

TEXAS DEPARTMENT OF TRANSPORTATION

Public Transportation Advisory Committee

Room 1A.1
TxDOT
200 East Riverside Drive
Austin, Texas

1:30 p.m.
Wednesday,
June 28, 2006

COMMITTEE MEMBERS PRESENT:

JOHN WILSON, Vice-Chair
VINSEN FARIS
DONNA HALSTEAD
CLAUDIA LANGGUTH
REBA MALONE
BOB PETERS

COMMITTEE MEMBERS PRESENT VIA TELEPHONE:

BOB GEYER
VASTENE OLIER
OSCAR TREVINO

ALSO PRESENT:

ERIC GLEASON, Director, PTN Division
KELLY KIRKLAND, Director, Planning and
Support, PTN Division
GINNIE MAYLE, Public Information, PTAC
SHAWNA RUSSELL, Commissioner Andrade's
Office

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P R O C E E D I N G S

1
2 MR. WILSON: It is 1:30 -- I've got 1:30. And
3 I'm John Wilson; I'm the vice chair of the committee. Mr.
4 Fred Gilliam is out of the country, somewhere in Europe or
5 Asia, I think, today. So we will be -- so I'll be acting
6 as the chair today.

7 And to start off with, we need to call roll.
8 And I'm going to start with the people at the table.

9 For you all on the phone, just wait a minute.

10 So I'm John Wilson, Vice Chair.

11 MS. HALSTEAD: Donna Halstead.

12 MS. MALONE: Reba Malone.

13 MR. FARIS: Vinsen Faris.

14 MS. LANGGUTH: Claudia Langguth.

15 MR. PETERS: Robert Peters.

16 MR. WILSON: And now, on the phone, go ahead.

17 MS. OLIER: Vastene Olier.

18 MR. WILSON: Oscar?

19 MR. TREVIÑO: Oscar Treviño.

20 MR. WILSON: And, Bob, are you on?

21 (No response.)

22 MR. WILSON: Okay. We don't have Bob on yet,
23 but everybody else is here. And we do have a quorum. So
24 we will start the meeting, and we'll start with the
25 introduction of our two new members.

1 And I guess I should let each of the two
2 members introduce themselves however you want to.

3 And we'll start with you, Dr. Peters.

4 DR. PETERS: I'm Robert Peters, and I'm from
5 Tyler, retired dean of the university division of Tyler
6 Junior College. I'm very honored to be here. I have been
7 in state government in various executive board capacities
8 now for 22 years, I think. And of all the things that
9 I've done in state service, this, I think, is the single
10 most exciting. And I'm honored to be here.

11 MR. WILSON: Thank you, Dr. Peters.

12 Claudia?

13 MS. LANGGUTH: Good afternoon. I'm Claudia
14 Langguth. I'm also delighted to be here. I have 18 years
15 experience with the Texas Department of Human Services.
16 And public transportation is also one of my -- I believe
17 is one of the most important things that we can do in the
18 state of Texas. And I have been working in systems
19 integration and technology, as well as human services and
20 health programs for the past ten years since I left the
21 state.

22 MR. WILSON: Thank you, Claudia.

23 It might be good for the -- maybe very quickly
24 if the rest of us tell you a little bit about ourselves.

25 Vinsen?

1 MR. FARIS: Sure.

2 Vinsen Faris. In real life, I'm the executive
3 director of Meals on Wheels in Johnson and Ellis counties;
4 that's Waxahachie, Midlothian, Ennis, Cleburne, Burleson
5 and that part of the world. And I'm on my, I guess,
6 second go-round here on the committee.

7 MS. MALONE: I'm Reba Malone. And I have a
8 consulting company working basically with the bus
9 manufacturer out of Wichita, Kansas, and work as a member
10 of the Board for Texas Transit Association. And I'm very
11 involved with the American Public Transit Association.

12 MS. HALSTEAD: I'm Donna Halstead; I'm from
13 Dallas. And I'm president of an organization called the
14 Dallas Citizens Council. It's a 501(c)(6) not-for-profit,
15 and we're involved in a variety of issues important to the
16 community.

17 I have a long history of involvement in
18 transportation issues, going back to the creation of
19 Dallas Area Rapid Transit in 1983, service on the DART
20 board, service on the Dallas city council, heading up all
21 of the transportation initiatives for the city, vice chair
22 of the Regional Transportation Council, work for our COG,
23 vice chair of the National League of Cities Transportation
24 Policy Committee, and a variety of other hats from time to
25 time.

1 MR. WILSON: Thank you, Donna.

2 Vastene, do you want to?

3 MS. OLIER: Yes. This is Vastene; I'm the
4 executive director for Colorado Valley Transit. We serve
5 four rural counties right outside of Houston, which is
6 Colorado County, Austin, Waller and Wharton counties. And
7 I've been doing this for about 17 years. Thank you.

8 MR. WILSON: And, Oscar?

9 MR. TREVIÑO: Yes. I'm Oscar Treviño; I'm the
10 mayor of the city of North Richland Hills. I 'm also the
11 president of the council of governments executive
12 committee in the DFW metroplex. I'm a vice chair of the
13 Regional Transportation Council and the chair of the
14 Tarrant Regional Transportation Committee and am very
15 active in transportation, among other things. And I've
16 got a real job. I actually own a construction company
17 that works throughout Texas, Arkansas, Louisiana and other
18 places.

19 MR. WILSON: Thank you, Mayor.

20 Did I hear Bob come on?

21 MR. GEYER: Yes. Bob Geyer. I'm Rural Transit
22 Manager with El Paso County.

23 MR. WILSON: Thank you, Bob.

24 And I'm John Wilson. I am currently the
25 general manager in Lubbock for the city bus system. We

1 have fixed route, demand response, and we are now the
2 newest recipient of the medical transportation contract
3 for our region. We have three subcontractors.

4 And I've been there about 30 years in Lubbock.
5 And I've served on a number of other boards transit
6 related. So I thank you all for being here.

7 And thank you to everybody for introducing
8 yourselves to our new members.

9 With that, we're going to go into the approval
10 of the minutes. And first, I would like to approve the
11 minutes for May 19. I think we want to take them one at a
12 time. I think that would be the proper thing to do.

13 So do I have a motion to approve the May 19
14 minutes?

15 MS. HALSTEAD: So move.

16 MR. WILSON: We have a --

17 MR. FARIS: Second. Vinsen.

18 MR. WILSON: We have a motion and a second.

19 All those in favor say aye.

20 (A chorus of ayes.)

21 MR. WILSON: All those -- well, just a minute.
22 We're going to have to take -- okay. And all those --
23 we're going to have to take a vote. I forgot about that,
24 and I will do that, starting with the motion maker.

