

TEXAS DEPARTMENT OF TRANSPORTATION  
PUBLIC TRANSPORTATION ADVISORY COMMITTEE  
TELECONFERENCE

Lone Star Room  
4000 Jackson Avenue  
Austin, Texas

Wednesday, November 2, 2011

COMMITTEE MEMBERS PRESENT IN AUSTIN:

Michelle Bloomer, Chair  
J.R. Salazar, Vice Chair  
Glenn Gadbois

COMMITTEE MEMBERS PRESENT BY TELEPHONE:

Al Abeson  
Christina Melton Crain  
Brad Underwood

STAFF:

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

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2. Approval of Minutes from September 8, 2011 meeting	3
3. Division Director's Report to the Committee regarding public transportation matters, including an update on items the department has been involved with and a recap of Texas Transportation Commission action regarding public transportation projects	4
4. In accordance with 43 TAC '1.83(c), review and comment on the final draft of proposed revisions to 43 TAC Chapter 31, '31.11 (Formula Program)	24
5. Review and discussion of PTAC Work Plan consistent with committee duties as described in 43 Texas Administrative Code '1.84(b)(3) And update on current activities related to work plan elements	69
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P R O C E E D I N G S

1  
2 MS. BLOOMER: I'll officially call the meeting  
3 to order at a little past 9:30.

4 Item 2 on the agenda is approval of the minutes  
5 from September 8, 2011. Do I have a motion to approve the  
6 minutes?

7 MR. GADBOIS: Glenn.

8 MS. BLOOMER: I have a motion from Glenn and a  
9 second from?

10 MR. SALAZAR: J.R. Seconds.

11 MS. BLOOMER: J.R. All those in favor. Brad?

12 MR. UNDERWOOD: Yes.

13 MS. BLOOMER: Christina?

14 MS. CRAIN: Yes.

15 MS. BLOOMER: Glenn?

16 MR. GADBOIS: Yes.

17 MS. BLOOMER: J.R.?

18 MR. SALAZAR: Yes.

19 MS. BLOOMER: And Michelle, yes. The minutes  
20 passed.

21 And Al, did I hear you join us?

22 MR. ABESON: I did.

23 MS. BLOOMER: All right. We just approved the  
24 minutes so we're moving on to item 3 on the agenda, the  
25 division director's report, so I'll turn it over to Eric.

1           MR. GLEASON: Good morning, everyone. For the  
2 record, this is Eric Gleason, TxDOT director of Public  
3 Transportation.

4           You should have a copy of this month's  
5 director's report in front of you, and I'll go through it  
6 real quickly.

7           October commission meeting, three relatively  
8 small actions on the part of the commission, some  
9 development credit awards and some adjustments to the  
10 Recovery Act funding. We don't have anything on this  
11 month's agenda for the commission, and then in December we  
12 have three items. We are providing NCT COG with some  
13 financial funds to help fund the technical assistance  
14 study for the McKinney area system, and so the commission  
15 will be taking action on that in December. We have a  
16 relatively small amount of funds available for some  
17 additional regional planning work that we are currently  
18 soliciting proposals for and will be in a position to  
19 recommend those for award in December as well. And then  
20 most importantly, and the next topic on the agenda, the  
21 December meeting is when we would introduce proposed rule  
22 changes for the census funds, and we'll talk about those  
23 in a minute.

24           Now, I also got some suggested topics for this  
25 report that I'll touch on briefly, and you may decide with

1 each of them that you want to put them on a formal meeting  
2 at some future date.

3 The first one was an update on TxDOT's  
4 leadership changes. Most of you probably are aware that  
5 we have a new executive director. Phil Wilson started  
6 working on the 17th of October, so he's been here two  
7 weeks now, and he is the first executive director from  
8 outside the agency, he's not an engineer, and in the  
9 several meetings that I've been a part of with him, he  
10 clearly brings a different way of thinking about the  
11 department and thinking about our challenges and issues  
12 than in the past, and I would expect that to translate  
13 into some changes in the department over the coming years.

14 I think he plans to move fairly aggressively to set up  
15 his administration and we'll just have to wait and see  
16 what that might mean for our programs.

17 I've not had a chance yet to sit down with him  
18 privately and talk about the public transportation program  
19 here in Texas, I don't have that yet on my calendar, I do  
20 know he's going to be traveling pretty extensively across  
21 the state over the next six weeks. So I will try and get  
22 on his calendar as soon as that's something he's  
23 interested in doing and let you know how that goes. But  
24 stay tuned. I would think that we may see some changes at  
25 the agency because of his coming to join us.

1           A second item that was suggested is, again,  
2           some of you may have been following this, but the FTA over  
3           the past six months or so has had a number of  
4           discretionary program calls out, they are beginning to  
5           move on announcing awards for most of those programs, and  
6           Texas has received a fair amount of funding as a state as  
7           a result of that. The first one that's on the list here  
8           is known as TIGER which is the Transit Investment  
9           Generating Economic Recovery program. That's actually one  
10          that they've not yet announced awards.

11           The question that we got from Glenn was the  
12          extent to which Public Transportation had been involved in  
13          the department's process to select the three projects that  
14          the department put forward, and what I can tell you is  
15          that I was a part of the project review committee. I  
16          believe we looked at only one public transportation  
17          project and that was from San Antonio, and VIA actually  
18          made the decision to submit on their own. So a lot of the  
19          projects we looked at, the individual agencies or  
20          jurisdictions elected to submit on their own, and in the  
21          end the department forwarded three projects which is what  
22          its allotment was, and I think one was the North Tarrant  
23          Express as a TIFIA project, I think the Port of Corpus  
24          Christi may have been another, and I've forgotten the  
25          third. So there were no public transportation projects on

1 the three that the department forwarded. And I can get  
2 some more specific information on those three if the  
3 committee would like.

4 MR. GADBOIS: When you say the department was  
5 allotted three, allotted three by whom?

6 MR. GLEASON: My understanding was that the  
7 department was allowed to submit three projects as a part  
8 of the call.

9 MS. BLOOMER: That was a call criteria. Each  
10 entity could only submit three.

11 MR. GLEASON: We could partner on others, and I  
12 think we were also a partner in a multi-state project, and  
13 we may have submitted that one as well, that was a  
14 separate category. But we were only allowed as a  
15 department to submit three. So a lot of the ideas we  
16 looked at and then they just got submitted by other  
17 jurisdictions.

18 MR. GADBOIS: Okay.

19 MR. GLEASON: The next category is something we  
20 know as TIGGER, different than TIGER, and TIGGER stands  
21 for Transportation Investments for Greenhouse, Gas and  
22 Energy Reduction, and in this one we've not yet received  
23 word of their decisions on this yet, we do expect that to  
24 be at some point in the near future. But we did submit a  
25 proposal from West Texas Opportunities and All Aboard

1 America for some alternative energy facilities out in West  
2 Texas?

3 Kelly, was that it, the ones that we submitted  
4 as a department?

5 MR. KIRKLAND: Yes, that's correct.

6 MR. GLEASON: These were actually some projects  
7 that we received as a part of our call for the next one,  
8 the State of Good Repair, and when we looked at the  
9 project description, rather than submitting those as a  
10 part of the State of Good Repair application, we chose to  
11 submit them as a part of the TIGGER process because they  
12 seemed to fit that better. And I think generally FTA is  
13 looking for investments for these programs in rural areas,  
14 so I don't really have any basis of knowing how  
15 competitive that proposal might be, but I have to believe  
16 that coming from a rural area that it will do relatively  
17 well.

18 The State of Good Repair call was the one that  
19 we as a department focused on most specifically, and we  
20 did submit an application with sort of three sub-projects  
21 to it. I think the total for the application was just  
22 over \$30 million, and we submitted a sub-project for fleet  
23 replacement, a sub-project for facilities, and then an  
24 intercity bus sub-project. Now, we did not get any  
25 funding for our project, and we are in the process of

1 trying to schedule a call with FTA back in D.C. to try and  
2 talk to them about what happened so that next time we can  
3 be more competitive. We've been successful in this  
4 program in the past, we were successful in getting funding  
5 last year and the year before, so I don't really  
6 understand what happened this time.

7 I had a conversation with the regional office  
8 and they offered the perspective that as a state they felt  
9 Texas did okay, and I just left them with the thought  
10 about how the largest non-urban area program in the  
11 country didn't get a penny and we're still struggling with  
12 that.

13 MR. GADBOIS: Texas did okay not getting any  
14 money?

15 MR. GLEASON: No. TxDOT's submittal for the  
16 rural program was not funded. The state as a whole, from  
17 their perspective, looking at all the other awards that  
18 were made to agencies around the state, they felt did all  
19 right.

20 MR. GADBOIS: Okay.

21 MR. GLEASON: And I think he said it was about  
22 6 percent of the total. Now, I don't know how to judge  
23 that percentage on whether that's good for Texas or not.

24 MR. GADBOIS: So if I understand that  
25 correctly, you had metros that were applying and the other

1 urban.

2 MR. GLEASON: I can go through some of them to  
3 give you an example. Cap Metro here in Austin asked for  
4 \$20 million for fleet replacement, they got \$3-. City of  
5 El Paso vehicle replacement, a \$5 million award. Longview  
6 for facility rehab, \$450,000. DART got \$12 million for  
7 vehicle replacement. Denton County got \$8.2 million for  
8 facility replacement. Houston Metro \$8 million; Houston  
9 Metro another \$3.2 million. TAPS, Brad did quite well,  
10 \$4.2 million. Good job, Brad. Just let us know if you  
11 can't spend any of that money.

12 MR. UNDERWOOD: We worked very hard on that  
13 application; it was tough, but I was very pleased.

14 MR. GLEASON: And then VIA down in San Antonio  
15 got \$3 million for some facility improvements. So we were  
16 not successful in our application which was unfortunate,  
17 so we need to work on that a bit. And I'll be glad to  
18 report back to the committee the results of our  
19 conversation with FTA if that reveals anything.

20 Livability was another program, and the state,  
21 not TxDOT -- well, actually TxDOT got one in that. We  
22 submitted on behalf of the City of Conroe a Livability  
23 grant, complete streets and transit access to support  
24 multimodal options, a \$2.1 million award for that.

25 Others getting Livability awards were Brazos

1 Transit got \$1.8 million for the Woodlands transit  
2 terminal. And we'll send a description of each of these  
3 awards around to you. I thin we'll wait for the TIGGER  
4 and the TIGER announcements and then we'll send it out all  
5 at once and so you'll be able to see the amounts and a  
6 project description for each.

7 Cap Metro here in Austin got Austin Bike and  
8 Rides for Livable Communities Grant Last Mile Solution for  
9 metro bike facilities, just over \$500,000. City of  
10 Galveston Seawall Boulevard Transit/Pedestrian Access and  
11 Beautification Plan, construction of bus stop amenities,  
12 \$2 million. So there's a smattering of Livability grants  
13 around the state as well. VIA down in San Antonio got \$3  
14 million for their BRT project. So we will update this  
15 when all the awards are made and then send it around for  
16 your information.

17 Any questions on the discretionary program  
18 awards?

19 MR. ABESON: I do have one. This is Al.

20 MR. GLEASON: Sure, Al.

21 MR. ABESON: Earlier, Eric, you mentioned some  
22 discretionary dollars for regional planning. My question  
23 is regional planning for what?

24 MR. GLEASON: Back up under the previous item  
25 on upcoming commission topics, we have a call for project

1 proposals for some additional planning money we have  
2 available to support the regional coordination planning  
3 which is occurring in each of the 24 regional planning  
4 areas of the state. We have up to \$250,000 available and  
5 we're currently soliciting proposals and those are due  
6 back when, Kelly?

