and where the urban gap is growing. I think it's -- this is Port Arthur in the orange and the green. But Beaumont's also shown here. And you'll see Port Arthur is orange; Beaumont is red. Look at the growth of the urbanized area. I -- it's -- it's larger than Port Arthur. And they're very distinct from the mugi -- municipal transit services in those two areas.

So you see that the growth of the urbanized area in -- in this particular example is beyond the mutici -- municipal -- beyond the city limits. And so it's an urban gap. And it's no longer a part of the rural transit district. Now it's -- it's basically an -- it's an urban gap. It -- it has no sponsor. And this is not unusual about other small urban areas across the state. Any questions about that material?

Then I'll go to the third topic. I just wanted to make you aware that there has been a change under MAP-21 in the limited eligibility providers in the Dallas-Fort Worth urbanized area. If you look on page 18, under TEA-21, there was specific legislation that was written in that provided up to 1.4 million that could be used out of the 5307 allocation to the Dallas-Fort Worth area. That could be used for operating assistance for limited eligibility
providers that had 20 or for -- fewer vehicles and served
only seniors and people with disability.

So those eligible cities were Arlington, Grand Prairie,
Mesquite, and Grapevine, which was the -- the federal
recipient for the NETS -- the North East Transportation
Services -- group of cities. Under SAFETEA-LU, SAFETEA-LU
did not include the exact same language. But FTA extended
that consideration to those same cities. And they
established 7 criteria. Those four limited eligibility
providers were eligible under those 7 criteria. And they
continue to be eligible for 5307 funding. And I've -- I
pasted in a cat -- an illustration of what funding was allow
-- allowable for them. So that was SAFETEA-LU.

Now under MAP-21, this limit -- this consideration has
not been extended. And because they don’t provide fixed
route service, they're not eligible for the operating
assistance under the -- the hundred bus rule, or the special
operating rule that we went through before. They are
eligible under the Texas Transit Funding Formula for an
allocation under the urban funds. So they continue to be
eligible for state funds, but they cannot use federal funds
for operating. And up until now, that's been okay because
the money had carried over year after year. But they've hit
the wall now. They can no longer use federal funds for
operating.
The last topic I wanted to present to you, on page 20, was the growing number of urbanized areas that are accessing the State Urban Fund. So if I go to page 21, this gives you the data. So these are the number of state funded urban transit districts. The 2010 population is on the left, the 2000 in the middle, and the 1990 population on the far right.

And so it gives you -- if you look right in the middle, the total number of transit districts has not changed a lot but the population has. And under the -- the funding formula, if a city's gone over 200,000 -- under the needs portion of the funding formula, the population is capped at 199,999. And so that's why there are two columns in -- and what I've total -- totaled for you is the population that has access to the funding formula with the capped population. And you see that change. It increased 13 percent from '90 to 2000 and 18 percent additional to 2010.

Now to illustrate what that means to the funding formula, if you go to page 22, it's a pie chart. And it shows 1990. In 1990, there were 25 urbanized areas that were eligible for state funding under the urban formula -- 25 small urban and then remember the four limited eligibility; for a total of 29.

Only McAllen was over 200,000 at the time, and their allocation capped at 19 -- and this is -- by the way, this
is population. This isn’t money. This is population on these pie charts. So because they were capped at 199,999, they had 10 percent of the population. And population is the factor in the needs portion of the funding formula so that’s why it's -- it's indicative of 50 percent of the funding; does that make sense?

MR. McBETH: Mm-hmm.

MS. CHERRINGTON: Okay. If you go to page 23, this is the 2000 census. And this was the f -- this w -- this was the population used from 2004 forward when the funding formula came into play. And now you see that the limited eligibility cities had a piece of the pie. And the urbanized areas over 200,000 had 18 percent. And that now includes McAllen, Lubbock, and Midland. Again, they were capped at -- at 19 -- 199 and Midland-Odessa was actually not a large urbanized area. They're two small urbanized areas, but under the Texas Funding Formula, it -- it's together at 200,000.

And then the last illustration is on page 24. And that's the same approach and now it's 2010 funding. So you see now the -- there are now six -- seven -- sorry -- seven urbanized areas over 200,000. And they have 36 percent of the pie.