25 MS. HALSTEAD: I approve the minutes. Donna

1 Halstead.

2 MS. MALONE: Reba Malone. Yes.

3 MR. FARIS: Vinsen Faris. Yes.

4 MS. LANGGUTH: Claudia Langguth. Yes.

5 DR. PETERS: Robert Peters. Present. And I
6 wasn't here.

7 MR. WILSON: Okay.

8 Those on the phone? First, Vastene?

9 MS. OLIER: Yes.

10 MR. WILSON: Oscar?

11 MR. TREVIÑO: Yes.

12 MR. WILSON: And, Bob?

13 MR. GEYER: Yes.

14 MR. WILSON: And John Wilson. Yes.

15 So the minutes for the May 19 are approved.

16 And I understand there may be a little problem with the
17 May [sic] 20, because we don't have all of the people that
18 was here. But we do have -- but we'll just take a motion
19 now to approve the April 20 minutes.

20 Do we have a motion to approve?

21 MS. MALONE: I would move the approval of the
22 April 20 minutes --

23 MR. WILSON: Okay.

24 MS. MALONE: -- since I was present.

25 MR. WILSON: Made by Reba Malone.

1 MS. MALONE: Right. Sorry.

2 MR. WILSON: Okay.

3 Do I have a second?

4 (No response.)

5 MR. WILSON: Well, I -- can I second then since
6 I was here for the May 20th?

7 FEMALE VOICE: Yes.

8 MR. WILSON: Okay. I second the motion for the
9 May 20 minutes.

10 Okay. Based on that, let's go around the room
11 and take a vote.

12 MS. MALONE: Reba. Yes.

13 MS. OLIER: Vastene. Yes.

14 MR. WILSON: Bob?

15 MR. GEYER: Yes.

16 MR. WILSON: And, Oscar?

17 MR. TREVIÑO: I was at the meeting, but -- yes.

18 MR. WILSON: And John Wilson. Yes.

19 And I guess Donna was --

20 MS. HALSTEAD: I wasn't at the meeting.

21 MR. WILSON: And Vinsen wasn't at the meeting,
22 and, of course, our two new people weren't at the meeting.

23 MR. FARIS: Oscar was. So his vote's good.

24 MR. WILSON: Okay. So we've got yes from all
25 the people that were at the meeting. So with that -- does

1 that stand -- that's -- we will stand those minutes
2 approved as presented. Thank you all very much.

3 With that, we'll go to item number four, and we
4 have a director's report.

5 Mr. Eric Gleason?

6 MR. GLEASON: Thank you, John.

7 This is Eric Gleason, Division Director of the
8 Public Transportation Division of TxDOT. Each of you got
9 a copy of something we're calling the Director's Report.
10 This is really -- this is kind of the first stab at
11 something I'd like to establish for the committee, some
12 form of regular communication with you about the kinds of
13 things that are going on in the division, not necessarily
14 things that are on your agenda for action. But I thought
15 it's an opportunity to try and help you understand better
16 the kinds of things that we're doing.

17 The general format will be sort of the major
18 milestones of the past quarter, if you will, things we've
19 done and then, looking ahead to the next quarter, what we
20 see coming. And I think this one you have here today sort
21 of touches on a lot of different topics. I think, in the
22 e-mail you got from me or that Ginnie sent out on my
23 behalf, I stated my desire.

24 In the future, I think, what we'll try and do
25 is focus on a topic. So we might have a little bit about

1 upcoming events and what has transpired, but we'll then
2 spend the majority of a report talking about a topic like
3 training or district assessments.

4 So these really aren't so much policy matters
5 necessarily that we'd be providing the committee with
6 information on, but just some insight into some of the
7 work that public transportation does here -- as a way of
8 better understanding sort of the scope of our
9 responsibilities. And if that's something the committee's
10 interested in, I'd be more than willing to continue
11 this -- with this kind of an effort.

12 MR. WILSON: Okay. I think --

13 MR. GLEASON: I think the report is fairly
14 self-explanatory; I don't really feel like I need to go
15 through everything on here.

16 I will call your attention to two things.
17 One, that there is this best practices roundtable on the
18 regional planning effort that's going on statewide. That
19 will be hosted by Commissioner Andrade on the 29th and
20 30th of this month. And that -- we host a meeting twice a
21 year of small urban and rural providers from around the
22 state, and -- in January and July or February and July.
23 And the July one is scheduled for the 18th and 19th here
24 in Austin.

25 We spend one day with our public transportation

1 coordinators, which are people in the district offices who
2 are responsible for managing to contracts and the
3 relationships with providers in their district. And then
4 we spend a full day with the providers, talking about
5 topics of interest to all of us in public transportation.

6 So that next one is coming up in the middle of July.

7 Thank you.

8 MR. WILSON: Thank you, Eric, on the intercity
9 bus projects, how many are we looking at? I mean there's
10 \$4 million, I see, but how many different projects?

11 MR. GLEASON: Quite a few. I can't list the
12 total number for you. I do know we have about 4 million
13 available for award, and I believe we got somewhere just
14 over \$12 million worth of proposals.

15 MR. WILSON: Okay. So --

16 MR. GLEASON: There are lots of ideas out
17 there. So --

18 DR. PETERS: May I ask a question, Eric?

19 MR. GLEASON: Sure.

20 DR. PETERS: I assume there's going to be some
21 effort made to equitably distribute this across the state
22 and not concentrate them in one geographic area.

23 MR. GLEASON: Equitably? That's a --

24 DR. PETERS: Well, I know you can't do it --
25 one person, one vote. But --

1 MR. GLEASON: Dr. Peters, as -- we evaluate the
2 proposal as they come in -- based on some criteria. And
3 while we don't specifically call out geographic equity as
4 one of them, what I can tell you is that proposals were
5 received and proposals will be awarded for various areas
6 around the state.

7 DR. PETERS: Okay.

8 MR. GLEASON: But we don't specifically look at
9 that as one of our criteria.

10 MR. WILSON: Any more questions?

11 MR. TREVIÑO: Yes.

12 Eric, this is Oscar.

13 MR. GLEASON: Sure, Oscar.

14 MR. TREVIÑO: First, I want to thank you for
15 doing this. I think it's really important to keep us
16 updated, and I appreciate you doing it. And that's -- all
17 I wanted to do was just make a comment that I think it's
18 about time that we do something like this.

19 MR. GLEASON: Okay. Good. Thank you.

20 MR. WILSON: Any other comments?

21 DR. PETERS: Eric, may I make one other one?
22 When these grants are awarded, can we know to whom or to
23 which areas of the state they are being sent?

24 MR. GLEASON: Absolutely. The -- that
25 information is published, I believe, three days before the

1 Commission meeting where they're scheduled to take action
2 on it. And so it is available, and we're more than
3 willing to review the results of those awards with the
4 committee.