7 MR. KIRKLAND: Tomorrow.

8 MR. GLEASON: Those are due in tomorrow, and we  
9 are targeting the December commission meeting to make an  
10 award. So this is not a large amount of money. If  
11 everyone applied and everyone got something, I suppose the  
12 average award would be about \$10,000. So it's really  
13 intended to just help lead entities enhance the program  
14 funding they already have and do something a little bit  
15 more than what they were already planning on doing.

16 Does that answer your question, Al?

17 MR. ABESON: Yes. I missed the word  
18 coordination; now I understand.

19 MR. GADBOIS: Back to the FTA discretionary  
20 grant stuff, when you're talking to them, one of my big  
21 questions hearing this information is whether there's a  
22 trend going towards funding of locally generated projects  
23 versus giving to the state in an aggregate and letting the  
24 state distribute out. And so I'd like to understand if in  
25 their granting whether that actually is a trend, or

1 whether it just happens to look that way for this round of  
2 applications.

3 MR. GLEASON: Well, that's the way it looks in  
4 Texas. If you would have gone to the FTA website and look  
5 at the complete list of awards by state which is there,  
6 you'll see that a number of DOTs were successful in  
7 getting funding. But we will ask that, if that was  
8 something particularly when they thought about Texas.  
9 Because the department in the past has done relatively  
10 well, and so was it part of their thinking with this one  
11 to emphasize the specific agencies.

12 I'm also interested in the region's comment  
13 about: Well, Texas did reasonably well, Texas got a  
14 reasonable amount.

15 MR. GADBOIS: Fair share.

16 MR. GLEASON: They didn't say fair share, they  
17 said reasonable amount. But do they set targets like  
18 that, because if they do set a target for a state, that  
19 might suggest that maybe we should work together as a  
20 state knowing generally we could expect to get about this  
21 much, what are the best set of projects to put forward.

22 MR. GADBOIS: Exactly. If there's kind of  
23 roughly a state allocation that they have in mind and if  
24 they're not specifically preferencing locally generated  
25 projects.

1           MR. GLEASON: Yes. So stay tuned, I'll let you  
2 know what we find out.

3           The last item that was suggested for this  
4 report was TxDOT's rural transportation plan, and the  
5 first thing I'm going to say to the committee is I think  
6 this is a topic that you ought to put on an upcoming  
7 meeting agenda to have a complete briefing on it, and I  
8 might suggest that if we end up meeting that first meeting  
9 for the first of the year would be a good one for that.

10           Having said that, there was an email that went  
11 out which we have copies of, and for those of you on the  
12 phone, we will send these to you right after the meeting.  
13 I won't get into them substantively, but there was an  
14 email that went out in the middle of October, it went out  
15 to all kinds of folks, introducing the Texas Rural  
16 Transportation Plan, and it talked about what the plan was  
17 and what it was for. "It's a foundation for many rural  
18 planning efforts underway at TxDOT and will include the  
19 efforts of local, regional and federal transportation  
20 partners. The plan will also include a needs assessment  
21 through 2035 for all modes of the state's rural  
22 transportation system." And then it goes on to list all  
23 the modes, and in that list of all the modes they do not  
24 list public transportation. It says, "including highways,  
25 rail, water ports, airports, pedestrian and bicycle

1 facilities, pipelines and intelligent transportation  
2 systems, and a prioritized list of added rural capacity  
3 projects."

4           So that was a mistake. If you were to actually  
5 have clicked on the link provided with the email and gone  
6 to the newsletter, you would see that public  
7 transportation is indeed part of the effort. We had an  
8 immediate conversation with our colleagues in another part  
9 of the department about that, and they recognized that as  
10 a mistake, but that did generate more than one email. For  
11 those of you that read these things, it was good news that  
12 you're all reading it. And those things happen, it's  
13 unfortunate that it happened to be public transportation  
14 that was not included, but I can assure you that we read  
15 these things and watch out for that.

16           But there are going to be a number of public  
17 meetings in February which might be something for all of  
18 you or for agencies in your area to get on your calendar  
19 to attend. And there were a number of meetings held in  
20 August where stakeholders were invited to come and hear  
21 about the plan, and we had a reasonable attendance on the  
22 part of public transportation providers at those meetings,  
23 not all inclusive by any stretch of the imagination. But  
24 they held them in rural areas around the state and a fair  
25 number of rural programs attended, a number of rural and

1 urban joint programs attended.

2 And so the word is out there and we'll need to  
3 be getting some information out on this over the next  
4 several months to get people ready to participate in the  
5 February meetings. But I would recommend the committee  
6 ask for a briefing on it at its next meeting.

7 MR. ABESON: Eric, this is Al. Is there a plan  
8 and is the public activity to solicit reaction, or is this  
9 data gathering, opinion gathering to develop a proposed  
10 plan?

11 MR. GLEASON: This is to develop a rural  
12 component of the Statewide Long-Range Transportation Plan.

13 MR. ABESON: I see.

14 MR. GADBOIS: And is the genesis of this from  
15 planning, or does it have some relationship to the  
16 legislative charges?

17 MR. GLEASON: Do you have the answer to that,  
18 Kelly?

19 MR. ABESON: I'm sorry. Can you speak up just  
20 a little bit?

21 MR. GADBOIS: I'm sorry. This is Glenn, and  
22 the question was is the genesis of this coming out of  
23 TxDOT planning or was it coming out of the legislative  
24 charges, some of which or at least one of them might  
25 prompt this issue.

1           MR. KIRKLAND: This is Kelly Kirkland. It is  
2 coming out of TxDOT planning, it is described partly in  
3 the new planning rules the department adopted which were  
4 effective last January 1, and it is also in response to  
5 comments that were made when the Statewide Long-Range  
6 Transportation Plan was developed that there wasn't enough  
7 in it about rural components, so this is in response to  
8 that as well.

9           MR. GLEASON: Any more questions on that or  
10 questions about anything I've just talked about?

11           MR. UNDERWOOD: Eric, this is Brad Underwood.  
12 The RTC plans that we've been working on, will those have  
13 any effect or play into any way this long-range plan  
14 that's being developed?

15           MR. GLEASON: I would say yes, they ought to.  
16 I would also recognizes that this long-range plan is, I  
17 think, more of a traditional plan, it's focused on  
18 infrastructure and facilities. Certainly service can be a  
19 part of that, but it's a more traditional long-range plan,  
20 and I think the plans coming out of the regional  
21 coordination effort are relatively near-term in their  
22 scope, they don't go out to 2035, but the extent to which  
23 those plans identify gaps that need to be dealt with, and  
24 some of them may be identifying resources.

25           MR. UNDERWOOD: Maybe future needs and that

1 kind of thing.

2 MR. GLEASON: Yes, absolutely.

3 MR. ABESON: This is Al. How about in relation  
4 to the Strategic Plan that I think the department was  
5 working on last year?

6 MR. GLEASON: The Strategic Plan, Al, is viewed  
7 by the commission as an expression of near-term priorities  
8 in the context of the long-range plan and issues the  
9 department sees. So what it is, it's a deliberate action  
10 on the part of the commission to say these are the most  
11 important strategies or these are the areas of emphasis  
12 that we as the department will have for the next five  
13 years, and some of that direction may come from the long-  
14 range plan, some of it may come from external issues.

15 MR. ABESON: Wow, sure sounds like a lot of  
16 planning being done.

17 MS. BLOOMER: This is Michelle. I just wanted  
18 to not ask a question but provide a comment, and I  
19 understand and I'm glad it was just an oversight that  
20 public transit was left off the email, and when I did read  
21 it I did see bus mentioned, but I just wanted to put on  
22 the record my continued concern. A couple of years ago  
23 TxDOT went out and Amadeo Saenz and Commissioner Bill  
24 Meadows came to the region and sort of had a listening  
25 session, and I think it's just very important that TxDOT

1 always look at all modes as a mobility agency. There  
2 seems to be a tendency toward the big dollar, the big  
3 picture, the highway, and I understand that, but the  
4 little folks tend to get left out. And I just remember  
5 the postcard telling everybody about these listening  
6 sessions to hear about all the multimodal options was a  
7 picture of a steering wheel and a road.

8 And so they're little things but it sort of  
9 relegates public transportation and the other modes to  
10 second status, and so I think it's important as public  
11 transit advocates and stakeholders that if there are  
12 meetings in your area that you go and we continue to  
13 reinforce the importance of public transportation as an  
14 equal component in meeting the mobility needs of Texas  
15 rather than just kind of reinforcing that. So I look  
16 forward to the opportunity to continue this process. And  
17 I guess we can formally request that a briefing on the  
18 Texas Rural Transportation Plan be provided at our next  
19 meeting. Okay, Ginnie?

20 I did have one followup question and then one  
21 comment. And thank you, Al, for going back and asking for  
22 a clarification on the regional planning funds. I just  
23 wanted to highlight \$250,000, 24 agencies, like Eric said,  
24 if everybody applies that's not a whole lot of money, and  
25 we might want to continue to think about that when we get

1 to our work plan if we really want to reinforce regional  
2 coordination and innovation and leveraging existing  
3 resources, is that sufficient funding to do that.

4 And then just take this opportunity to ask you  
5 have you heard anything on the Transportation Development  
6 Credit Advisory Committee, the status of that?

7 MR. GLEASON: This is Eric Gleason. I asked  
8 James Bass, our chief financial officer, that question two  
9 days ago and he acknowledged that they've not yet laid out  
10 a schedule for that activity. I recommended to him that  
11 they send a letter out to all the folks who have been  
12 appointed or identified to participate and letting them  
13 know this is the plan or this is where we are.

14 MS. BLOOMER: Okay.

15 MR. GLEASON: To get back to your earlier  
16 comment on the regional planning funds, I couldn't agree  
17 more, \$250,000 is not enough, and that is not the sum  
18 total that we bring to the program each year. I think we  
19 typically each year bring about \$1.4- to \$1.6 million to  
20 the effort. These are funds in addition to that, so I  
21 wasn't trying to suggest that they were in any way  
22 sufficient for sustaining the program.

23 We had some remaining balances after some  
24 existing contracts were closed out and some remaining  
25 funds, we kind of pooled them together, we said it's not a

1 lot of money, but some folks might find it useful. And  
2 I'm not necessarily thinking we're going to give something  
3 to everyone either, so we'll just have to see what we get,  
4 ut we thought it would be good to get it out there and  
5 give folks a chance.

6 MS. BLOOMER: And this is Michelle. I guess  
7 the good news is we won't be submitting anything for our  
8 region.

9 I think in addition to the \$1.4- or the \$1.6-,  
10 it might be helpful, Eric, we spend in our region a  
11 significant amount of our regional resources on regional  
12 coordination activities, so in order to get a good sort of  
13 grasp of how much as a state we're spending, it might be  
14 beneficial not just to sort of capture what TxDOT is  
15 providing but what other local entities are providing as  
16 far as match, because the amount of money we get from  
17 TxDOT is probably about a fourth of the total of what we  
18 spend as a region on our regional coordination activities.

19 MR. GLEASON: And that's similar to the Houston  
20 area; the Houston area is spending a lot more money on it.  
21 They take the money we have and they focus it on one  
22 element of their plan.

23 MR. ABESON: Excuse me for my ignorance, but  
24 the \$1.4 million is awarded on the basis of proposals  
25 received? Is that how it's awarded to the regions?

1 MR. GLEASON: Yes.

2 MR. ABESON: Do all of the regions typically  
3 submit?

4 MR. GLEASON: Most of the regions typically  
5 submit. We have a few regions that we've struggled with  
6 over the last several years, but I think everyone but one  
7 of them. Do we have an agreement with all of them now,  
8 Kelly?