And the last page, and I'll conclude, the information is on page 25. What do we think might happen in 20 twin --
2020? Sorry. In 2020, we're -- we're monitoring the possibility of four small-urbanized areas going over 200,000 and the possibility of five areas that may go over 50,000; although, one of those could be combined in an existing adjacent urbanized area.

MR. McBETH: This -- this is John. Just a question, Linda.


MR. McBETH: On the -- the last page.

MS. CHERRINGTON: Yes.

MR. McBETH: Those four possible new urbanized areas --

MS. CHERRINGTON: Yes. Over 200,000.

MR. McBETH: Over 200,000, yeah. Can you give us a chart like your next-to-the-last one -- this one here, urban transit funding formula need, that would include your projected populations? Because it looks to me like with these four -- you have right now seven that are using 36 percent of the resources. But if you put these four in there, it looks like 11 systems are going to use about 50 percent of all the resource.

MS. CHERRINGTON: That's probably --

MR. McBETH: That about correct?

MS. CHERRINGTON: That's probably close. Yeah.

MR. McBETH: Yeah. Which is what I've been
thinking.

MS. CHERINGTON: Yeah.

MR. McBETH: So that leaves 50 percent of all the resources for 20 other grantees. It'd be nice to see a chart like that just because it would scare everybody.

(Laughter)

MR. McBETH: Scares me.

MS. BLOOMER: And this is -- this is Michelle. I just -- I think John, the other -- the other thing too is for those four, I think the biggest issue for them is they're going to go from under 2,000, where you can use operating assistance to over 2,000 where you can't.

MR. McBETH: Yeah, exact -- exactly. That -- that's -- you use a -- you can use a portion of it based upon --

MS. CHERINGTON: Right.

MR. McBETH: -- going through that long exercise. And we're real -- Brazos is real familiar with that long exercise because when The Woodlands-Conroe became over 200,000, we had to go through that mathematical minefield.

MS. CHERINGTON: Well --

MR. McBETH: And it gets real political real quick.

MS. CHERINGTON: Yeah. In fact, if you go back to page eight, page eight does show for the urbanized areas
that are over 200,000 in which -- so you see at the bottom
of that page: Killeen, Brownsville, Lubbock, Laredo, Conroe-
The Woodlands -- you'll see that they do have a fairly
significant share of their funds that can be used for
operating under the hundred bus rule.

MR. McBETH: Yeah. Yeah, I think --

MS. BLOOMER: But I think that the amount to all
those folks that if you're on that list of four and you
aren't currently providing a significant amount of service
in fixed route mode, you need to start doing it now. So you
can submit your ridership report to NTD in time to have that
reflected when the census happens.

MS. CHERINGTON: Yeah. And --

MR. McBETH: Yeah.

MS. CHERINGTON: And if your bus -- if your
number of busses is beginning to approach 100, then that's
where the -- that's where the new watermark is. And that,
of course, is a concern particularly to -- to Cor -- Corpus
Christi I -- I -- I think. Actually right now, it shows
Brazos-Conroe, John. But I think that that's going to
subdivide when the -- the -- when The Woodlands and Conroe
are su -- are s -- reporting separately.

MR. McBETH: That's correct.

MS. CHERINGTON: So neither of them will be
approaching 100.
MR. McBETH: Yeah, neither of them. No, no, they
will not.

MS. CHERINGTON: Okay.

MR. McBETH: But the thing that really complicates
this whole thing -- and this is John again -- is you not
only have four new systems going over 200,000 that will
still be eligible -- grandfathered in eligible for our state
share because they're currently receiving it. But at the
same time, you have the possibility of five currently rural
areas moving into the small urban pot with Eagle Pass, Rio
Grande, Lufkin, Galveston, and Del Rio. Those -- those five
moving in. So, you're putting five more grantees into a
piece of pie that's already very small. So it's a double
whammy.

So it -- it does point out the need that, we really
have to start thinking now about what the legislative
solution to this problem's going to be because it has to be
a legislative solution. It has to be more money or -- or
something because it's going to break the system. There
won't be enough money for anybody else to do anything,
really, if we stay at the current funding level so that --
that's certainly a concern to me.