5 DR. PETERS: Okay.

6 MR. WILSON: Thank you, Mr. Gleason.

7 All right. With that, if there are no more
8 questions, we'll move on to item number five: In
9 accordance with 43 TAC, Paragraph 1.83(c), review and
10 comment on the final draft of proposed revisions to 43
11 TAC, Section 31.17, regarding Job Access and Reverse
12 Commute, JARC, program rules. And I guess the staff is
13 going to make comments to begin with.

14 Mr. Kirkland?

15 MR. KIRKLAND: Yes, sir. Thank you.

16 Again, for the record, this is Kelly Kirkland,
17 Director of Planning and Support for the Public
18 Transportation Division. The item before you today is the
19 first opportunity for PTAC to make official comments on
20 the proposed rules regarding the program for job access
21 and reverse commute, commonly known as JARC.

22 This is a program new to the United States,
23 established in SAFETEA-LU as a formula program; prior to
24 that, it was an earmarked program solely. And it's
25 established in Section 5316 of the Federal Transit Code.

1 And you all have been distributed copies of those rules
2 for your comments. And we're here to take those comments
3 at this time.

4 MS. OLIER: [indiscernible].

5 MR. WILSON: Do we have comments from the
6 committee?

7 (Pause.)

8 MR. WILSON: Do we have any comments from the
9 people on the phone?

10 MR. GEYER: This is Bob Geyer. There were some
11 teleconferences held as far as getting input from around
12 the state. I just wondered if any of those comments were
13 incorporated. I know one thing I mentioned about that any
14 of these contracts should be -- I suggested that they be
15 three -- a minimum of three-year contracts. And I just
16 wondered -- my comment was not addressed. I just wondered
17 if anybody else's was included in this document.

18 MR. KIRKLAND: In specific reply to that, this
19 is Kelly Kirkland again. Because the Commission can make
20 awards on an annual basis, we're somewhat constrained as
21 to committing the credit of the state in advance. Now, we
22 can have a minute order that the Commission may approve
23 which talks about their intent for the future, but I think
24 we'd have a real problem if tried to put that into
25 specific Administrative Code language.

1 MR. GEYER: Okay. Well, were any of the other
2 comments that made -- that came out of the meeting
3 incorporated in the rules?

4 MR. KIRKLAND: One of the comments in
5 particular is to make the programs as broad as possible,
6 to not just consider the kinds of problems that have
7 happened in the past. And it was a definite object in
8 drafting these rules to be as flexible as possible, given
9 the flexibility that we have from the Federal Transit
10 Administration.

11 MR. WILSON: Okay, Bob?

12 MR. GEYER: Okay. Thank you.

13 MR. WILSON: Okay.

14 MS. LANGGUTH: This is Claudia Langguth.

15 MR. KIRKLAND: Yes.

16 MS. LANGGUTH: How many comments were received
17 on these rules?

18 MR. KIRKLAND: We haven't had an official
19 public comment period yet. That's going to start,
20 assuming these are adopted by the Commission, and they are
21 scheduled for the July hearing in El Paso. Once they are
22 adopted by the Commission, they'll be posted in the Texas
23 Register, and that launches the official public comment
24 period.

25 I don't have a count of how many people

1 actually commented on the rules, because there were
2 several opportunities, using teleconferences. I know that
3 especially our staff members Karen Dunlap and Chris Dudley
4 were very proactive in getting comments from people who
5 had probably never been talked to by TxDOT before. And we
6 have a huge range of comments that -- we attempted to
7 address those as much as possible, given the flexibility,
8 again, that we have from the federal statute.

9 MS. LANGGUTH: Thank you.

10 MR. WILSON: This is John Wilson. I just want
11 to say that I thought the rules were very thorough. I
12 thought they addressed a lot of the issues that a number
13 of transit operators had. I was especially pleased to
14 find out we had -- in-kind contributions and volunteer
15 services and donations would be directly attributed to the
16 project eligible as local share. I thought that was one
17 of the questions and one of the comments that a number of
18 people made.

19 I'm glad that we're going to be looking at it
20 from a regional standpoint, including regional direction.

21 So I think that's a big plus. I think that a lot of the
22 things that you identified as pretty much to the JARC
23 program that's already in place, and I thought that was
24 real good.

25 I do have one question on the Page 12 of 25,

1 and that is: If we're to expend funds in a timely manner,
2 what is the time amount? I mean what are we talking about
3 about that? Someone asked me about that, and I just
4 wanted to make sure -- how long are we talking about?

5 MR. TREVIÑO: What page are you talking about?

6 MR. WILSON: We're talking about Page 12 of 25.

7 It is on lines 5 and 6. And I'm just asking. It says,
8 "Failure to expend funds in a timely manner." And I just
9 wonder, what was the time on that?

10 MR. TREVIÑO: Thank you.

11 MR. KIRKLAND: This is Kelly Kirkland replying
12 to that.

13 In our grant funding agreements, we establish
14 milestone deadlines. And this just acknowledges that
15 fact. That's going to be dependent upon the nature of the
16 project. For example, if the project is the acquisition
17 of vehicles, then that's built into the system, because
18 there is a much longer process involved in that in terms
19 of getting out a specification requirement for vehicle
20 acquisition. If it's operating, then it'll be a deadline
21 based upon the specific term of that project.

22 DR. PETERS: Kelly, in other words -- this is
23 Peters. In other words, timely will change from grant to
24 grant, but the grantee will be clearly aware of what
25 timely is in each specific instance. Is that correct?

1 MR. KIRKLAND: That's correct.

2 MR. WILSON: I have another question. John
3 Wilson.

4 And that is on Page 18 of 25. And that's with,
5 "The Federal share may increase up to 90 percent for
6 incremental costs related to compliance with the Clean Air
7 Act or with the Americans with Disabilities Act." What --
8 how is this determined?

9 Mr. KIRKLAND: This is Kelly Kirkland again.
10 We have specific authorization under the transit statutes
11 at the federal level that -- if a project is, for example,
12 100 percent ADA or 100 percent Clean Air Act, then it's a
13 90 percent federal match ratio, 10 percent non-federal.
14 So it -- depending on the nature of the project, it'll
15 range between that percentage and some lesser percentage.

16 MR. WILSON: Okay.

17 MR. GEYER: And -- but is that -- this is Bob
18 Geyer. So you purchase a vehicle that's alternative
19 fueled. What do you take, the whole price of that
20 vehicle, or just the incremental cost of making it
21 alternative-fueled?

22 MR. KIRKLAND: This is Kelly Kirkland again. I
23 believe it would be the incremental cost that would be
24 eligible at a 90 percent ratio.

25 MR. GEYER: Okay. And it would be the same for

1 putting the lift on a van?

2 MR. KIRKLAND: That's correct. Although, I
3 understand, with acquiring lift-equipped vehicles, instead
4 of requiring the sub recipient to document the incremental
5 cost of equipping it with a lift, if there's a different
6 match ratio -- I believe it's 83-17 percent or some
7 fraction thereof.