9 MR. KIRKLAND: Yes, we do.

10 MR. GLEASON: We have all 24 regions under a  
11 grant agreement now to do this work. There have been a  
12 number of areas that have changed leads from time to time  
13 and that sometimes introduces a gap. We've had one or two  
14 areas that have been particularly problematic in getting  
15 someone to step forward and be the lead agency, but we've  
16 addressed that now, and so everyone is engaged at this  
17 point.

18 MR. ABESON: Good.

19 MR. GLEASON: And everyone, in one form or  
20 another, will have an updated plan shortly after the first  
21 of next year.

22 MR. ABESON: And that competition is totally  
23 independent -- this is a question -- is that competition  
24 totally independent of the coordinated call that folks are  
25 working on now?

1 MR. GLEASON: It is at the moment, yes. We  
2 have not rolled that into the coordinated call, we have  
3 talked about doing that, but we've not done that yet. It  
4 is also possible sometimes folks will use the coordinated  
5 call to go after other sources of funding to help augment  
6 their planning effort.

7 MR. ABESON: Thank you.

8 MR. GADBOIS: Or vice versa, their planning  
9 effort to queue up projects for the coordinated call.

10 This is Glenn. \$1.4 mil is per planning cycle,  
11 not per annum, per year. Right?

12 MR. GLEASON: It's been an annual amount.

13 MR. GADBOIS: Has it?

14 MR. GLEASON: It has.

15 And just before we leave this, I will tell the  
16 committee that we have engaged TTI, once these plans are  
17 updated, I have asked TTI to do some work that will look  
18 across all the plans and draw from those plans common  
19 themes and issues of statewide significance, and what I  
20 would imagine we would do, is then from all those plans  
21 we'll be able to write a statewide chapter, if you will.

22 MS. BLOOMER: If there are no more questions,  
23 we'll go ahead and move on to item 4 on the agenda which  
24 is review and comment on the final draft proposed  
25 revisions to the Administrative Code. And I believe,

1 Bobby, you'll be presenting this item.

2 MR. KILLEBREW: Yes. For the record, Bobby  
3 Killebrew, deputy director of Public Transportation  
4 Division. Good morning, members.

5 Hopefully in front of you, the folks here in  
6 the room and the folks on the phone, you have several  
7 items that were emailed to you last week. I'm not going  
8 to be going through in depth all those items, so you can  
9 rest a little bit there, but I will be looking at a few of  
10 them. Particularly, just so you can get them in front of  
11 you while we're talking, I'm going to look at the white  
12 paper that was sent to you, I'm going to look at that  
13 graphic representation, the one that hopefully you might  
14 be looking at printed in color, as well as I'll also be  
15 looking at the revised timeline schedule. Those will be  
16 the three that I'm going to mainly focus on for my  
17 presentation, so if you can locate those, that might be  
18 helpful.

19 Kind of as a background on this, at your last  
20 PTAC meeting on September 8, Eric mentioned that the  
21 department was going to be pulling together it got called  
22 many things, a sounding board, a work group, and various  
23 other names, but we're pulling together a group of  
24 operators to help the department as we needed to go  
25 forward in the rulemaking process.

1           As way of background, the legislature  
2 appropriated some additional state grant money this last  
3 session to help the department with the impact that we  
4 would see as we started utilizing the new census data, and  
5 with that triggered a need for the department to change  
6 our Administrative Code to incorporate anything necessary  
7 to hand out those dollars, to target those dollars to the  
8 systems that were going to be impacted by using new census  
9 data.

10           So Eric mentioned on September 8 that we were  
11 going to pull together a group of operators -- PTAC was in  
12 agreement with this, and in fact, J.R., as the PTAC  
13 representative participated -- a group of operators to  
14 help us as a sounding board to figure out what would we  
15 draft these rules, what would they look like, what did we  
16 need to do, what changes were necessary, what changes  
17 would be very helpful in this endeavor.

18           And as a reminder, in that small group we had  
19 Brian Baker from South Plains as part of the group, Dave  
20 Marsh from CARTS, John Hendrickson from Waco, J.R. as the  
21 PTAC representative of the group, Linda Woods Pugh from  
22 the ARTEX Council of Governments, Normal Zamora from the  
23 Brownsville area, and Terry Reeves representing Hill  
24 Country Transit.

25           With the assistance of TTI and TxDOT staff, the

1 group met for several hours and threw some things  
2 together, some comments, some notes, looked at all the  
3 different census data, what TTI has projected would be the  
4 impact to Texas as far as the census data, and talked  
5 about our existing formula program on state grants. And  
6 through that conversation with this work group, we went  
7 back as the department and started drafting the rules  
8 which is that fourth piece that was also mailed to you  
9 that I'm not going to get into line by line so I'm going  
10 to kind of stay away from that.

11 As the work group and as the department visited  
12 with the work group, there were really three areas that  
13 the work group said we really do need to change, and those  
14 are the three that I'm going to highlight, so this is  
15 going to kind of be looking at that graphic representation  
16 or the white paper that you have in front of you.

17 Under the current existing formula for state  
18 grants, all the money that is appropriated for state  
19 grants, first thing right off the bat the money gets split  
20 65 percent to the rural systems and 35 percent to the  
21 urban systems. So the work group that we pulled together  
22 realized all of a sudden that if we got extra money from  
23 the legislature to target census impacts to certain  
24 systems, this 65-35 split was not going to work because  
25 that's not where the target needs to be, it's not a 65-35

1 split on those additional funds.

2 So one thing that the work group suggested, and  
3 the department has agreed with this, is that we need to  
4 change the Administrative Code on the state formula so  
5 that only the historical amount which happens to be that  
6 \$57,482,135 is split 65-35, and any amount above that  
7 \$57,482,135 is actually allowed to be targeted by the  
8 commission to where the need actually exists.

9 So if you're looking at that graphic  
10 representation or you're looking at the white paper, what  
11 you'll see on there kind of in that green box flowing  
12 down, you see a little faint \$57,482,135 that says current  
13 position. What we were doing is we're moving that above  
14 the 65-35 split, and you see on your little graphic here  
15 it says change position. So only \$57,482,135 would  
16 actually be run through what is called the traditional  
17 formula which would split 65-35 to the rural and to the  
18 small urban, and then it goes down the respective areas  
19 and to the need and performance-based formula. So that's  
20 one of the changes that the department is recommending to  
21 our commission and those are the rules before you today is  
22 to move that up above that percent split and only submit  
23 the \$57,482,135 goes through the formula, the traditional  
24 formula.

25 MR. GADBOIS: Bobby, do you want to go through

1 all this and then get questions, or do you want questions  
2 as they come up?

3 MR. KILLEBREW: I would say if I say something  
4 that's confusing, stop me right on the point so that we  
5 don't go any further, so if you've got an item that I've  
6 said that's confusing, please let me know; otherwise, for  
7 sure at the end we'll have a Q&A and discussion point.

8 So with the additional money that we have now  
9 as proposed in the rules, anything above the \$57,482,135  
10 is not going to be split 65-35, what do we do with that?  
11 The work group says we need to come up with a census  
12 impact allocation piece to the formula which would be a  
13 brand new piece, it does not exist today, and the work  
14 group discussed about how that should be calculated.

15 So as you're looking at that graphic  
16 representation, over on the right-hand side there's some I  
17 call them baby blue blocks and the little word New on  
18 there, any amount that's above the \$57,482,135 would then  
19 flow through a new census impact allocation. So that  
20 would be a change to the existing rules, and also as a  
21 change to the existing rules, we describe how that census  
22 impact allocation would be calculated. And basically,  
23 that's taking the 2000 census data and the 2010 system  
24 performance data, comparing that with using the 2010  
25 census data and the 2010 system performance data, and

1 calculating a difference, and that ends up being an impact  
2 allocation amount.

3           So let me kind of go over that again. Using  
4 2000 census data with 2010 performance data compared to  
5 2010 census data and 2010 performance data. So in  
6 essence, what changes there is just using the different  
7 decade of census data and if a system were to receive less  
8 money by using 2010 census data, then an allocation would  
9 be calculated for that system. That's above and beyond  
10 anything that's generated through the formula program,  
11 this is just another piece to the formula program, it's  
12 called the census impact allocation.

13           MR. GADBOIS: So when you say compared to,  
14 you're simply looking for getting less money.

15           MR. KILLEBREW: In this part of the formula  
16 it's actually a comparison, so if your allocation were to  
17 go down using those comparisons that I described, then it  
18 would generate an amount of money for you.

19           MR. GLEASON: To bring you back up.

20           MR. GADBOIS: It would generate an amount to  
21 which you were eligible for money.

22           MR. KILLEBREW: Yes. It's all subject to the  
23 amount appropriated by the legislature, and we have  
24 approximately \$3.2 million for the biennium, so obviously,  
25 if everybody generated an amount above the \$3.2 million

1 that's appropriated, we wouldn't have that much money.

2 MR. GADBOIS: Right. Okay.

3 MR. KILLEBREW: The other thing that we have  
4 written into the code for this one is that particular  
5 census impact allocation does have an expiration date, so  
6 that piece of the formula, just that one piece of the  
7 formula does have an expiration date of August 2019, and  
8 that's written into the code as well. That's not on your  
9 graph in front of you, but that is in the code, and I  
10 believe I put that in the white paper as well.

11 And the third what I would consider a major  
12 change that's gone on in this package, if you follow that  
13 graphic down you get to those golden type blocks at the  
14 bottom which is any leftover money, after you've done  
15 everything else if you still have some leftover money,  
16 then the commission can make some awards, either  
17 competitively, on a pro rata basis, or a combination of  
18 both. That's in the formula today. We just kind of had  
19 to move that around a little bit, because we've added this  
20 census impact allocation piece, we've kind of had to move  
21 that around a little bit. So on the flow chart here on  
22 the graphic it kind of got moved around just a little bit,  
23 you'll see some little dotted lines, just kind of got  
24 replaced again.

25 It's exactly like it is today with the

1 exception we've added some extra language. The work group  
2 that we met with was pretty adamant about that if we have  
3 some of this leftover money, the commission might want to  
4 consider awarding funds to these newly created urbanized  
5 areas for any startup needs that they might have. They  
6 wouldn't necessarily get a negative drop in their funding  
7 formula, but they might have a need, a census impact need,  
8 if you will, for new startup type funding.

9 MR. GLEASON: One time.

10 MR. KILLEBREW: So it could be vehicle  
11 purchase, it could be someone coming in to look at maybe  
12 doing a plan for their route structure, it could be how do  
13 I even set up a new system, I've never done this before,  
14 so it might be some technical assistance money. So we've  
15 written that into the language in the Administrative Code  
16 just to make sure it's very plain that the commission  
17 might do something like that. Along with everything else  
18 that was already in there, we've added that to that.

19 Also, in addition to that there was something  
20 else that our legal counsel suggested at this time we  
21 might add and that is another phrase that says: and any  
22 other factor. Kind of opens up that door pretty wide now  
23 on what that is. In case we didn't think of something, we  
24 won't be held up by having to change the code again, now  
25 we can point to say this is another factor that we did not

1 think of at the time, but the commission still would have  
2 the ability and the flexibility to do those type of  
3 awards.

4 MR. GADBOIS: And Bobby, this is Glenn again.  
5 Just clarification, the legislature appropriated dollars  
6 specifically for the impacts of census?