But even of more concern, Linda, is your -- your piece
in here, which I had not thought about, the -- the urban
gaps. That's -- those are -- these are big gaps. They're
-- these are -- these are huge. I mean just looking at Austin; wow. There's a lot of -- there's a lot people living in those green areas that are probably transit riders that need the service. And then you look over here at El Paso; wow. It goes all the way up into New Mexico.

MS. CHERRINGTON: Mm-hmm.

MR. McBETH: This -- I mean, that's -- that's a need that -- I think this Committee needs to start thinking about this need. I mean, this is a -- it's a lot of people. There's a lot of people here that don't have transit or have access to it.

MS. CHERRINGTON: A -- and to be fair, depending on the urbanized area, there are efforts going --

MR. McBETH: Yeah.

MS. CHERRINGTON: -- on to try to share funds. For example, Fort Bend does --

MR. McBETH: Yeah, exactly.

MS. CHERRINGTON: -- receive funds from Houston Metro. But we talked about the -- but there's not local money to match it.

MR. McBETH: Yeah, that's the problem.

MS. CHERRINGTON: And in another area, it may be that it's -- the -- the provider is going to the rural transit district to provide continued demand response service -- not -- not growing the transit services --
MR. McBETH: Yeah.

MS. CHERRINGTON: -- commensurate with the urbanized area, so that particularly for example, Georgetown --

MR. McBETH: Yeah.

MS. CHERRINGTON: -- that's what's happened in Georgetown. And New Braunfels, that's what's happened there.

MR. McBETH: It's just astounding. Wow. This whole problem I wasn't looking at.

MR. SALAZAR: Linda, this is J.R. And I -- and I -- I guess I'm just a little curious on these smaller urban areas. I mean, there's urban gaps in all the urbanized areas; correct?

MS. CHERRINGTON: Almost all. There are some transit -- municipal transit systems that, their policy is to provide service to the entire urbanized area or to the entire county. But I would say that's the exception, not the rule.

MR. McBETH: I would agree with that.

MS. CHERRINGTON: Mm-hmm. And then there are other instances, for example, Concho Valley, in which the urbanized area has grown, but Concho Valley transit district is serving across the rural and urban area. So there's no -- there's not a gap. So that's -- that's one of the ways
that areas have filled that gap.

MR. McBETH: Well, thank you, Linda. It's a great report. Any other questions?

MS. BLOOMER: This -- this is Michelle. Linda, can we go back to slide 16 for Port Arthur?

MS. CHERRINGTON: Yes.

MS. BLOOMER: And I just want to make sure I'm understanding this correctly. So in the map we have -- is it the city of Port Arthur that's that kind of orange mustard color?

MS. CHERRINGTON: Yes.

MS. BLOOMER: Okay. And then Beaumont. And is the provider the -- is it a municipal provider?

MS. CHERRINGTON: Yes, in both the case of Port Arthur and Beaumont.

MS. BLOOMER: Okay. But the green area encompasses the entire urbanized area.

MS. CHERRINGTON: The gr -- yes, the green is the urbanized area outside the city of Port Arthur. If you see the --

MS. BLOOMER: Okay.

MS. CHERRINGTON: -- the -- there's a blue area that -- that defines the Port Arthur service boundary. And you'll see that it does not include the -- the majority of the green area, Nederland, Port Neches, Groves, and North --
West Orange and Orange.

MS. BLOOMER: Right. And I guess, what I would be curious is because the formula is based off of population, population density, and the percentage of elderly and maybe persons with disabilities -- I can't remember.

MS. CHERINGTON: It's -- it's low-income.

MS. BLOOMER: Is how much do the -- low-income.

Thank you. How much those areas in green actually attribute to the apportionment? And since those folks contribute to the amount of money coming into the UZA, but yet, they get no service for it. And I understand there may not be local match, et cetera. But if Port -- oh, not -- oh, I should've picked an easier one. Groves, if Groves were to aport -- approach Port Arthur and say, we're interested in providing public transportation services, you know, what amount of the UZA funding does Groves bring in or help bring into the UZA?

MS. CHERINGTON: So --

MS. BLOOMER: And since they should be eligible to receive it, they wanted to secure service or provide the service themselves or hopefully coordinate with Port Arthur to extend service out their area.