8 MR. WILSON: Bob, is that okay? Do you
9 understand?

10 MR. GEYER: Yes. Thank you.

11 MR. WILSON: Okay.

12 MS. MALONE: Mr. Chairman, I was informed this
13 week -- this is Reba -- that hybrid electric could
14 possibly be 100 percent under the new federal rules. So
15 it may be something I don't know how, you know --

16 MR. KIRKLAND: Well, it --

17 MS. MALONE: -- it's going to be involved, but
18 I got that information this week.

19 MR. KIRKLAND: If they allow us to do that,
20 we'll certainly pass that along.

21 MS. MALONE: Okay.

22 DR. PETERS: This is Peters, and I actually
23 read that. I think it was in the New York Times Sunday.
24 I read it.

25 MR. WILSON: I have just one more question on

1 local share requirement. And this is just for
2 clarification of intent. We indicate that half of the
3 local share requirement, both for operating and non
4 operating expenses, for JARC projects must be in cash
5 equivalent from other sources other than unrestricted
6 federal funds.

7 And does this mean that funds such as Community
8 Development Block Grant and TANF can only fund one half of
9 the local share, meaning a recipient must provide cash or
10 cash equivalent as a match for remainder? I'm just asking
11 the question because this has not been the case in -- with
12 a number of small operators. They have been using these
13 funds as local match. And I'm just asking if this is not
14 going to be the case on these particular funds.

15 MR. KIRKLAND: Okay. The question -- which
16 page is that on? Is that --

17 MR. WILSON: This is page 8, again.

18 MR. KIRKLAND: Page 8?

19 MR. WILSON: Back to eight.

20 MR. KIRKLAND: Okay. I'll have to look that
21 up.

22 MR. WILSON: Okay. It's just that -- it
23 indicates half the local share will be -- you know, it has
24 to be in cash and from sources other than unrestricted
25 federal funds. I think that is Page 8 of 25, lines 6, 7

1 and 8. And I just want to make sure I understand,
2 because, on the previous program, you were able to use it
3 for part of your local match.

4 MR. KIRKLAND: I will have to get you
5 clarification on that.

6 MR. WILSON: Okay.

7 MR. KIRKLAND: I don't have an answer to that
8 now.

9 MR. WILSON: I understand. That's fine. I
10 just -- that was just a question that I had.

11 MR. GEYER: Well, John, Bob Geyer.

12 MR. WILSON: Yes.

13 MR. GEYER: Along those same lines, I know we
14 were talking about JARC, but the New Freedom program --

15 MR. WILSON: We're going to get to that.

16 MR. GEYER: I know. But this relates to that
17 just because that sentence was left out of then new
18 Freedom. Okay? It's just like -- and I wondered why that
19 is, because if it's in the JARC, but it's not in the New
20 Freedom. And it's right in the same place. It's just
21 that that sentence is left out, and then it goes on
22 identical to the JARC language -- the sentence before and
23 the sentence afterwards.

24 So I just was curious how that was determined.
25 And I guess, since it related, I brought it up now.

1 That's why. And that's on page 20 of the document, at the
2 top of the page.

3 MR. WILSON: Okay. Thank you.

4 MR. KIRKLAND: This is Kelly Kirkland again.
5 And I've been reminded that the language here for the JARC
6 and for the New Freedom is straight out of SAFETEA-LU.

7 MR. WILSON: Okay. That could be -- maybe this
8 is a change from the previous, how we did JARC before. So
9 that's fine. I'm just asking for clarification. That's
10 my way of asking. Okay?

11 MR. GEYER: Okay.

12 MR. WILSON: Any more questions?

13 MR. GEYER: Under the JARC program -- Bob Geyer
14 again.

15 MR. WILSON: Okay.

16 MR. GEYER: Under the JARC colonias program,
17 the match for vehicles -- could it come from toll credits?

18 I don't see that addressed in here anywhere. I just
19 wondered if -- is there any consideration that that could
20 be applied?

21 MR. KIRKLAND: This is Kelly Kirkland again.
22 Yes. If a project is awarded toll credits by the
23 Commission, then they would certainly qualify as a match
24 for capital acquisition.

25 MR. GEYER: Okay. Thank you.

1 MR. WILSON: Okay. Any more comments from the
2 committee?

3 (Pause.)

4 MR. WILSON: Okay. With that, do we -- I guess
5 we need a motion to give approval to go forward.

6 DR. PETERS: I move approval. Peters.

7 MS. MALONE: I second it. This is Reba.

8 MR. WILSON: Okay. We have a motion and a
9 second, and we will ask for a vote by individuals again,
10 starting with the motion maker.

11 DR. PETERS: I'm Peters. Yes.

12 MS. LANGGUTH: Claudia. Yes.

13 MR. FARIS: Vinsen. Yes.

14 MS. MALONE: Reba. Yes.

15 MS. HALSTEAD: Donna. Yes.

16 MR. WILSON: On the phone?

17 MR. GEYER: Bob Geyer --

18 MR. TREVIÑO: Yes -- oh. Sorry.

19 MR. WILSON: Okay. Let's start with Vastene.

20 MS. OLIER: Yes. Vastene. Yes.

21 MR. WILSON: Mayor?

22 MR. TREVIÑO: Yes.

23 MR. WILSON: And, Bob?

24 MR. GEYER: Yes.

25 MR. WILSON: And the Chair says yes. We have a

1 9-0 vote.

2 Okay. We'll move on to our next issue, and
3 that's item number six: In accordance with 43 TAC,
4 Paragraph 1.83(c), review and comment on the final draft
5 of proposed revisions to 43 TAC, Section 31.18, regarding
6 New Freedom program rules.

7 Kelly?

8 MR. KIRKLAND: That's mine again. This is
9 Kelly Kirkland, Director of Planning and Support for the
10 Public Transportation Division.

11 And item number six is very similar to item
12 number five with the exception that this is a brand-new
13 program at the federal level, called the New Freedom or
14 New Freedom Initiative program, which is funding designed
15 for projects that go beyond the Americans with
16 Disabilities Act. And we have a similar requirement to
17 develop Administrative Code for implementing that at the
18 state level. And that has been distributed for your
19 review, and we request your comments.

20 MR. WILSON: Okay. It's open to the committee.
21 Does anybody have any --

22 MR. GEYER: This is Bob Geyer. And I will ask
23 my question now. Again, on page 20 at the top, was that
24 an oversight, or was that particular reference to half of
25 the local share being cash left out of the federal rule?

1 MR. KIRKLAND: No, sir. This is Kelly Kirkland
2 again. The language for the New Freedom rule -- it does
3 not include that in the federal statute, and it does
4 include that term under the JARC rules at the federal
5 level.