7 MR. KILLEBREW: That's a good point to make,  
8 Glenn. Thank you.

9 What the department did when we were doing our  
10 legislative appropriations request for this last session,  
11 to our baseline amount, our administration and commission  
12 increased the amount of state grants. Unless you were  
13 internal to the agency, you might not have seen this, but  
14 the reason we increased it was because we knew we were  
15 going to have some census impacts. TTI had done some  
16 research work for us and estimated what those census  
17 impacts would be, so we put that into the baseline part of  
18 the LAR. The legislature appropriated that baseline  
19 amount. So if you look at the General Appropriations Act,  
20 there's not a line item for this, there's not a rider for  
21 this, there's no legislative direction for this, but we  
22 hold true to our word that in our LAR we said we would  
23 take this money and use it for census impacts.

24 MR. GADBOIS: That makes a lot more sense out  
25 of how you were doing it then. Okay, got it.

1           MR. SALAZAR: This is J.R. For the record, I  
2 just want to say I'm glad that you explained that and you  
3 didn't come to me to explain this.

4           (General laughter.)

5           MR. SALAZAR: Because I was sitting by Dave  
6 Marsh in this meeting that we had and he looked over at me  
7 and said, Did you know what? I said, No, I didn't. He  
8 said, I didn't know some of that stuff. So we learn  
9 things all the time.

10           My question is walk me through this again as  
11 far as the additional funds being this one time only  
12 because this may or may not happen at the next legislative  
13 session, and so this is a one time thing. Correct?

14           MR. KILLEBREW: This is Bobby. I hope it's not  
15 a one time thing. Since the department has put this as  
16 part of their baseline request in this last LAR, we are  
17 hoping and anticipating that the next time we do an LAR,  
18 this will continue to be part of our baseline need. Of  
19 course, you know, we always hope that we will get more  
20 money for public transportation because certainly the need  
21 exists out there.

22           The way this formula is structured, the rules  
23 before you today, is that if we get appropriated \$57  
24 million, that will historically go through the regular  
25 formula needs performance and still be split 65 non-

1 urbanized or rural and 35 percent urban. Anything above  
2 that, the census piece kicks in to whatever is needed, and  
3 then anything above what's not needed for the census  
4 impact goes back to the commission to award again as  
5 competitive or pro rata or a combination of both. So we  
6 hope we continue to get this in the future, but first and  
7 foremost is that first \$57,482,135 goes through the  
8 regular formula, so if by chance we don't get the  
9 additional \$3.2 million next time and we only get the  
10 \$57,482,135, it goes straight to the formula as these  
11 rules are drafted.

12 MS. BLOOMER: This is Michelle. I guess in  
13 positive thinking mode of the next legislative session, so  
14 the \$57- was the baseline, you add the \$3.2- or the \$1.6-  
15 to that for the new baseline, say we do get requests and  
16 ask additional to be added to the baseline next year, the  
17 way this is currently set up, the \$57 million would still  
18 only go through and any addition to the \$3.2- would be  
19 added onto that and then be allocated through the  
20 difference.

21 MR. KILLEBREW: Yes. This is Bobby. That's  
22 exactly how the rules are drafted today, that's how that  
23 would work. Now, having said that, let's just say -- and  
24 I'm dreaming here so no one take me to task on this -- we  
25 get an extra \$10 million, we can do a couple of things at

1 the department. We could go back and revise the  
2 Administrative Code -- and this \$10 million is for  
3 basically regular formula -- we could go back and revise  
4 the Administrative Code and instead of being \$57 million t  
5 the regular formula, we could say it's \$67 million. Or if  
6 we don't have time to revise the Administrative Code  
7 because it takes time to do this, we all know that, that  
8 \$10 million would eventually end up back in those golden  
9 blocks down there for the commission to do something with,  
10 and the commission could award that on a pro rata basis  
11 that looks just like the formula.

12 So we wouldn't be necessarily stuck without  
13 having to change the code, there is a workaround, but I  
14 would think if we got an additional \$10 million, we would  
15 be coming back to the committee and visiting with you all  
16 on how best that should be allocated because under your  
17 purview are the administrative rules for formulas, and so  
18 that's why we're here today.

19 MR. ABESON: Bobby, this is Al. So let's say  
20 that \$10 million dream actually happens, does it then move  
21 through the blue boxes, or is that an option at that point  
22 in time when the money would become available? Does that  
23 make sense to you?

24 Here's the problem I have, let's say in five  
25 years that X number of millions is added to the base

1 amount and yet we're still at \$57 million using the basic  
2 formula, it goes over to the blue boxes, it can't be  
3 called census impact anymore, can it?

4 MR. KILLEBREW: The way the rules are drafted,  
5 Al, the census impact only uses what's necessary for that  
6 census impact allocation, and so actually if we were to  
7 get this \$10 million, it would fall down into those golden  
8 boxes the way that these rules are drafted. We would  
9 propose if we were to receive an increase in state money  
10 for the grant program that we would come back to this  
11 committee, I would say we probably need to open up the  
12 Administrative Code and do some revisions, maybe change  
13 the \$57 million to \$67 million. I would feel more  
14 comfortable doing that than anything else just so that  
15 people outside of TxDOT know exactly how the money is  
16 going to be distributed.

17 MR. ABESON: So then the blue boxes really are  
18 a one year only proposition.

19 MR. KILLEBREW: They get calculated each year  
20 there are funds available there. The amount that's  
21 calculated is going to be the same each year because the  
22 data that's calculated never changes until the census  
23 changes again, and it expires before the next census round  
24 anyway. So the amount that actually gets calculated is  
25 going to remain constant but it does get calculated every

1 single year as long as we have funds above the  
2 \$57,482,135.

3 MR. ABESON: I'm not sure I made myself clear,  
4 or I'm just unusually dense, but the blue boxes that say  
5 census impact allocation and has the line to the right, is  
6 that a one year only proposition because of the census?

7 MR. KILLEBREW: No, sir. That gets calculated  
8 each year until that part of the formula expires, and  
9 currently we've written into the rules that that part of  
10 the formula expires in 2019. So each year we do state  
11 grant fund allocations, we would actually have a piece in  
12 there that's about the census impact.

13 MR. ABESON: For nine years. Right?

14 MR. GLEASON: For every year that we have funds  
15 above the \$57 million number.

16 MR. ABESON: But it was always attributed to  
17 the impact of the census. Do you see what I'm getting at?

18 MR. GLEASON: This is Eric. The very first  
19 amount of money above that \$57 million that we got, the  
20 very first amount of that additional money up until all of  
21 the needs were addressed would be used for census impact.  
22 Any remaining amount above that would fall down into the  
23 gold boxes.

24 MR. ABESON: Gotcha. I understand that. But  
25 let's go out three years and the same scenario occurs,

1 there's money above the \$57 million, is that still going  
2 to be allocated through the blue box approach.

3 MR. GLEASON: The amount that was calculated  
4 initially will be, assuming that that amount is available,  
5 will be re-awarded. Yes.

6 MR. ABESON: Through the blue box process. In  
7 other words, you're still calling it census impact  
8 allocation even though it's several years from the initial  
9 impact of the census. Is that right?

10 MR. GLEASON: Yes.

11 MR. ABESON: Okay. I think I got it. Thank  
12 you.

13 MR. KILLEBREW: Yes, sir.

14 MR. GADBOIS: Okay, Bobby, because I was sort  
15 of getting at my overall question so we'll go back to this  
16 because I want to look at actually the rules. So on page  
17 7 and page 8 of the rules I see what I think you're  
18 pointing to as the language that would cap the allocations  
19 for mitigation.

20 MR. KILLEBREW: And this is Bobby. For those  
21 on the phone, because I know this is going to get a little  
22 confusing probably, Glenn is looking at the actual code  
23 itself which is that ten-page document that looks very  
24 legalese. In the upper right-hand corner it has the page  
25 numbers that will say 1 of 10, 2 of 10, on the left-hand

1 margin of the page it will have the line numbers, so Glenn  
2 is referring to that document, he's looking at, I believe,  
3 page 6.

4 MR. GADBOIS: Starting on page 7, line 13,  
5 going to page 8 and maybe further, is this the language?  
6 So we get \$10 million, we've made an assessment of the  
7 difference between 2000 and 2010, we've made an assessment  
8 that's \$3 million, we get \$3 million plus \$10 million.  
9 Under this, that \$13 million all goes over to the right-  
10 hand side towards the blue boxes. Right? You've made an  
11 assessment for those blue boxes that \$3.2- is needed.  
12 You're suggesting that this language is going to cap the  
13 amount that can go toward census mitigation or census  
14 impact mitigation at \$3.2- and the additional \$9.8- goes  
15 to the gold boxes. Is that correct?

16 MR. KILLEBREW: This is Bobby. That's correct.

17 MR. GADBOIS: Okay. So I haven't looked at  
18 this closely enough to make sure -- I agree with you, I'm  
19 just wanting to make sure I understand your rationale.

20 So one of the things that we dealt with before  
21 I was on PTAC is that putting that much money in  
22 commission discretion ended up being a problem. Right?  
23 So in reality, if that were to happen, we might have the  
24 pressure to, for timing sake, do that one round but then  
25 we would look at rewriting rules if we expected that to

1 continue such that that overage money started going back  
2 into formula. Is that correct?

3 MR. KILLEBREW: That's correct.

4 MR. GADBOIS: Okay. I think I'm understanding  
5 where you are. We'll get to the arguments and substance  
6 and all that after you finish. I just want to make sure  
7 I'm on the same page.

8 MR. KILLEBREW: And there are some other  
9 changes. If you're looking at the document Glenn is  
10 referring to now, those ten pages, and you see all that  
11 legalese, you see a lot of strikeouts, a lot of  
12 underlines, I will tell you that there are a lot of  
13 technical corrections to conform to the Administrative  
14 Code Act and how to write code. Because we moved things  
15 around, it looks like there's a lot going on there.  
16 That's why I did the white paper so that you didn't have  
17 to read the legalese part of this.

18 A lot of the text is existing text today,  
19 including the \$57,482,135, that's in the code today. That  
20 was an amount that was recommended by PTAC before to be  
21 the baseline going through the regular formula. So even  
22 though it looks like a lot, some of this just got text  
23 moved from one page to the next, so we've had to do  
24 strikeouts and underlines to move all that type of stuff.

25 That is the rule changes in a nutshell of what

1 it is, and before I go on to the next piece which is the  
2 estimated timeline, because we don't do rules very often  
3 and I wanted to go over the timeline again to kind of  
4 paint that picture where things are and also let you know  
5 as a committee what you can and can't do under the  
6 committee rules regarding this package. So before I go to  
7 those next few things, I want to make sure that we've  
8 talked about any questions or comments or concerns you  
9 have on these rule changes, so I'll just sit here and open  
10 it up, turn it back to the chair.

11 MS. BLOOMER: I was just going to say before we  
12 open it up to comments or questions, I just wanted to  
13 reinforce, I think, Eric, the intent of this was to do an  
14 immediate, quick adjustment to the administrative code to  
15 allow TxDOT to program the \$3.2 million, recognizing at  
16 some later date, because for a while we've been talking  
17 about we may need to open up a larger discussion on the  
18 formula and addressing once the census impacts are truly  
19 known, maybe looking at opening up the formula across the  
20 board. And so this is just an intermediate step to  
21 addressing how we can program the \$3.2-, not a full scale  
22 or wide open opportunity to address all the issues that  
23 there may be related to the formula.

24 MR. GLEASON: That's correct. We expect to  
25 hear from the census their announcement of the urbanized

1 areas in the spring of next year, and we typically award  
2 state grant funding in June of each year, and so we'll  
3 have a relatively small window, say between April and  
4 June, to take the results of the census announcement and  
5 determine the amounts associated with offsetting the  
6 negative impacts from the census.