MS. CHERINGTON: So it would -- it -- that's an NPO. And it's actually Beaumont-Port Arthur NPO. And so the NPO and the two direct recipients would then negotiate and decide what that is. But what's happening is, the
cities in these urban gaps are not approaching the -- to provide service. They're not contributing their general funds. And so it's -- it's a local situation.

And, yes, those funds could be used for transit if the local entities were willing to contribute the 50 percent local match and/or, you know, contribute to the capital. They also could go to the rural transit district and ask for the NPO to allocate funds and ask the rural transit district. But, again, it comes back to those local communities have to have the initiative and want that service.

An -- and typically, as you might imagine, what happens is these -- these areas have grown so fast, these are not -- these are not areas that have been long time in this discussion and are sophisticated about what's the funding available. And so it -- it's a -- it's -- it's a dilemma that's both the -- the planning process and -- and the funding formula.

MS. BLOOMER: Right. This is Michelle again. I guess my question is how many of those entities know they're actually eligible for funding? Or is that part of -- you know, they're just so -- such a new process, they -- they may not even be aware.

MS. CHERRINGTON: They may not be; although, again, the -- in this case, the South East Texas Regional
Planning Commission, which also serves as the NPO -- I think they're the NPO.

MR. McBETH: Mm-hmm.

MS. CHERRINGTON: They staff the NPO --

MR. McBETH: They are the NPO.

MS. CHERRINGTON: -- for the -- but they are aware.

MS. BLOOMER: Okay.

MR. McBETH: Any other questions?

(No audible response)

MR. McBETH: Thank you, Linda.

MS. CHERRINGTON: Okay. Sorry it took so much time.


MR. RIBAKOVE: John, can I do a little bit more housekeeping before we go to --

MR. McBETH: Sure.

MR. RIBAKOVE: -- the next item? Just wanted to say that we do have a sign-in sheet at the table by the door. If you're here, even if you are a TxDOT person, please do sign in so that we can count you. And also if you would like to comment at this meeting, we have speaker comment sheets. And they're also on the table by the door. And just pass it up to me and we'll get you some time to talk. That's it.
MR. McBETH: Yep. This -- this item shows that it was an action item but --

MR. RIBAKOVE: I think it was really just -- just like the last one.

MR. McBETH: Yeah.

MR. RIBAKOVE: We -- we made it an action item in case there was an action the Committee decided to take any action on.

MR. McBETH: I don't think right now -- I think right now, everybody's trying to absorb it. I don't think we can take any action it. But it's a -- it's a great report. And it shows actually more than I thought you were going to show, Linda. This is pretty -- this -- this should wake some people up.

Item number 7, report on research about energy sector impacts on transit.

MR. KIRKLAND: Good afternoon, members. My name is Kelly Kirkland. And I have the role of being the planning manager for TxDOT's Public Transportation Division. Today, I'm going to speak to you a bit about the research on the energy sector impacts. A little bit of background on this. For the past couple of years, TxDOT and the Committee has been hearing that rural transit districts and urban transit districts close to the areas of activity for the shale plays around the state -- five locations that are
heavy with drilling and fracking activities -- are having trouble keeping experienced drivers, particularly when they get their commercial driver's license or CDL and experienced mechanics as well, because there's high demand for those skills in the oil industry.

In addition to that, we understand that there is significant damage done to the roadways from this activity both doing the fracking and the in the production of the wells. This causes damage to vehicles as well as causes a slowdown in service, therefore decreasing productivity. So PTAC asked Public Transportation Division to look into this and do some research about it and see what might be done about it.

Accordingly, we contacted the TxDOT's RTI Office which is our Research and Technology Transfer Office and asked them to put out a call to the public universities in Texas and see who might be interested in doing some research about that. They received one proposal from a university. That proposal was reviewed by staff, myself, and Eric Gleason. And we had some comments and suggestions that we sent back to the university, and asked them to take another stab at it. They did so and we feel that their response was still not quite what we were looking for. But particularly there was a lot of emphasis on road damage and what that might do to vehicles and relatively little emphasis on drivers and
mechanics. In addition to that, there was still a strong emphasis in their proposal on rural areas. And -- and nothing on the small urbanized areas.

Therefore, Eric and I developed a new draft scope and asked for more proposals. Our research office is going to share that among the public universities in Texas. And in the near future we expect to see some more proposals about that. That's all I have right now.