6 MR. GEYER: Okay. And you don't have any
7 explanation for that happening?

8 MR. KIRKLAND: No, sir, we don't.

9 MR. GEYER: Okay. What about the two ladies in
10 the audience who handled this staff wise? Do they have
11 any clues?

12 MR. FARIS: He is good. He is good.

13 MR. WILSON: They said they would find out,
14 Bob. They're shaking their heads.

15 MR. GEYER: Oh. Okay.

16 MR. WILSON: Okay?

17 MR. GEYER: They might have an answer for us
18 soon then. Right?

19 MR. WILSON: Yes.

20 MR. GEYER: Okay. Thank you.

21 MR. WILSON: Okay.

22 Any other comments on New Freedom?

23 (Pause.)

24 MR. WILSON: Hearing none, I'll have a motion
25 that we -- to approve this so we can go forward for public

1 comment.

2 MS. MALONE: This is Reba. I move for
3 approval.

4 DR. PETERS: Peters seconds.

5 MR. WILSON: Okay. We've -- okay. We'll start
6 with the motioner for votes.

7 MS. MALONE: Reba. Yes.

8 DR. PETERS: Peters. Yes.

9 MS. LANGGUTH: Claudia. Yes.

10 MR. FARIS: Vinsen. Yes.

11 MS. HALSTEAD: Donna. Yes.

12 MR. WILSON: Vastene?

13 MS. OLIER: Yes.

14 MR. WILSON: Oscar?

15 MR. TREVIÑO: Yes.

16 MR. WILSON: Bob?

17 MR. GEYER: Yes.

18 MR. WILSON: John is yes. Okay. 9-0 on that.

19 MS. MALONE: That's one for the records: Two
20 of them in a row.

21 (Laughter.)

22 MR. WILSON: Okay. All right. We'll move on
23 to item number 7, update on the performance statistics and
24 reporting effort.

25 MR. Kirkland?

1 MR. KIRKLAND: Yes. Again, this is Kelly
2 Kirkland, Director of Planning and Support for the Public
3 Transportation Division. And this is a discussion item on
4 our effort to improve performance statistics reporting
5 from the Department.

6 I'm pleased to report that we have contracted
7 with the Texas Transportation Institute to perform this
8 service for us. They are already working on it, and they
9 will be going over the next several months, discussing
10 with urban, small urban and rural transit districts on
11 their data collection methods and developing some
12 instructional tools and providing training through the
13 rural and small urban transit districts on their data
14 reporting. And we expect to have an update on that
15 process at our next PTAC meeting.

16 MR. WILSON: Okay.

17 Yes, Donna?

18 MS. HALSTEAD: Donna Halstead. Kelly, what is
19 the time line for the regularization of the reporting
20 across the various agencies?

21 MR. KIRKLAND: The contract with TTI is
22 expected to go through the end of March. But prior to
23 that, establishment of the regularization is going to be
24 early this fall. And then we'll be -- TTI will be doing
25 the training for that.

1 MS. HALSTEAD: Okay. And what grace period are
2 the agencies going to have before this reporting process
3 is an absolute requirement?

4 MR. KIRKLAND: All the agencies are required
5 now to report data to us. If they send in the report, for
6 example, for the first quarter of 2007 and then they
7 discover through this process that it needs to be
8 adjusted, we will definitely adjust the data to the more
9 correct figures. So basically, we will allow them to
10 correct the data as needed.

11 MS. HALSTEAD: For how long are we going to
12 allow them to correct the data or the methods of reporting
13 the data? I mean my concern -- my question really stems
14 from discussions that we've had over the past how many
15 years now -- about lack of uniformity in reporting among
16 the agencies, the inability to really track the
17 performance of the various agencies, because we didn't
18 have a hard-and-fast set of standards that we required
19 that the agencies adhere to.

20 And my question is -- we've got these rules
21 now. We've got this, you know, series of calculations
22 that we have said are going to be the basis for evaluating
23 the performance of these various agencies. At what point
24 do we stop the grace period and say, Okay, you're going to
25 do it the way we believe it should be reported from now on

1 or it's going to have a negative impact on your funding
2 for the next cycle?

3 MR. GLEASON: Let me -- this is Eric Gleason.
4 Let me try and address that.

5 I've not thought of this as anything other than
6 sort of a carrot approach yet to the issue of the data
7 quality. I've not thought of it as a process that would
8 include that kind of an outcome over a certain period of
9 time.

10 I think what I'd like to do is let TTI get into
11 this. Let's get a good sense of the range of issues that
12 are out there that people are dealing with. And then
13 perhaps we can revisit this issue when we know more about
14 what the true problem is.

15 I have thought of this effort as a helpful
16 effort to get out and help folks report the right data,
17 organize their data collection efforts perhaps differently
18 in order to get the information that we need. And I've
19 not thought of it as something that would have an ultimate
20 outcome of some kind of a penalty, as you've described.

21 MS. HALSTEAD: Well, the only concern --

22 MR. GLEASON: I see where you're going with
23 this.

24 MS. HALSTEAD: -- I have in response to that
25 would be that, you know, we have talked about moving

1 toward greater emphasis on performance over a number of
2 years. And it's going to be hard to do that if we don't
3 have some basis for assuming that there's uniformity in
4 the reporting process. And that's why I'm asking about
5 the -- you know, some time frame whereby there is no
6 longer a grace period.

7 We're going to go to, you know, 60 percent
8 performance or 70 percent performance based as we allocate
9 these dollars. It just seems to me we've got to have some
10 idea and the agencies have to have some idea of the window
11 that they have for becoming proficient in reporting in
12 these very specific ways. I --

13 MR. GLEASON: Yes. And what I'd like to do is
14 maybe come back to that --

15 MS. HALSTEAD: Okay.

16 MR. GLEASON: -- once we've -- once TTI has
17 had a chance to get out there and kind of get a survey of
18 what kinds of issues folks are dealing with. And then we
19 can see what we've got.

20 MS. HALSTEAD: All right.

21 DR. PETERS: This is Peters. In defense of
22 what Eric's saying, I also think that if the past data has
23 been problematic, simply because you've got a contract for
24 a fix does not mean that the new data is not also going to
25 be problematic. And before you penalize somebody, which,

1 I think, ultimately you have to do, but -- before you do
2 that, I think you need to give the new data at least a
3 year or two to run to determine, A, if it's what you want
4 and, B, if it's right.

5 MS. LANGGUTH: This is Claudia Langguth. I --
6 from what I understand in the briefing that I had the
7 other day, it appears that this is a very good use of
8 funds to improve the quality of data. In looking at the
9 training contract, I did not see a provision for testing
10 of the participants or a certification process, if you
11 will, to make sure that people are getting the information
12 that they need and are able to digest it and ultimately
13 result in better reporting.

14 DR. PETERS: Can you really do this?

15 MS. LANGGUTH: And secondly, I did not see in
16 the contract an area for evaluation of the training by the
17 participants. So you might want to just consider those
18 two when you do an amendment to the contract or when you
19 actually start the contracting process.