7           Once we do that calculation one time, that will  
8 be the number, we will know next spring what the annual  
9 number is, we're just going to do it one time. And so the  
10 \$3.2 million that we've talked about is actually a two-  
11 year number. At the time we did the research, we  
12 estimated the annual impact to be about \$1.6 million.  
13 Given what we know now, we expect it to be a little bit  
14 higher than that, but we're in good shape for this  
15 biennium because it's a two-year number for 2012 and 2013  
16 and the impacts themselves aren't going to be felt until  
17 2013, so we're in good shape for this biennium for sure.

18           But just to clarify, we will calculate that  
19 number next spring and that will be the number. We will  
20 know from here on through 2019 that if there's an amount  
21 above \$57 million available for distribution, that the  
22 impact of the census to cover all of the impact is X, it's  
23 one point something million.

24           MR. ABESON: This is Al. J.R., you might  
25 comment on how the group came together to develop this

1 approach. Was there a lot of consensus that this was  
2 going to go or did they propose different perspectives?  
3 Can you comment on that?

4 MR. SALAZAR: Sure. I think as a group we all  
5 got together and I think we were all in agreement on what  
6 we wanted to do which is basically help those in need now,  
7 and that is essentially what we want to do. Another thing  
8 that we didn't want to do is over-complicate the formula,  
9 even though it is very complicated to begin with, so we  
10 were all in agreement that that's what we should do, so  
11 there was no disagreement between any urban provider or  
12 rural provider that had really any comments other than  
13 what we all decided on.

14 MR. ABESON: Thank you.

15 MR. GLEASON: And Al, this is Eric. What I  
16 will say is we sent out to each of those individuals what  
17 you have in front of you for their comment and we did not  
18 get back any comments from any one of them.

19 MR. ABESON: That's a good sign.

20 MR. GLEASON: So my experience with the group  
21 says then that there were no issues with what we sent out.

22 I know there's a bit of a risk associated with that  
23 assumption on my part, but that has typically been the  
24 dynamic that when we send things out that people are  
25 comfortable with, it's not uncommon for us to not hear

1 back. So that's my assumption.

2 MS. BLOOMER: This is Michelle. Either J.R. or  
3 Bobby, can you help me understand the August 31, 2019? Is  
4 there something special about 2019, or is that just a date  
5 that was far enough out?

6 MR. KILLEBREW: Thank you, J.R., for  
7 volunteering for this one. I'll take this, that's not an  
8 issue.

9 We looked at that and we thought if we develop  
10 this new part of the formula that talks about census  
11 impact allocation and it's so specific in detail about how  
12 you calculate it, does this part of the formula need to  
13 expire at some point in time, how long do you carry this  
14 census impact allocation additional money to keep helping  
15 systems, do they eventually catch up and help themselves  
16 on their own, or is this a now and forever type of thing.

17 The August 31, 2019 happens to be a date at an  
18 end of a biennium, so we put an expiration date in there  
19 thinking, well, the next census is going to kick in,  
20 around 2020 we'll be looking at another census, so at that  
21 point in time we felt we probably need to have some type  
22 of expiration on this piece of the formula. We'd be  
23 interested in any comments PTAC may have on having an  
24 expiration date, either at that point in time or never or  
25 at another point in time.

1 MS. BLOOMER: And I guess what I'm having a  
2 hard time wrapping my head around is to me the census  
3 impact isn't a one year impact. Because we're capping the  
4 \$57 million, it's ongoing, that impact is going to be  
5 there from 2013 when the census populations are available  
6 and used in the formula going forward until more money is  
7 available to address that. And so not only is the impact  
8 on 2013 but all the way through probably 2023 when the  
9 next census happens and it's also exacerbated by the fact  
10 that we're using population data that is at some point 10  
11 to 13 years old. So you have the census impact which hits  
12 on 2013 and continues until the next census data comes,  
13 and on top of that you have continuing population that  
14 isn't being accounted for.

15 So I guess I'm having trouble understanding the  
16 concept being thrown around that it's sort of a one shot  
17 impact because to me it seems like a long-term impact, and  
18 then I don't have a problem with an expiration date, but  
19 to me it would seem like it should be more after the  
20 impact of the next census, or at this point we're maybe  
21 what, eight years out, we don't worry about it, and we  
22 address it through a full scale review of the rules and  
23 update.

24 MR. GADBOIS: Can I jump in on that before they  
25 do? Are you okay with that, or was that a question

1 specifically to them?

2 MS. BLOOMER: If anybody can help me  
3 understand.

4 MR. GADBOIS: And actually, I want to ask if  
5 there's an option A to put on the table. They're subject  
6 to their biennium appropriations and so to some extent  
7 what the legislature will give them for two years is what  
8 they actually have to look at. We want to think longer  
9 term than that, but it's the way appropriations go.

10 But I think the core of your question, and one  
11 of my frustrations here, so option B is we're not really  
12 looking at integrating the new census data and impacts of  
13 that census data into the formula approach, we're  
14 continuing this mitigation of impacts throughout the  
15 decade, whereas, what we ought to be looking at, I would  
16 think, let's mitigate impacts until we understand exactly  
17 what they are and then integrate the whole thing, new  
18 population shifts, all of that into a formula'd approach  
19 throughout the rest of the decade, but there's no  
20 anticipation of that in these rules.

21 MR. GLEASON: This is Eric. This effort today  
22 with these changes is not intended to address what I think  
23 are the larger issues about how the systems are changing,  
24 how the population growth is affecting things. It is a  
25 very small part of that larger issue and until we had a

1 chance to get our arms around those larger issues, we  
2 wanted to make sure that someone didn't wake up on  
3 September 1 of 2013 with a significantly less amount of  
4 money to deal with. We didn't want the formula allocation  
5 to be driving that issue.

6 I would agree, I think as a committee it's  
7 appropriate to look at the whole ball of wax once we  
8 understand it better. I mean, obviously the 2010  
9 population numbers are going to be used with the \$57  
10 million, so the impacts will be rippling through, and in  
11 fact, that's what's shifting these funds around because  
12 it's all a proportional share of calculation. But if the  
13 committee wants to try and wrap its arms around what does  
14 the bigger picture mean, then absolutely, that's a look at  
15 the complete formula, and we're not trying to suggest  
16 that.

17 MR. GADBOIS: Or we simply recognize up front  
18 that we're going to be looking at another round of rule  
19 changes in 2012, 2013, and as part of these discussions we  
20 simply say that we understand once we know the real  
21 impacts that we're going to do that.

22 MR. GLEASON: And I would say that clearly that  
23 can be part of the record, the committee could clearly  
24 take an action to that extent, and I have always felt that  
25 this is convergence of census impact, maybe federal

1 authorization would be the time when we'd want to step  
2 back, and it's been kind of a moving target for us and we  
3 can't put it off forever. It's been good that the formula  
4 has been relatively stable for as long as it has, I think  
5 it's been stable for longer than I would have expected it  
6 to be when we did it back in 2006, but obviously it needs  
7 to be looked at, obviously, and I don't think it's  
8 appropriate to keep putting it off.

9 MR. GADBOIS: Can I ask a more detailed  
10 question? In the original formula construction, right or  
11 wrong, the recognition was because historically the way  
12 funding had played itself out over decades, that there  
13 were some areas that were getting more than their fair  
14 share -- that's shorthand -- more than was appropriate  
15 based on criteria like population, performance, area  
16 coverage, et cetera, and so there was an attempt to shift  
17 over time a limited pot, and that is, to some extent,  
18 retained in this formula. Right?

19 What I'm just wanting to make sure I'm clear  
20 about is when you have language in here that uses "as  
21 necessary to mitigate the formula," does that have an  
22 impact on the original intent of the formula to create  
23 that reallocation? And that may be solved as easily as  
24 providing a crisper, cleaner definition of "as necessary"  
25 because I don't really see definitions in here for "as

1 necessary" or "mitigation formula." And here's a for  
2 example, and I don't know whether this is accurate or not,  
3 if there's a system out there that we've said needs to get  
4 less money because that's really the only way this is a  
5 problem, and so they're scheduled to get less money over  
6 time over that census impacts, and those census impacts  
7 may make that gap look bigger and therefore they get more  
8 money than they would under the intent of the formula, is  
9 that a scenario that -- I mean, do you even understand the  
10 scenario, number one?

11 MR. KILLEBREW: Absolutely.

12 MR. GADBOIS: And number two, is that a  
13 scenario that we've anticipated and already thought about,  
14 or am I just borrowing trouble, or what?

15 MR. GLEASON: Yes to all of them.

16 (General laughter.)

17 MR. GLEASON: You're at a level of complexity  
18 which, for better or for worse, is a part of the formula.  
19 And your recollection of history is absolutely correct.  
20 The decisions back in 2005 and 2006 -- I guess 2004, and  
21 '05 and '06, set in motion, under different definition of  
22 need, a reallocation of base among systems. For the most  
23 part -- and Kelly, correct me if I'm wrong -- for the most  
24 part, my understanding is that reallocation has occurred,  
25 for the most part. We still have a little bit going on,

1 but for the most part, everybody is where they should be  
2 under the current definition of need. Now, in this whole  
3 time frame, of course, performance has been moving  
4 everybody around too, so it's really hard to isolate  
5 things, but for the most part, all that reallocation has  
6 occurred.

7 MR. GADBOIS: And let me just make sure I  
8 understand. That reallocation has occurred and would be  
9 reflected in the 2010 census column that we're going to be  
10 comparing against?

11 MR. GLEASON: Well, now the 2010 census is  
12 going to move it around again because folks' proportional  
13 share, but that's just the formula working the way it  
14 works. The formula also includes right now a provision in  
15 it that says if you're a system and because of the formula  
16 your amount from one year to the next decreases by more  
17 than 10 percent, the maximum decrease that you will  
18 sustain from one year to the next is 10 percent. So that  
19 cap on a decrease in spending has been in effect now for  
20 five years and that had been a part of this adjustment  
21 process.

22 MR. GADBOIS: Hang on one second. Maybe a  
23 crisper way to ask this is why are we comparing. When we  
24 compare new census stuff, why are we comparing against  
25 2000 census versus last formula where it's played out?

1           MR. GLEASON: We were trying to isolate on the  
2 need side the difference, the impact from a population  
3 standpoint because that's been the same throughout this  
4 entire time frame, that part of the formula. We looked at  
5 the need before we introduced that 10 percent cap on how  
6 much you'd go down, so it's a straight-out look at how  
7 much money should you get based on population and land  
8 area in 2000 and how much should you get based on that  
9 same calculation using 2010 numbers, and it was an attempt  
10 to isolate that. That's all it was, it wasn't trying to  
11 be tricky or anything, it was just an attempt to, in an  
12 imperfect world, isolate that. That's how we chose to do  
13 it. There may be other ways to do it, but that seemed to  
14 us to be a relatively straightforward way to do it that we  
15 could defend.

16           MS. BLOOMER: And that was the recommendation  
17 of the advisory group, the working group put together?

18           MR. GLEASON: They agreed with that approach.

19           MR. UNDERWOOD: And this is Brad. I'm  
20 following everything but sometimes I feel like it's gets  
21 lost between phone and in person, so I just want to make  
22 sure that I'm fully understanding.

23           Glenn, is your concern that these new rules  
24 remove the original intent of the funding formula? Are  
25 you concerned that it's making it something that it

1 shouldn't be with these changes, is that what the concern  
2 is?

3 MR. GADBOIS: I guess my concern is yes, sort  
4 of. I just want to make sure that taking care of the  
5 impacts of census takes care of the impacts of census, not  
6 undermines the formula.

7 MR. GLEASON: Yes. I understand that.

8 MR. UNDERWOOD: I think that's what I heard you  
9 say and I'm trying to get it.

10 MR. GADBOIS: And the devil's in the details on  
11 this, and unfortunately, I'm not sure we have the modeling  
12 capabilities to understand the details even if we had all  
13 the numbers from census, but either way, we can't really  
14 get at -- I mean, some of it's art and guesswork at this  
15 point, it's not science yet, and I get that.