MR. McBETH: Great. Thank you, Kelly.

MR. KIRKLAND: Sure. You all have any questions?

MR. McBETH: Any questions? Any comments?

(No audible response)

MR. McBETH: Okay. Thank you. Thank you, Kelly.

Moving on to number 8, a briefing on the Open Meetings Act with respect to options for public comment.

MR. RIBAKOVE: All right. That will come from me. I'm Josh Ribakove with TxDOT. We also have Sarah Parker here from our Office of General Counsel to respond to any questions from the Committee. Basically, the Open Meetings Act in itself does not specifically give the public a right to speak at meetings that the public is entitled to attend. But if a government bod -- a governmental body wants to allow members of the public to speak at its public meetings, it can adopt reasonable rules that are consistent with the relevant provisions of the law that allow them to do -- do
so. And -- and TxDOT does want public comment to be available at our public meetings.

As far as the Texas Administrative Code goes, there are no specific to PTAC rules about public comment. We take our cue from the rules for the Texas Transportation Committee and their open meetings. Public access to those commission meetings is -- is governed by the Texas Administrative Code or the TAC.

At those meetings, they -- they have some specific rules. The open comment period is limited to a maximum of one hour and three minutes per person is re -- is allowed. So far in PTAC, we really have not tried to be as stringent as that. And -- and put a specific limit on the time that a person can take to make a public comment. And the -- we really have never approached that length of time in -- in my experience. What else can I tell you?

The -- well, the Transportation Code does require a comment card. And -- and the comment card needs to -- to be filled out before someone can comment. I -- I've got one here. There are also some if anybody wants to see right on the table by the door. Basically, we ask for the name of the speaker, the organization they represent if they do; we'd like to know which agenda item they would like to comment on.

And then there are some specifics that the Texas
Transportation Code asks us to -- to find out and so there are three boxes that can be checked at the bottom of the -- of the comment sheet. One to tell us whether or not the person commenting is actually employed by TxDOT or does business with TxDOT or finally, could stand to benefit monetarily from the project or other item about which they are commenting. None of these things could disqualify anyone from making a comment. But it's good to know who's talking and where they're in -- sort of where they're coming from.

TxDOT does want to make the -- the -- their -- and especially PTAC wants to make this -- this meeting available to everyone over the phone. And we open up a listen-in line which -- which we -- in which anyone can call and listen to the meeting in its entirety or any section of it that they want to. They are muted. They're not allowed to comment over the phone. That has to happen in person. A lot of that is because of the requirement for the comment card to be filled out. And -- and also just to make it possible to really facilitate these meetings. And -- and know who it is who is -- is talking and where they're really from. It would be really difficult to -- to do that over the phone. We asked our Office of General Counsel whether, you know, they might recommend trying to do that over the phone -- trying to find a way that that could be done. And -- and
they -- they don’t recommend changing that procedure at this time.

Written comments, on the other hand, are always accepted by TxDOT. TxDOT and PTAC post contact information for all the Committee members on PTAC's webpage on txdot.gov and just go to our main page. And there's a search box and you can just type PTAC in there, and that'll take you right to the PTAC page. And you can see who all the members are, their contact information, e-mail addresses, phone numbers, all of that.

People can also write to TxDOT by regular mail at our normal mailing address, 125 East 11th Street here in Austin, 78701. They should be addressed to TxDOT attention PTN, that's the Public Transportation Division, hyphen PTAC. I'll get those and I'll make sure that they get to the Committee. The Committee is not -- would not -- would not have to -- to read those comments aloud at meetings but could consider them and perhaps bring them up at a future meeting if there was a topic that the Committee wanted to -- to discuss.

And that is basically the rules for the -- for public comment at our meetings. Again, if anybody has -- has questions or comments to make, we do have a representative here from our Office of General Counsel who can probably apply some expertise to that as well.
MR. McBETH: Thank you. Any comments, questions?

(No audible response)

MR. McBETH: Hearing none, we will move on to Item number 9, discussion and development of Public Transportation Advisory Committee Work Plan based on PTAC's guiding principles and comments made at the January 22nd, 2015 meeting. This is a placeholder on pretty much all of our agendas for each meeting. It's an opportunity for any of the PTAC members to address any comments relative to either expanding our Development Plan or shrinking it. If -- if -- are there any comments? Does anyone want to discuss this issue? If not, we will -- we can move on to the next issue.