20 MR. GLEASON: I think those are good
21 suggestions, and we'll take those back.

22 MR. WILSON: Any more comments?

23 (Pause.)

24 MR. WILSON: Hearing none, we will take a vote
25 then.

1 Any comments from the people on the phone?

2 MS. OLIER: No.

3 MR. WILSON: No? Hearing none, we'll move on
4 to item number eight, and that is discussion on the use of
5 state fueling facilities. And I believe Mr. Kirkland has
6 this one, also.

7 MR. KIRKLAND: Thank you.

8 Again, this is Kelly Kirkland, Director of
9 Planning and Support for the public transportation
10 division.

11 This discussion item is at the request for PTAC
12 for potential use of TxDOT-operated fueling facilities by
13 transit operators for their transit vehicles. This is an
14 item that we have discussed in the division -- and made
15 requests and discussed it with our General Counsel office.
16 And they carried it forward in discussions with our
17 General Services division and our Houston district,
18 because there was an example of a situation that may be
19 applicable in the Houston district of TxDOT.

20 The guidance we've received from our General
21 Counsel office is that TxDOT does not have the authority
22 to allow non-state agencies to fuel at TxDOT-operated
23 facilities, but we do have authority to provide grants for
24 transit operators, and construction of fuel facilities is
25 an eligible expense for many of those grants. And we have

1 authority to do other things on the highway side and
2 authority to share fueling facilities with the Department
3 of Public Safety, but not with a non-state Agency in that
4 manner.

5 MS. OLIER: Kelly, this is Vastene. Can you
6 get that information out to us regarding those grant
7 applications? That would help us with fueling facilities.

8 MR. KIRKLAND: Well, Vastene, I believe that
9 you can use the grants that you received from TxDOT
10 already --

11 MS. OLIER: There's not enough money there.
12 I'm talking about additional money.

13 MR. KIRKLAND: Oh. Additional money?

14 MS. OLIER: Yes, sir. I thought that's what
15 you were talking about.

16 MR. KIRKLAND: No. It was the grants overall.

17 MS. OLIER: Oh. Okay.

18 MR. KIRKLAND: No. There's no special grants.

19 MS. OLIER: I'm thinking in terms beyond what
20 we have available to us.

21 MR. KIRKLAND: There is not a special grant
22 program available just for fueling facilities.

23 MS. OLIER: All right. As long as we've got
24 that clarified, so we don't have everybody thinking that
25 there's something that's going to be magical for us.

1 MR. WILSON: Yes, Donna?

2 MS. HALSTEAD: Kelly, what would it take to
3 allow TxDOT the latitude to be able to enter into
4 contracts with non-state agencies to use the state fueling
5 facilities?

6 MR. KIRKLAND: It would take something on the
7 order of a change in statute instituted by the legislature
8 and signed by the governor.

9 DR. PETERS: This is Robert Peters. I have
10 another question. I'll admit that the local transit
11 system is not a state agency, but it's a political
12 subdivision or, in some instances, maybe an
13 instrumentality. Would it take a statute, or could you
14 get an AG's ruling or wording? Because it seems to make
15 preeminent sense. And it seems to make a lot more sense
16 to do this than to go constructing additional facilities.
17 But would it -- could an AG's ruling do it?

18 MR. KIRKLAND: This is Kelly Kirkland again. I
19 will pass that on to our General Counsel and see if they
20 can give us a reply on that.

21 DR. PETERS: Okay. It's just the definition of
22 Agency and instrumentality and subdivision.

23 MR. GEYER: This is Bob Geyer. I had asked
24 that this, you know, be put on the agenda. The -- you
25 know, we're right in the middle of this coordination

1 effort that -- TxDOT, by the way, is the one who mandated
2 that we're supposed to be coordinating transportation
3 within our region.

4 In El Paso, we have -- our region is six
5 counties, which is over 21,000 square miles. We have
6 little cities like Alpine and Marfa and Presidio and
7 Marathon. And it's very difficult to find propane,
8 period, and it's also very difficult to find propane
9 stations open at the hours you'd need it, you know. And
10 that's the same in El Paso.

11 A propane supplier that is only open 8:00 to
12 5:00 doesn't meet our needs, because that's when our buses
13 are on the road. We need to be able to fill up early, and
14 we need to be able to fill up after hours. It's a real
15 problem.

16 I find it ironic that TxDOT wants us to
17 coordinate transportation services and yet they're not
18 willing to -- I mean you say it's by statute. Well, then
19 let me read you something out of the Chapter 461 of the
20 Texas Transportation Code.

21 It says, "The Commission supports the
22 development of regional service plans that respond to its
23 charge to identify overlaps and gaps in the provision of
24 public transportation services, underused equipment owned
25 by public transportation providers" -- and here's the last

1 one that I think really applies -- "and inefficiencies in
2 the provision of public transportation services." I think
3 TxDOT ought to take the lead role in getting the statute
4 changed so that they can do this.

5 In the business plan that, I believe, was left
6 by KFH that was just adopted, under goal three, it
7 mentions that TxDOT should remove barriers that discourage
8 or restrict local service coordination or that limits
9 steps to increase effectiveness and cost efficiency.
10 That's under goal number three.

11 Continuing under goal number three, it says
12 that TxDOT will review the Texas code in a collaborative
13 effort with grantees to identify potential changes that
14 can streamline program management, increase efficiency in
15 program delivery, enhance service effectiveness and
16 efficiency on the street, remove barriers to coordination
17 and support innovation and coordination and service
18 delivery.

19 So that's even talking about changing the
20 statute. That's under item 3(g) in the business plan that
21 was just adopted. To me -- well, I would like to make a
22 motion that we recommend that the TxDOT change whatever --
23 take to the legislative session the next one, whatever is
24 necessary to change the statute, so that they be allowed
25 to distribute propane to certainly the 5310 and the 5311

1 providers -- at least, the public entities -- which was
2 brought up earlier. Thank you.

3 MR. WILSON: Okay. Donna?

4 MS. HALSTEAD: Donna Halstead. Do we have one
5 of our lawyers in the room today?

6 (Pause.)

7 MS. HALSTEAD: We didn't bring one? Okay.

8 Then I have a question that perhaps we can
9 answer the next time we see each other. What technically
10 is a state agency? I would assume that the definition is
11 anything which is -- any governmental entity which is
12 created by state statute could be considered a state
13 agency.

14 DR. PETERS: Donna, may I? This is Peters.

15 MS. HALSTEAD: Yes.

16 DR. PETERS: If that's -- I've written a couple
17 of state government textbooks. And it's not that way.

18 MS. HALSTEAD: Well, if it's created by state
19 statute -- and many of these transit agencies are -- why
20 wouldn't there at least be a rational basis for getting a
21 broader definition of a state agency?