16 MR. GLEASON: Appreciate that.

17 MR. KILLEBREW: And this is Bobby. And may I  
18 also add to that one area that Glenn is talking about, the  
19 census impact allocation, there is a clause in there too  
20 that that allocation is not subject to the funding  
21 stability, this 90 percent that Eric was talking about.  
22 That does not enter into that calculation that holds you  
23 at that 90 percent, so it does take that part out of the  
24 equation.

25 MR. GADBOIS: Well, but that's actually why I

1 was concerned about it. Taking it out of that stability  
2 opens the door for it to impact not just impacts of census  
3 but formula.

4 MR. GLEASON: And this is Eric. What we tried  
5 to do as best we could is isolate that.

6 MR. GADBOIS: We'll see.

7 MS. BLOOMER: And this is Michelle. Maybe what  
8 we can do is just sort of jot down what the larger formula  
9 concerns or issues are so we can bring those up when we do  
10 know the impacts of the 2010 census and hopefully we do  
11 have authorization and know where we're headed longer  
12 term.

13 MR. GLEASON: I think the issue of how this  
14 state is changing and growing and urbanization and all  
15 that stuff and we've got areas that are getting larger  
16 population and they have system needs that aren't  
17 necessarily completely financed or they don't have the  
18 capacity to finance it, there's lots of big, big issues  
19 that we need to get into.

20 MS. BLOOMER: And just one final comment, if  
21 there aren't any on the phone, sort of back to the bigger  
22 issue. Bobby, your third bullet on here on the white  
23 paper: Clarifying that the remaining state funds may be  
24 awarded by the commission to include funds needed to  
25 initiate public transportation service in new designated

1 urban areas and any other appropriate factors. And we  
2 talked about sort of one time startup. If there's any  
3 statewide policy regarding initiating new service, my  
4 concern is new service being started up, we do have very  
5 limited funds, sort of creating a duplication of effort  
6 and administrative structure if there's already an  
7 existing provider in the area.

8 I know in our region we have a regional policy  
9 that we leverage our existing resources first so that we  
10 don't have an entity that may become a new urbanized area  
11 when we have an existing provider in the area or multiple  
12 existing providers in the area, that an entity becoming a  
13 small urban or a large urban area doesn't see this as an  
14 opportunity to start their own transit system and now  
15 we've created another layer that then draws down  
16 duplicative administrative structure, service, et cetera.

17 If there was any policy either at the state level or  
18 allowing the local regional level to weigh in on how that  
19 happens, because you could easily have multiple, of the  
20 five new urbanized areas that Linda Cherrington and TTI  
21 are proposing, you could literally have five new systems,  
22 and do we really need five new systems to address the  
23 need, or can the existing systems meet that need.

24 MR. GLEASON: We were not intending to suggest  
25 one or the other with the language we added, and we've

1 always felt that those decisions are local decisions, so  
2 clearly, we would look to the local area for what they  
3 wanted to do. I would generally agree with you, Michelle,  
4 that I would certainly hope that these new urbanized areas  
5 in particular would look really, really hard at existing  
6 providers for their services because I do think there are  
7 economies associated with that. And in the event that  
8 they did that, these funds could still be brought to bear  
9 on whatever additional fleet requirements might be needed,  
10 for example, with that. But we weren't trying to suggest  
11 and open the door or make it any easier, necessarily, for  
12 a new area to set up their own system.

13 MR. GADBOIS: Although one of the things I  
14 liked about seeing that recognition in there, Michelle, is  
15 historically we've taken the same pie and simply re-  
16 divided it when a rural moves to a small urban or where  
17 there wasn't a system there now is the formation of  
18 something. We've simply taken that pie for rural or  
19 urban and divided it adding another piece in there, and  
20 where we really need to get to is keeping that pie the  
21 same for the existing services at a minimum and finding  
22 new money for the new systems. We really need to get to  
23 that point, because re-dividing it every time simply means  
24 less money, everybody takes a cut, and that's a ridiculous  
25 place for us to be if we're ever going to grow transit in

1 this state.

2 MS. BLOOMER: And this is Michelle. I agree.  
3 We can't continue to take the same size pie and divide it  
4 between more people, and that was sort of where my concern  
5 is coming from and back to our regional coordination  
6 effort to leverage the state's existing resources, and we  
7 see that in our region too. But yes, I would like to hold  
8 harmless the existing folks eating off the one pie. But  
9 my whole thing is even if you can find new sources of  
10 funding to find new startups, is that the best path to go  
11 down.

12 And what we have in our region is generally the  
13 first thought on everybody's mind is I'm going to go  
14 create my own system, and trying to create sort of a  
15 regional or a statewide policy that gets back to that may  
16 be the best way to do it but you have to go through a set  
17 of questions and answers before you get down to entity X  
18 going out and buying its own vehicles, its own scheduling  
19 and creating that infrastructure, because then now you've  
20 added one more entity that fills a niche that you're then  
21 having to coordinate with all your other entities.

22 And so just sort of that recognition, but yes,  
23 not adding any more slices to the pie. It's like your  
24 sliver of pumpkin pie just keeps getting smaller and  
25 smaller and smaller, and I don't think we're getting a

1 whole lot more service as a result.

2 MR. GADBOIS: And one way to do that, just kind  
3 of for a parking lot, Michelle, one way to do that would  
4 be to have new money being required for new formulations  
5 of service, in which case you then get to set up the  
6 questions of criteria and is it really necessary or can we  
7 do that through existing providers or something along  
8 those lines. You get to set up all that before they'd  
9 ever have access to new money.

10 MR. GLEASON: Now, keep in mind these new  
11 urbanized areas will be getting federal funding. They'll  
12 be allocated 5307 funding.

13 MS. BLOOMER: The urbanized area will be.

14 MR. GLEASON: The urbanized area will be, yes.

15 MS. BLOOMER: Not necessarily the entity or the  
16 cities that make up that urbanized area.

17 MR. GLEASON: That's correct.

18 MS. BLOOMER: And hence, the regional policy  
19 plays in with the federal funds, because in our region we  
20 have the same thing where we encourage entities that would  
21 become eligible for federal funds to work with the  
22 existing provider to do that, and we have a little  
23 leverage because our policy body programs those funds and  
24 we have an existing regional policy that states we  
25 leverage our existing resources. So if you're an entity

1 within our region and you decide to opt out of an existing  
2 resource, your access to those federal funds disappears.  
3 So we encourage, through the availability of funding, for  
4 folks to coordinate because I don't know that if we don't  
5 have some sort of -- it may not be a requirement, but some  
6 sort of leverage, that encouragement on its own may not  
7 work in some instances, and then you have another entity  
8 that's then taking funds from a very small pot. So  
9 sometimes we have to encourage and sometimes we have to  
10 strongly encourage with a carrot or a stick.

11 MR. GLEASON: And then we always need to be  
12 mindful of respecting the local jurisdiction if they don't  
13 feel as though their existing provider alternative  
14 addresses their needs. Then we need to make sure that  
15 whatever process and policies we have recognizes that.

16 MS. BLOOMER: Right.

17 MR. GADBOIS: Okay. So this is Glenn. This is  
18 an action item.

19 MR. KILLEBREW: If I may, Glenn, I think you're  
20 fixing to make a motion. This is Bobby.

21 MS. BLOOMER: Bobby, you're going to take us  
22 through the calendar.

23 MR. KILLEBREW: If I may let the committee know  
24 what type of action can be taken today before you make  
25 your motion, if you don't mind, sir.

1 MR. GADBOIS: Please.

2 MR. KILLEBREW: A couple of things. First of  
3 all, let me go to the estimated timeline which is another  
4 piece that hopefully you have in front of you, and then  
5 I'll speak to possible actions today for the committee.

6 On the estimated timeline, we don't do this  
7 very often as a department in public Transportation, and I  
8 know this committee even less often, so it's always good  
9 to look at where we sit on the timeline and what future  
10 opportunities in this particular rulemaking -- and I'm  
11 only talking about this rulemaking -- are going to come  
12 back to this committee. Going down the timeline very  
13 quickly, the first item here was the preliminary  
14 notification which happened back on September 15. The  
15 second item is today's meeting which, as Glenn pointed  
16 out, this is an action item for today. This is your first  
17 opportunity as a committee to look at these sets of rules  
18 so we would be looking for committee action, if any,  
19 today, so that's what today is for.

20 MR. GADBOIS: And the action today is really  
21 what actions we might want to take with regard to the  
22 draft rules, i.e., what instruction we might want or  
23 things we might want to tell staff regarding the draft  
24 rules. Correct?

25 MR. KILLEBREW: There's a possibility of

1 several actions today: you can take actions today and  
2 provide comment in the form of a motion, as a committee,  
3 again, on these draft rules; you could also waive taking  
4 any action today as a committee; and you could also defer  
5 any action on these rules until a later point in time.  
6 That's up to the committee as a whole to decide what to  
7 do, and so if you do take action today to provide comment,  
8 then we'll put that on the official record.

9 Our next stop on this is once the committee  
10 provides comment is taking these rules to the commission.

11 Part of that package that goes to the commission includes  
12 this committee's comments, so whatever the committee makes  
13 as a formal comment, we write a preamble to these rules  
14 and those are incorporated in the preamble. The  
15 commission right now is scheduled to look at these rules  
16 as proposed rules at their December 15 meeting, after  
17 which point in time we will go into a public comment  
18 period. The rules will be published in the Texas  
19 Register, we'll hold a public hearing, we'll have a 30-day  
20 public comment period.

21 PTAC will look at them again either during that  
22 public comment period or at the end of that public comment  
23 period and that will be your opportunity, as a committee,  
24 once again to either provide comment or not. At that  
25 point in time they will then go back to the commission for

1 final adoption, and a few days after that, after they're  
2 filed with the Secretary of State, they'll actually become  
3 final rules. All that takes a lot of time, so we're  
4 looking at final rules taking effect all the way back down  
5 the line at April 19, 2012.

6 So you have two opportunities as a committee.  
7 Today is an opportunity which you can provide comment,  
8 waive or defer. After the commission takes action on  
9 these rules, you'll again, as a committee, look at them  
10 one more time to provide comment.

11 So with that said, then Glenn.

12 MR. GADBOIS: Madam Chairman, this is Glenn.  
13 I'd like to make a motion that we do make comment and the  
14 comments include at least these items, and maybe more.  
15 Since I'm making the motion, I'll entertain friendly  
16 amendments all day long or at least for the next three  
17 minutes.

18 The comments are: number one, that we do some  
19 recognition, either in an explanation cover or somewhere,  
20 that we will take up rulemaking on this item again as we  
21 understand what the census numbers are; that we ask staff  
22 to clarify, as best they can, squishy terms like "as  
23 necessary"; and that we get back before we see the final  
24 rules at least two things for consideration of the rules,  
25 one is any public comments that have come in, and two,

1 some sort of scenario run for what this formula would look  
2 like in terms of its application to systems. You can do a  
3 spreadsheet of runs on what this allocation looks like.

4 MS. BLOOMER: Is that last one possible, Eric?

5 MR. GLEASON: We can do it, yes. It would not  
6 yet reflect the final determinations of the U.S. Census,  
7 it's our best guess at this point in time.

8 MR. GADBOIS: Right. I understand it's all  
9 draft. And really what I want to see is sort of the  
10 change factor, so if you want to simply graph that out and  
11 not dedicate yourself to real numbers because I understand  
12 that always creates problems, or actually even draft  
13 numbers that might be interpreted as real numbers, that's  
14 fine. What I really want to see is changes.