(No audible response)

MR. McBETH: Hearing none --

MR. RIBAKOVE: Yeah. Hang on. I think --

MR. McBETH: Yeah, I agree with that; let's just move on. We will move on to public comments. And I think we just received a public comment.

MR. RIBAKOVE: And it will be about the item that we just discussed.

MR. McBETH: Okay. The public comment is by Paulette Shelton from Fort Bend County. She wants to discuss Items number 6 and Item number 8. Paulette?

MR. RIBAKOVE: Paulette, if would, if you'd take a
seat in the -- in the front row here, it'd be great because we've got some microphones up here. And we'll be able to transcribe it a little more easily.

MS. SHELTON: Item 6 was related to the -- the effects of urbanization on transit. As you know, I'm at Fort Bend County. And we've had not only first-hand experience with this, but several years' experience with dealing with it. In following up with Linda's report, John made a comment about addressing the legislative issues. There's actually two legislative issues going on with this; one on federal level, the other at the state level.

On the federal level, we've undertaken the process to try to address the situation at the federal level. Two issues going on there, the first had to do with whether or not you were operating fixed route, and the second had to with this formula that we talked about that essentially is -- is putting the smaller operator in the region against the -- the large metro in the region.

We have confirmation and everybody has seen the new Senate Bill that's out; that the proposed language that we have to address these two issues is in there. We have sources who have said that it's on the House side as well, although we have not seen that writing yet to be able to confirm it.

I bring that up because those existing stakeholders, as
well as the ones that are looking at this in a few years, are stakeholders in this. And it's important for us to let our representatives know that a fix is there. I've got a copy of the proposed language, I can point it to -- point you to it, where it is in the Senate Bill. I need to check the House Bill as soon as it's published. But it is there and will provide some relief. It does relieve the same threshold in regards to the 100 bus vehicles. But there is some relief in terms of the operating assistance. And there is relief for those operators that demand response system only.

Now on the State level, from the perspective of Fort Bend County, what you've seen is a list of systems that graduated from the small urban system to a large urban system and are accessing state funds. In the case of Fort Bend County, where you have a rural to a large urban, we're not. So when you talk about gaps, there's another gap there in that we have some operators that have been affected by this that are still receiving state re--support and others aren't. So I would hope as we go into any type of a state fix legislative leap to this problem that we consider also those of us that are out there that are also struggling with this. And finally on that, there were some questions from, I believe, it was Michelle regarding some of these areas that have been identified on the maps as -- as gap areas
with no service. And Linda's comments to that, you know, had to do with whether or not those cities were aware of it, and possibly that there are issues with local match. I can tell you from our own experience not only this go-around in the last 10 years in Fort Bend County, but prior to that in Galveston and Brazoria Counties, where we kind of saw our system growing all the way up from rural to small urban to large urban.

One key issue there when we go to the cities is their ability to provide local match with the sales tax. Many are already at the state constitutional maximum of eight and a half percent. And so I would say that a lot of times what you might find is the city that's willing, but they're at the cap already. And they're already using that and it's committed to something else. And the decision has to be with, can I cut anything for this, and that's often very difficult for a city. So that was kind of my comments on Item 6. If I could move on to the public comment Item.

MR. STEPHENS: That's a great speaker. Yeah, amplifies.

MS. SHELTON: In regards to the public comment Item, I know at the last meeting that I had made some comments that had to do with confusion on how to do it. There was also another comment that I made in regards to, when to do it. I understand your process. That was
explained very well today by Josh. But I still have some remaining questions.

We have an agenda with action items. But the ability for the public to comment on those action items is not provided until after the action is taken. And I think to be more specific was, would the Committee consider putting the public comment process at the beginning of the agenda as opposed to the end of it so at least public comment is heard about an action item before action is taken on the item.
And that's really kind of my only comment on that.

MR. McBETH: I -- I think on -- on that comment, that's something that TxDOT would -- would need to address. I know in the case of -- of -- of my own agency -- this is John -- in the case of my own agency, we start the -- after a call to order, we start off with open public comments, and the last thing on our agenda is public comments. So the person gets two bites at the apple. But I don't know what the legalities are of -- of -- of that. That's something that TxDOT would have to take up with their General Counsel relative to -- to -- to items, I'd suppose.