22 DR. PETERS: I agree with you on that. I think
23 there is. And not to be too overly state government
24 textbookish, but we use the terms agencies and
25 instrumentalities, an agency being something like the

1 Department of Transportation, whose employees are
2 considered to be employees of the state -- state benefits
3 and state health insurance, you know, state retirement and
4 all that -- whereas you've got another class of entities
5 that, though they are created by the state, their
6 employees are not considered to be state employees and may
7 or may not have certain benefits.

8 An example of that would be community colleges
9 or state universities. And they're state
10 instrumentalities.

11 And I would argue that your transit authorities
12 like DART and your transit authorities like the Houston
13 one and the San Antonio one -- I would argue those were
14 instrumentalities. They're not political subdivisions
15 like a rural transit district's probably a political
16 subdivision.

17 MS. HALSTEAD: Yes, they are.

18 DR. PETERS: And I -- that's very technical.
19 But I think -- and going back to what we started talking
20 about -- if you're in the public transportation business,
21 then you ought to be able to fill your vehicle up. As Mr.
22 Geyer out in El Paso -- there's not a lot of propane
23 stations in Dell City.

24 And you ought to be able to fill that thing up
25 where you can. And if the state happens to own it -- the

1 Department of Transportation happens to own it and if what
2 you are doing is in the mission of the Department of
3 Transportation, it is a mere technicality and an
4 obfuscation to say that because you are not a full-fledged
5 state agency like TxDOT or like the Health and Human
6 Services Commission or something like that, we're not
7 going to let you do it.

8 MR. WILSON: Okay.

9 Bob, I think you had a motion awhile ago that
10 you wanted to make on this issue.

11 MS. OLIER: Bob, before you make your motion --

12 This is Vastene. You're saying propane. I
13 would like for us to make sure we consider diesel at the
14 same time -- or some of the other fuels that other
15 people -- don't restrict ourselves to just one particular
16 fuel type.

17 DR. PETERS: I think he was just using propane
18 as an example, Vastene.

19 MS. OLIER: Okay. All right. Great.

20 DR. PETERS: Yes. That's the way I understood
21 it.

22 MR. GEYER: Yes, sure. Whatever they provide.
23 There's over 40 pages -- I've got a list of the
24 facilities. There's over 40 pages of facilities around
25 the state, and nine of them happen to be in our district.

1 MR. TREVIÑO: This is Oscar.

2 MR. GEYER: But they're all over, and they
3 would sure benefit lots of folks. And it specifies what
4 fuels are available at each one.

5 MR. TREVIÑO: This is Oscar, and I'd like to
6 make a point of order if I could.

7 MR. WILSON: I think we're going to know what
8 that is, Oscar, but go ahead. I've already been told what
9 I -- that I was out of order.

10 MR. TREVIÑO: It's discussion only, not action.
11 Due to our agenda --

12 MR. GEYER: I sure asked -- if anybody recalls,
13 I did say discussion and action.

14 MR. WILSON: Okay.

15 MR. GEYER: So I'm a little disturbed that it's
16 put on the agenda this way.

17 MR. TREVIÑO: Well, I was just saying,
18 Discussion. We've got to put it on for action next time.

19 MR. WILSON: Yes. Mr. Mayor, I stand
20 corrected.

21 (Laughter.)

22 MR. WILSON: And I'm usually not the chairman,
23 so I am learning. So I will stand corrected, for I was
24 already told that after I asked Bob to make that motion.
25 So I stand corrected.

1 MR. TREVIÑO: Thank you, sir.

2 MR. WILSON: Thank you.

3 MR. FARIS: That's marks against those 9-0
4 votes, John.

5 MR. WILSON: Oh, gosh. Okay.

6 MR. GLEASON: Mr. Chair?

7 MR. WILSON: Yes.

8 MR. GLEASON: This is Eric Gleason. Bob, I'm
9 assuming that whoever's attending the workshop -- the best
10 practices roundtable later this week in Austin for you all
11 is going to make the same argument as persuasively as you
12 just did.

13 MR. GEYER: You're absolutely right.

14 MR. GLEASON: Because I think it was always
15 anticipated as a part of that effort that this is exactly
16 the kind of issue that would arise from the work being
17 done or that you all have known for a long time. And I
18 don't want to discount the fact that a lot of this is not
19 new information for you, either. And that -- it was
20 always the intent of this effort to identify those items
21 that might require legislative action or clarification.

22 And this -- the conversation from Dr. Peters
23 and others notwithstanding, this clearly is one that fits
24 that category. And I think it fits it perfectly. So I
25 would encourage whoever's coming to make the case as

1 persuasively as you have.

2 MR. TREVIÑO: Well, Mr. Chair?

3 MR. WILSON: Yes, sir.

4 MR. TREVIÑO: This is Oscar again.

5 MR. WILSON: Yes, sir.

6 MR. TREVIÑO: I think it's very important that
7 we do take action on it, but we do it in such a way that
8 it can't be called on that we're out of order. And so
9 where I agree that -- it's interesting that we say we want
10 to be more fuel efficient and we want to do all we can to
11 help the agencies, but then that we can do it without our
12 nickel or without our use of our facilities doesn't make a
13 lot of sense. So we've just got to make sure that we have
14 all ducks in a row before we take a vote.

15 MR. GEYER: Okay. This is Bob. Can we put
16 this on the agenda next time with the appropriate language
17 where we can take action?

18 MR. WILSON: Yes, we can. And we are directing
19 the staff to do that, and they are nodding their heads,
20 saying they're going to do that. I just want to let you
21 know.

22 MR. GEYER: Thank you.

23 MR. WILSON: Okay.

24 MR. GLEASON: It's an advisory action for the
25 Commission or -- for whomever. I mean it's --

1 MR. WILSON: Right.

2 MR. GLEASON: I mean, Bob, let me -- this is
3 Eric again. I mean it's -- I think what I want to be
4 clear about is that the answer you received from us today
5 is that we do not believe we have the statutory authority
6 to operate fueling stations. Now, that is not a no. That
7 is a belief that we don't have the statute authority to do
8 it.

9 MR. GEYER: No. I understand.

10 MR. GLEASON: Okay. And --

11 MR. GEYER: But as an agency, then I think you
12 ought to be proactive in changing that statute.

13 MR. GLEASON: And if that's going to be the
14 recommendation of the committee, then I think that's fine.

15 MR. GEYER: Yes, sir.

16 MR. WILSON: Okay. Anything else on item
17 number eight?

18 (Pause.)

19 MR. WILSON: Hearing none, we'll move to item
20 number nine, public comment. And we have a number of
21 citizens here today, and I didn't get any requests to
22 speak. But if anybody would like to, this is the time for
23 public comment.

24 (Pause.)

25 MR. WILSON: Ven Hammonds? You might need to

1 come up to the microphone and identify yourself.