15 MR. GLEASON: Got it.

16 MS. BLOOMER: So we have a motion.

17 MR. GLEASON: If I could interject for just a  
18 second a point of clarification. Glenn, in your motion  
19 you talked about you wanted to revisit this item, that was  
20 the exact word you used. I would prefer topic, if you  
21 will, because item suggests this specifically, as opposed  
22 to what I think is the general topic.

23 MR. GADBOIS: Revisit the topic of formula.

24 MS. BLOOMER: This is Michelle. Any other  
25 items to clarify regarding the comments?

1 MR. ABESON: Yes. This is Al. I'd like to  
2 offer consideration of altering that conclusion date from  
3 2019 to 2022 or '23.

4 MS. BLOOMER: Okay.

5 MR. GADBOIS: I'll consider that a friendly  
6 amendment, and Eric is shaking his head up and down so he  
7 considers it a friendly amendment too.

8 MS. BLOOMER: And this is Michelle. I'd  
9 probably just recommend we go with 2023 to coincide with  
10 the impact of the 2020 census.

11 MR. ABESON: That's exactly my intent.

12 MR. KILLEBREW: That's the end of a biennium  
13 too, so that's good.

14 MS. BLOOMER: Okay. So we have one, two,  
15 three, four, five comments. Any other comments?

16 MR. GADBOIS: Al, does that win your second  
17 that I've now included your amendment?

18 MR. ABESON: Yes, that wins my second.

19 MR. KILLEBREW: This is Bobby. Also, as a  
20 point of clarification, if it's okay with the committee,  
21 Glenn was referring to some squishy terms that if after  
22 this committee meeting that I can get those terms from  
23 Glenn so I know which ones are squishy and not so I don't  
24 miss any.

25 MR. ABESON: I'm not sure there's an

1 operational definition of squishy.

2 (General laughter.)

3 MR. GADBOIS: Some terms that it would be nice  
4 to have a little more clarity on.

5 MR. GLEASON: If I can address that. I know  
6 this may be informal from the process, but I understand  
7 the desire for additional clarification. What we'll try  
8 and balance, though, is the purpose of the term being to  
9 give us the flexibility to do something we may not have  
10 anticipated. So I think we're into what I might, if I  
11 can, it's kind of a trust and credibility issue with how  
12 the decision might be made by the department on what would  
13 qualify as "as necessary" and I don't know quite the way  
14 through that from a specific language standpoint. I'm a  
15 little anxious about starting to try and string together  
16 what might be more specific language because I don't know  
17 what that might look like without becoming too specific,  
18 if that makes sense.

19 MS. BLOOMER: And this is Michelle. I think we  
20 probably need to find the balance between providing some  
21 clarity and do need to provide the flexibility, because we  
22 don't want to get into a situation where we put into the  
23 Administrative Code something so specific that we have to  
24 go through another revision to make a minor tweak.

25 MR. GADBOIS: And my intent by that was for you

1 to be drafting and to not suggest off the cuff some  
2 specific definition. I simply think, because of our  
3 conversation about given that this is exempted from the  
4 formula's caps and kind of percentage change stuff, that  
5 we at least point back to, under "as necessary," the  
6 intent to focus these provisions on impacts of census. So  
7 it may be nothing more than "as necessary" for impacts of  
8 census but that's for you to decide. I don't want to  
9 draft that for you here off the cuff. But on things like  
10 that, given our conversation, it would be nice to have  
11 that at least so we understand intent.

12 MR. GLEASON: Okay. That's fair enough.

13 MR. ABESON: This is Al. When the Congress  
14 does hearings, the hearings record then accompanies the  
15 legislation so that one could look backwards and see  
16 exactly what was discussed and intended by the enactment  
17 of the statute. Is there a comparable document that's  
18 developed along with these rules?

19 MR. KILLEBREW: This is Bobby. I would say the  
20 comparable document in this case is we develop what's  
21 called a preamble which accompanies these rules when it  
22 goes to the commission. It will be published, along with  
23 the rules, in the Texas Register and it explains all the  
24 changes, line item detail level. So if there is  
25 clarification, that's where I would say it is posted.

1 During a public hearing or any other public meetings that  
2 we have on these rules, they all become public record and  
3 we do keep those records as well, but the preamble  
4 probably explains it in that level of detail best that I  
5 can point to a single document.

6 And I hope we don't get hung up on these words.

7 Some of these words, like "as necessary," I think these  
8 may have just been put in there because that's kind of  
9 department language that they use in lots of areas and I  
10 think this may be wordsmithing that we have no problem in  
11 trying to clarify a little bit, so I'm hoping this will be  
12 real minor type change to get through the legal counsel  
13 downtown.

14 MR. ABESON: Well, I would suggest that what  
15 you just described, the preamble, is the place to do some  
16 word crafting that conveys the intent as opposed to  
17 necessarily define everything.

18 MR. KILLEBREW: This is Bobby. Absolutely, and  
19 we will do that in the preamble.

20 MR. ABESON: Great.

21 MS. BLOOMER: Okay. So we have a first and a  
22 second. Is everybody clear on the action and the  
23 comments, or do we need to reiterate them for the record?

24 MR. GADBOIS: So actually, that's a good point  
25 of clarification. On the squishy term item of my motion,

1 I'm find with that clarity occurring either in the  
2 preamble or in the rules. I simply want to make sure  
3 there's clarification of intent.

4 MR. ABESON: Madam Chairman, I'd like to call  
5 the question.

6 MS. BLOOMER: Okay. So we have a motion and a  
7 second. All those in favor? We'll start on the phone  
8 this time. Brad?

9 MR. UNDERWOOD: I believe I'm an aye. I've  
10 written down everything he said, so I'm an aye.

11 MR. GLEASON: So the motion was in support of  
12 recommending these with those changes?

13 MR. UNDERWOOD: Yes, support.

14 MS. BLOOMER: Of providing comments. I thought  
15 our options were to provide comment, waive comment or  
16 defer comment.

17 MR. KILLEBREW: This is Bobby. And I think  
18 what Eric is suggesting here, your comment is -- and I'm  
19 not going to rephrase Glenn's comment, I'm just asking the  
20 question -- is your comment is that PTAC supports these  
21 rules as drafted with the comments that have been made.

22 MR. GADBOIS: I didn't understand that was an  
23 option, and so I'm happy to add that -- I think I'm okay  
24 with this. I would add that I am in support of these  
25 rules as drafted with the comments and clarifications, but

1 I also reserve the right to review these again, based on  
2 our timeline, after the comments and after seeing the  
3 additional information scenario changed, et cetera.

4 MR. GLEASON: Absolutely. This is just the  
5 first step, this gets them to proposed.

6 MR. GADBOIS: Yes.

7 MS. BLOOMER: Back in January or February we'll  
8 have the second shot.

9 Okay. So we're all clear on the action, the  
10 second. Brad?

11 MR. UNDERWOOD: I still support.

12 MS. BLOOMER: Okay. Christina?

13 MS. CRAIN: Yes.

14 MS. BLOOMER: Al?

15 MR. ABESON: Yes.

16 MS. BLOOMER: Glenn?

17 MR. GADBOIS: Yes.

18 MS. BLOOMER: J.R.?

19 MR. SALAZAR: Yes.

20 MS. BLOOMER: Michelle, yes.

21 MR. GLEASON: There's nothing like a formula to  
22 bring the committee out.

23 (General laughter.)

24 MS. BLOOMER: Before we move on to the next  
25 item, I did want to thank J.R. for representing us on the

1 working group that put this together. So thank you for  
2 your effort.

3 MR. SALAZAR: Absolutely.

4 MS. BLOOMER: Wow, that was a long discussion.

5 Item 5 on the agenda is review and discussion  
6 of the PTAC work plan, and how would we like to handle  
7 this, given we're where we are on time. I know this item  
8 is a long item as well, and Glenn, you had mentioned  
9 there's still some of us that have scoring to provide you.  
10 What do we all think about maybe just walking us through  
11 what we've done since our last meeting and seeing where we  
12 are, and then we can talk about how to proceed with the  
13 discussion at that point.

14 MR. GADBOIS: And I'm happy to walk us through  
15 what was done and kind of where we are. I would also lay  
16 out on the table that I think we need to finish our work  
17 before we can actually make good, solid decisions. So let  
18 me kind of walk through what we did.

19 At our last meeting, we, the PTAC, agreed to  
20 some guiding principles, and the request thereafter was,  
21 in my shorthand, how do we operationalize that or apply  
22 those principles to the various activities we've talked  
23 about as a PTAC doing to help us figure out where we might  
24 have highest priorities. In which case, after some  
25 conversation with staff and our beloved chair, we put out

1 a request to the PTAC members for any activities that they  
2 wanted to get on a list for consideration and some members  
3 of the committee submitted back recommendations that were  
4 either a refinement of items we had already talked about  
5 or in some cases new items.

6           Since the entire PTAC did not submit items, we  
7 also, per our chair's suggestion, went back to our  
8 discussion in Arlington and looked at the items and  
9 activities we had talked about during those conversations  
10 and basically built a long spreadsheet with those  
11 activities along the top as the items for us to consider.

12           Once that was done, we then attempted to figure  
13 out an easy and hopefully not too confusing way to maybe  
14 score those such that we can put into some kind of a  
15 matrix how our guiding principles apply to each one of  
16 those activities with the hope that we might be able to  
17 prioritize activities based on how they furthered our  
18 guiding principles or how they were consistent with -- I'm  
19 not even sure how to say that at this point.

20           So what we did was we have that table that I  
21 think Ginnie gave it in one table, I have it in an Excel  
22 file, but it's basically a table where you have on the  
23 left-hand side our guiding principles, you have on the  
24 right-hand side our activities. Each activity has a  
25 column for each PTAC member to provide scores, and so, for

1 example, Glenn is the first column in each one of those  
2 activities, Al, because he submitted his scoring next was  
3 second column in each one of those activities, J.R. third  
4 column, and whichever one of you gets me scores next will  
5 be fourth column.

6 MR. ABESON: Actually, I think J.R. and I  
7 should be switched.

8 MR. GADBOIS: Okay. Sorry about that, J.R.

9 MR. SALAZAR: That's fine.

10 (General laughter.)

11 MR. GADBOIS: So then the only thing we did  
12 that's worth noting is to kind of look across activities.  
13 We provided an aggregate raw score down at the bottom  
14 which helps you see kind of which ones of those activities  
15 are getting the highest score, and then way over on the  
16 right-hand side we're doing basically a standard deviation  
17 because the other question is in this scoring, that is  
18 sort of squishy in and of itself, is there a lot of  
19 deviation between the scores, is somebody scoring that  
20 principle and activity a one and somebody else a five.  
21 Well, that either evens out or kind of moves towards the  
22 middle, or it's very radicalized, the standard deviation  
23 score should at least help you understand where it's  
24 radicalized. So if three people give it a one and three  
25 people give it a five, that standard deviation is going to

1 be really big and you're going to be able to see that real  
2 easily if that kind of thing is happening.

3 Having said that, three people providing scores  
4 doesn't give us much of an indication for this committee.

5 If we're finding this process helpful at all in deciding  
6 what we ought to focus on, let's continue by those three  
7 people who haven't given scores to give scores. If we're  
8 not finding this helpful in deciding priorities, let's  
9 just say so now and figure out a different way to do this.

10 I'm fine either way because what I really want to get at  
11 is us deciding some priorities to focus on to help us over  
12 the next year to actually do something. That's my close  
13 to the introduction.