MR. GLEASON: If I can, Mr. Chair. This is -- this is Eric Gleason. And I think there's -- I don't think there's any reason we can't be flexible with respect to that last piece. I mean, I think rightly or wrongly, even in the past, I think the Chair has the discretion during the
meeting to -- with each individual item if -- if we have say a sign-in. And if someone identifies a specific item, I don't -- I don't know if we can, at that point during the discussion say of Item 6, if we know that someone in the public wants to comment, the chair has the discretion I assume to enter -- entertain comment at that time. I -- I think we can probably fashion something along those lines.

MR. SALAZAR: And -- and this is J.R. And we've done that in the past; right?

MR. GLEASON: Well, I know we have. I just am trying to be --

MR. SALAZAR: Okay.

MR. GLEASON: -- legally correct here.

(Laughter)

MR. GLEASON: You know, I think --

MR. SALAZAR: Sorry, Eric.

MR. GLEASON: Thanks, J.R.

MR. McBETH: This is John. You know, I know -- I know in the Legislature, you submit your public co -- if you're going to make a public comment, you submit it at the very first of the hearing. And when they get to that item, they do the public hearing. And then they say which -- which people are in the audience and -- and have sent in comments cards on that item. And they're allowed the opportunity to comment at that particular time. But you
have to make sure you get your card in at the beginning of
the hearing or register now by computer in -- in the
hallways to -- and you have to be there. We know that. You
have to be there. Or you get -- you get in a fistfight with
the Chairman.

MR. GLEASON: So if -- if I can again, this is
Eric. I mean, when -- when people come to the meeting, they
can sign in. They identify the agenda item. And I don’t
see why, again, it would be -- Rob, Mr. Chair’s -- your
deference. I think we can entertain the idea on particular
items --

MR. STEPHENS: Sure.

MR. GLEASON: -- of -- of having the comment at
that time, as long as somebody had signed in to do that. I
don’t have any problem with that at all.

MR. McBETH: Makes -- makes perfect sense. Makes
perfect sense, to address it while it's there in the front
of everybody's mind.

MR. GLEASON: Because you're right. I mean, after
the action, what's -- what's the point? I got it.

MR. RIBAKOVE: And I think we can -- we can also
-- and -- and I can pick up the slack on this myself -- be a
little more specific about outlining the comment pro -- you
know, the process at the very beginning of the meeting --

MR. GLEASON: Perfect.
MR. RIBAKOVE: -- maybe at the same as we do our safety briefing.

MR. GLEASON: Good idea.

MR. McBETH: Works for you, Paulette?

MS. SHELTON: Yes, thank you.

MR. McBETH: And, Paulette, addressing your -- your question about Item number 6; you're right. But the whole -- the -- it's not just pieces of the statute that need to be addressed, it's the whole statute. The -- every -- everything about it needs to be addressed because we have based upon Linda's report, we have the perfect storm. It's already started. It's going to be a tsunami in -- at -- in -- by 2013 or by -- by -- by -- by 2022, it'll be a tsunami.

You have five rural systems moving into small urban. You have four small urban systems staying there but still able to draw state funds. So those are not things that we even considered when we wrote the statute years and years and years -- back in the '80s. So the whole statute will have to be revisited.

And I think Linda's report is a good thing to base going forward on -- the suggestions of what -- what's going to be broken, what is broken, what's going to be broken, and how big it -- how big it's going to be broken. So that we can get new, fresh, clean legislation that sets out a
direction for the growth of public transit in Texas. It's real disturbing that we have this many of those little bitty green urban gaps, where they're getting service if their RTD has the money to go out and give it to them. But if they don’t, they're not. That's just kind of tragic because there's a lot people. That's -- there's a lot people in that. I'd be interested in knowing what the populations of all those urban gaps are. It's got to be -- it's got to be a couple of million people.