14 MS. BLOOMER: Madam Chairman, may I speak?

15 MS. BLOOMER: Go ahead, Al.

16 MR. ABESON: My concern here is that -- it's  
17 really not a concern, I think it's a confounding factor is  
18 that we really don't have activities at the top, we have  
19 content areas or we have a mix of content areas, for  
20 example, the one dealing with legislative issues, or  
21 whatever that language is. That's a huge area, Section  
22 5310, it's a huge area, it's not an activity, it's an area  
23 of potential focus. I would encourage us to finish, to  
24 have the three other committee members complete this. I  
25 think then maybe we could drop some of the lowest rated

1 areas, then come back and see if we could define some  
2 activities in the higher rated areas, applying some  
3 criteria for that process as well, and then maybe make  
4 some decisions.

5 MS. BLOOMER: This is Michelle. Thank you. I  
6 think that's been one of my struggles is sort of the  
7 concept versus concrete. Like Glenn said, we want to do  
8 something, and I was having trouble sort of ranking based  
9 on not really knowing what we were going to do.

10 I guess if we're just at the concept point,  
11 then we really don't have to have a very good  
12 understanding of what content and structure of coordinated  
13 call means other than what we have.

14 MR. ABESON: That would be the next step.

15 MS. BLOOMER: That would be the next step. I  
16 think I would feel more comfortable that I could put some  
17 numbers based on that if we go on a concept, and then  
18 narrow down the two to three concepts we want to work on,  
19 and then underneath that next step, phase two, put detail  
20 as to what that means related to each one of those.

21 Do the other two committee members that still  
22 owe scoring, in addition to myself, feel comfortable with  
23 that?

24 MR. UNDERWOOD: Michelle, this is Brad  
25 Underwood. And I just want to apologize for not filling

1 out this score sheet. I had the best intentions, I just  
2 kind of had an unexpected vacation last week.

3 MR. GADBOIS: An unexpected vacation.

4 MR. UNDERWOOD: Yes. A few days in the ER and  
5 that kind of stuff. Anyway, I apologize for that, it's  
6 not an excuse. But I feel like kind of understanding and  
7 seeing what everyone is saying now, I could probably have  
8 this thing knocked out and to you, Glenn, by Friday, close  
9 of business, if that would be helpful in moving this  
10 process along. So like Michelle, understanding this and  
11 we'll come back to where it says Section 5311, if that's  
12 the highest ranked one, to come back and try to find some  
13 deliverables or some tasks under that assumption, I could  
14 definitely go back and try to work on this and have it to  
15 you by EOB on Friday, if that's acceptable.

16 MS. BLOOMER: And Brad, let me just clarify,  
17 meaning close of business next Friday. Right? Wink-wink.

18 (General laughter.)

19 MR. UNDERWOOD: I'm all on your time frame,  
20 Michelle, so whatever makes you feel most comfortable.

21 MS. BLOOMER: And if you can get them in  
22 sooner, I'm sure Glenn will be happy to receive them.

23 MR. UNDERWOOD: Okay, perfect.

24 MS. CRAIN: And this is Christina. As a public  
25 member, I really wanted to see kind of where people were

1 headed with this that work in the industry, and this has  
2 been very helpful to see this now, and especially after  
3 our previous conversation, I will get this to Glenn by  
4 next Friday as well.

5 MR. GADBOIS: Okay. And so if I understand the  
6 process suggested by Al, and let's just make sure we're  
7 all in agreement on this, everybody is getting scores in  
8 by next Friday, and I assume that next Friday actually was  
9 a bump, meaning not -- today is the 2nd -- not the 4th or  
10 5th, whenever it is.

11 MS. BLOOMER: Not this Friday.

12 MR. GADBOIS: Not the 4th but seven days after  
13 that, week after that. So everybody has their scores in  
14 by a week from next Friday, this coming Friday, and once  
15 those scores happen, those that are low scoring are kind  
16 of knocked out of consideration and we will look at  
17 developing a short list of those content areas that we're  
18 going to better define for tasks, deliverables, what we  
19 want to focus on.

20 When we get to that short list, I can deliver  
21 that based on your scores. I'll note where there are any  
22 problems that we might want to consider, it's a low score  
23 but some people were scoring it really high and a lot of  
24 others really low, something like that, I'll note that.  
25 Once that happens, how are we going to find those content

1 areas that we want to focus on?

2 MR. ABESON: This is Al. I think that the next  
3 round after all of us have submitted our numbers to you  
4 would lead to the highly ranked areas being given specific  
5 activities in response to that particular area. Now, the  
6 question for me is how do we come up with those  
7 activities. I would suggest that we attempt to define the  
8 area, the highly ranked areas in such a way that every  
9 committee member would have the opportunity to suggest one  
10 or two activities that would be responsive to the  
11 principles, because that's how we're making the judgments,  
12 as well as responsible to another set of criteria, and  
13 I'll get to that in a moment. Then the committee could  
14 select those activities that it wants to work on and  
15 everything else just gets held aside

16 Some of the criteria that I would suggest or  
17 propose be considered in selecting activities to be done  
18 is that they are useful from Eric and his staff's  
19 perspective, that they're useful from the field  
20 perspective and we have operations people on the  
21 committee, we have a public representative, that they are  
22 activities that would build credibility of PTAC, would  
23 contribute to the credibility of PTN, and they are  
24 relatively easily accomplished in a fairly short time, and  
25 finally, can be done.

1 I would hate for us to take on, after all of  
2 this process, to take on some incredibly involved activity  
3 that we're never going to be able to finish. I want us to  
4 be able to take on a task with a relatively short time  
5 frame that we can actually finish that might make a  
6 difference. And I'd be glad to provide those criteria to  
7 Ginnie or Bobby or whoever I'm told to send it to.

8 MS. BLOOMER: Thank you. I think that was  
9 getting back to Glenn's question of phase one, to close  
10 out, the three remaining members will submit our scoring  
11 to Ginnie by close of business next Friday. Glenn, you'll  
12 take that information, consolidate it, get it back out to  
13 the committee as far as the scoring of all three which  
14 will then allow some to float to the top and some maybe to  
15 go below.

16 Now, as a committee, back to your question,  
17 Eric, do we have to have a meeting to then say these are  
18 the three or the two we're going to work on, or can we  
19 informally agree that based on the scoring these are the  
20 two or three that came to the top and then proceed to  
21 identify the specific tasks, as Al has suggested?

22 MR. GLEASON: Let me say this. I think you  
23 would need to decide today in this conversation what you  
24 wanted to do so that in the absence of not having a  
25 committee meeting, the minutes would say that at this

1 meeting the committee decided that when the scores are in,  
2 the top three --

3 MR. GADBOIS: Or four.

4 MR. GLEASON: Well, however you want to say  
5 that, but lay it out here today at this meeting and I  
6 think we're probably okay. We just can't make decisions  
7 on things as a committee outside of a meeting.

8 MR. GADBOIS: So given the way the scores are  
9 now, there are four that are actually, I think, at top  
10 scores; 78 or 79, there are four that are there now. So  
11 we simply decide the top four scoring are the ones that we  
12 will then do something with -- we haven't decided the  
13 something.

14 MR. GLEASON: There's one other option for the  
15 committee, and that is you could do an interim charge,  
16 like you've done in the past, where two members could make  
17 progress on something on behalf of the committee.

18 MS. BLOOMER: Okay. Because we're at six so we  
19 can't have three. Is it we're limited to two because we  
20 can't have a quorum?

21 MR. GLEASON: Yes.

22 MS. BLOOMER: Okay.

23 MR. GADBOIS: I would rather suggest that we  
24 say top four are the ones we'll work on and then I would  
25 rather get commitment not just do scoring by November 11

1 but by before next meeting we're also going to provide our  
2 suggested activities for those four topics. And then at  
3 next meeting -- we're doing quarterly meetings?

4 MR. GLEASON: Well, I was going to say that the  
5 hearing on the rules we talked about in the previous item  
6 is scheduled for January 11, so your meeting will be after  
7 that because you've said you wanted to look at the  
8 comments from that. The public comment ends January 30,  
9 so we're looking at something mid February.

10 MR. GADBOIS: So realistically, if we could do  
11 scoring November, and the very difficult task of defining  
12 activities for those top four in December and January, we  
13 could come all prepared in February for final decisions of  
14 here's our 2012 game plan once we decide which ones of  
15 those activities we're really focusing on.

16 Is that something everybody will agree to?  
17 Because I'm going to stop doing work if you don't.

18 MR. ABESON: I have a question. Why could we  
19 not have another conference call meeting prior to that  
20 date to perhaps give all the committee members a chance to  
21 vote, if you will, and then move forward? Is that not  
22 possible?

23 MS. BLOOMER: Al, this is Michelle. I think  
24 that's possible. I think what I'd like to propose is  
25 maybe a hybrid of let's finish out phase one, let's score,

1 get that in by next Friday, let's get that out to the  
2 members so they can see it, take the approach that we'll  
3 take the top four, and then with an interim charge of if  
4 Glenn and I can work to sort of narrow down and agree what  
5 those four are and develop a schedule to get us to your  
6 phase three which is identify the tasks and activities and  
7 have a work plan to present in advance of the February  
8 meeting.

9 MR. UNDERWOOD: Michelle, is that a motion that  
10 you're making there?

11 MS. BLOOMER: That is my motion.

12 MR. GADBOIS: Second that.

13 MR. UNDERWOOD: And I will second that.

14 MS. BLOOMER: Okay. We have two seconds.

15 Great.

16 MR. GADBOIS: And we could still retain the  
17 option of calling a January telecom meeting if we needed  
18 to do that because we'll know that in November or early  
19 December.

20 MR. GLEASON: Yes. We'll have to do all the  
21 proper notification, but just a quick conference call to  
22 do something is possible.

23 MS. BLOOMER: And that was sort of my intent of  
24 the interim charge is to allow us that flexibility if we  
25 needed to do a conference call. Hopefully we won't.

1 MS. MAYLE: Michelle.

2 MS. BLOOMER: Yes, Ginnie.

3 MS. MAYLE: This is Ginnie. If you would  
4 please cc Glenn on your email because next Friday is a  
5 federal holiday and I don't plan to be here, if Glenn  
6 wants them on Friday.

7 MS. BLOOMER: And this is Michelle. I will  
8 try, Glenn, to get it to you before Friday, but definitely  
9 by next Friday, my close of business, November 11.

10 So we have a motion and a second. All those in  
11 favor? We'll start with those here in the building.  
12 Glenn?

13 MR. GADBOIS: Aye.

14 MS. BLOOMER: J.R.?

15 MR. SALAZAR: Aye.

16 MS. BLOOMER: Michelle, yes.

17 Al?

18 MR. ABESON: Yes.

19 MS. BLOOMER: Brad?

20 MR. UNDERWOOD: Aye.

21 MS. BLOOMER: Christina?

22 MS. CRAIN: Yes.

23 MS. BLOOMER: All right. The motion passes.

24 That takes us to item 6, public comment. Do we  
25 have any public comment?

1 MS. MAYLE: No.

2 MS. BLOOMER: No public comment.

3 Confirm date of next meeting. Ginnie, I think  
4 we'll save that till next time, but everybody sort of keep  
5 middle February in mind.

6 And if that's it, do we have a motion to  
7 adjourn the meeting?

8 MR. UNDERWOOD: So moved.

9 MS. BLOOMER: A second?

10 MR. ABESON: Second.

11 MS. BLOOMER: All those in favor?

12 (A chorus of ayes.)

13 MS. BLOOMER: Thank you.

14 (Whereupon, at 11:38 a.m., the meeting was  
15 concluded.)

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C E R T I F I C A T E

MEETING OF: TxDOT Public Transportation Advisory  
Committee

LOCATION: Austin, Texas

DATE: November 2, 2011

I do hereby certify that the foregoing pages,  
numbers 1 through 83, 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.

\_\_\_\_\_  
(Transcriber) 11/09/11  
(Date)

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