MS. CHERRINGTON: That's that bar chart.
MR. McBETH: Yeah. That's a lot of folks.
MR. GLEASON: It is. It's --
MR. McBETH: It's a bunch of people.
MS. CHERRINGTON: Yeah, it is.
MS. SHELTON: Well, I thank you. And I agree with you, John. I think if I was to reiterate anything, it would be that this group of stakeholders, it's relevant on the federal side as well as the state side.
MR. McBETH: Yeah.
MS. SHELTON: And it's important that we all work together and we all support the initiative. And then I think, you know, as my follow up to that is I -- I think that we need to dig a little bit deeper and understand what the issue is at the local level because our state legislators are going to ask that. Well, why -- why is it
that these cities aren’t doing it? Or why is it that these counties aren’t doing it?

And that raises a whole other issue of counties’ ability to leverage sales taxes in -- into the argument of whether or not they should be using general revenues for it in the first place. We -- we’ve been down all of those roads. And there’s limitations on what counties can do that are not there for cities. And a lot times, this encroachment is happening into the unincorporated area. We don’t see that on Fort Bend County’s map. But if you were to overlay that on our map, what you would see is that tsunami you were talking about. We've been going through it here because it -- it's multiple levels depending on the area and depending on the issues. And as we move through this, we need to be able to respond to that to our legislators.

MR. McBETH: Exactly.

MS. SHELTON: Thank you.

MR. McBETH: Thank you. Item number 11, propose and discuss agenda items for next meeting and confirm the date of the meeting. Josh?

MR. RIBAKOVE: Well, currently the next meeting is scheduled for Tuesday, November 24th, the last Tuesday in November. That is the same week as Thanksgiving. Thanksgiving is on -- is on the 26th. So the question is
leave it; move it?

MR. McBETH: I -- I could be here, but I don't know about anybody else. This is John.

MR. RIBAKOVE: If you want to not decide now, I can poll the Committee and let you know.

MR. McBETH: I think that's probably a good idea. Poll the committee and -- and see what everybody's druthers are. Probably a lot of people would prefer not to be in Austin during the week of Thanksgiving. That's my guess.

MR. STEPHENS: Oh yeah.

(Laughter)

MR. McBETH: A reply Rob -- speaks up.

MR. STEPHENS: Yeah. Yeah, John -- you guys, this is Rob. I'm listening in. I -- I've been listening. I've been quiet because I can't talk too much. But what -- what -- whatever -- yeah, le -- le -- let's keep us out of out of there during the w -- during the holidays, man, if we can.

MR. McBETH: Got you. Josh will work on it.

MR. RIBAKOVE: All right.

MR. McBETH: Okay.

MR. RIBAKOVE: And ag -- agenda you want to --

MR. McBETH: I don't have any agenda items to add.

Anyone else? Rob, Michelle?

MR. STEPHENS: No, sir. This Rob. I have nothing to add. I -- I do appreciate you, John, for running that
meeting. I could not have done that. Appreciate all of you. Thank you so much.

MR. McBETH: Thank you, Rob.

MS. BLOOMER: This is Michelle. Nope, no further comments.

MR. McBETH: Okay. Thanks, Michelle. Okay.

Agenda Item number 12 is adjourn. I'll entertain a motion to adjourn.

MR. SALAZAR: I move to adjourn.

MR. McBETH: We have a motion. Do we have a second?

MS. BLOOMER: Second.

MR. McBETH: Michelle seconds.

MS. BLOOMER: Michelle seconds.

MR. McBETH: Michelle seconds. J.R.'s made the motion. All in favor, signify by saying aye.

(Chorus of ayes)

MR. McBETH: There's only four here so there are no nays. I guess we'll adjourn. Thank you all.

MR. SALAZAR: What a strange meeting we've just been in here.

(Laughter)

MR. STEPHENS: Thank you.

MR. McBETH: Thank you, Rob and Michelle.

(Whereupon, at 2:34 p.m. the meeting was adjourned)
CERTIFICATE

I, Kimberly C. McCright, CET, do hereby certify that the foregoing pages 1 through 63, constitute a full, true, and accurate transcript from electronic recording of the PTAC meeting, held at 3712 Jackson Avenue, Building 6, Room 324, Austin, Texas, on Tuesday, September 29, 2015 at 1:00 p.m.

DATED this 8th day of October, 2015.

Kimberly C. McCright, CET

3712 Jackson Ave.
Bldg. 6, Room 324, Austin