2 MR. HAMMONDS: My name is Ven Hammonds; I'm the
3 Executive Director of the Texoma Rural Transit District in
4 Sherman and Denison.

5 With regard to the discussion on item 5, I
6 think the comment was -- there was a question regarding
7 three-year contracts. I think Mr. Geyer asked the
8 question, and the answer, if I understood correctly, was
9 that the Commission's limited to one-year contracts. In
10 fact, we do have some 5311 and 5310 contracts that are for
11 15 to 18 months in length.

12 So I think there is a possibility that the
13 Commission or the Department, I should say, can write
14 longer-than-12-month contracts. Subject to funds
15 availability, a contract can be written for any length of
16 time.

17 And I would also point out some of the funds
18 we're talking about -- JARC and New Freedom
19 specifically -- are not state funds. They're federal
20 passthrough funds. And if the contracts are written
21 subject to funds availability, I think, legally they can
22 be written without incurring the state's credit for any
23 length of time. And I would also point out that the
24 Medicaid contracts, I believe, were recently written for a
25 three-year period.

1 MR. WILSON: Thank you, Mr. Hammonds.

2 Any more?

3 Yes, Kelly?

4 MR. KIRKLAND: Yes.

5 Thank you, Ven, for making that clarification.
6 I was responding to -- what I understood the question to
7 be was could the Commission commit funds from future
8 fiscal years in a single minute order. We definitely can
9 write contracts for longer terms than 12 months. But I
10 was answering the question from the point of view of
11 saying, Can we commit Fiscal Years 2007, 2008 and 2009
12 funds with a single minute order.

13 MR. WILSON: Okay. Thank you for that
14 clarification, Mr. Kirkland.

15 Any more comments from the public?

16 MS. OLIER: Vastene.

17 MR. WILSON: Yes, Vastene? Go ahead.

18 MS. OLIER: This is Vastene. Just a comment.

19 Eric, you mentioned in your director's report
20 about the medical transportation contract.

21 MR. GLEASON: Yes, I did.

22 MS. OLIER: For those of you all that are not
23 aware -- not as a sore loser of a contract, but -- there's
24 lots of problems in our area, where people are not getting
25 to dialysis. They're not getting to their doctor's

1 appointments. They're simply not getting picked up -- as
2 well as getting to their appointments much, much later
3 than they should.

4 They are experiencing extreme problems with
5 making contact with the medical transportation office.
6 They're either getting just continuous rings or they're
7 getting a busy signal. And the majority of the calls are
8 coming back to the local operators, who are trying to
9 figure out what they can do. What my suggestion would
10 be -- is that we get staff to investigate it to see what
11 we can do to improve it.

12 MR. GLEASON: Vastene, it's Eric. Thank you
13 for that. I would -- if you have specific situations that
14 you have that you could send along to us, please do.
15 We're working hard with all of our new providers to iron
16 out first-week-of-operation issues, and we're interested
17 in learning where ever we can about problems that our
18 clients may be having. And we do know that many of them
19 where there has been a change of contract are going back
20 to the previous providers with those complaints and
21 information. So I think if you could forward those along
22 to us, that would certainly be very helpful.

23 MS. OLIER: I certainly will. And you'll get
24 all the phone calls. Thank you.

25 MR. WILSON: Okay.

1 Yes, sir?

2 MR. COFFMAN: My name is Chris Coffman.

3 MR. WILSON: If you will, come up to the --
4 yes, please.

5 (Pause.)

6 MR. COFFMAN: My name's Chris Coffman, and I'm
7 with the Panhandle Regional Planning Commission. I would
8 like to echo the comments I've just heard on the Medicaid
9 contract. We've got folks that are -- we're not even the
10 provider as the Council of Governments. We're getting
11 phone calls from folks that are being left on hold for
12 three and four hours. We've got folks that can't get to
13 their dialysis. Obviously, we're going through a change.

14 My question and concern is why are we awarding
15 a contract to a Medicaid provider that doesn't even own
16 vehicles? They were subcontracting out to the folks that
17 were doing the work originally -- on a piece-meal basis.
18 There's no continuity between who the providers are that
19 are being contacted.

20 One instance, I guess, in Amarillo would be
21 someone needed a trip to dialysis. They're not on a
22 Medicaid list that was printed for any provider or
23 carrier. And so then they dispatched a vehicle, and
24 another vehicle was dispatched in addition to that. So,
25 you know, we had two providers in our area. We had

1 Amarillo transit, and we had Panhandle Transit. Panhandle
2 transit does the rural transportation needs, and the
3 Amarillo transit does the urban.

4 Now we've got a third player. I don't have
5 contact information. As the coordinator of the planning
6 process, I would like to get information while I'm in
7 Austin this week to be able to contact AMR and find out
8 who the people are and who the players are and what we
9 need to do to include them in the planning process. Those
10 are my comments.

11 MR. WILSON: Thank you, Chris.

12 Any more comments?

13 (No response.)

14 MR. WILSON: Okay. I don't know if this is out
15 of order or not, but our Chairman asked me to appoint a
16 committee to review our legislative agenda. Is that out
17 of order here? I'm just asking.

18 DR. PETERS: Oscar will tell you.

19 MR. WILSON: Yes.

20 Oscar, am I right? Fred had called me and said
21 that since he's out of the country and cannot be the
22 chairman today -- he called and asked me to appoint a
23 committee. And he gave me the members of the committee to
24 appoint to review our legislative package to the TxDOT
25 Commission.

1 MR. TREVIÑO: It sure seems like if it's not on
2 the agenda, it would be something that we couldn't do.

3 MR. WILSON: Okay. Yes, sir, I agree. Then we
4 will defer this to the next meeting.

5 And would you please put that on the agenda so
6 Fred can appoint his committee? Okay?

7 All right.

8 Yes?

9 MR. TREVIÑO: I'd like to ask. The latest
10 legislation required that the two-hour tape from the
11 attorney general's office on open meetings be viewed by
12 boards and commissions and groups like ours. Has the PTAC
13 staff listened to this, and are we required to watch this
14 tape by law?

15 MR. WILSON: I have a copy of the tape, and
16 I've gone through the whole thing, believe it or not. It
17 doesn't sound like it, but I have.

18 (Laughter.)

19 MR. WILSON: But I'd be willing to share that
20 with everybody else on the committee, and I will forward
21 that to everybody here.

22 MR. TREVIÑO: Okay.

23 MR. WILSON: And --

24 MR. TREVIÑO: And it's just -- you can sign off
25 and say -- it's like two hours of elevator music, but it's

1 something that we're required to do.

2 MR. WILSON: Yes, sir. And I will personally
3 send it to all the members of the committee. Thank you.

4 DR. PETERS: Mr. Chairman, I've already gone
5 through it on another state appointment.

6 MR. WILSON: Oh. Thank you, Mr. Peters.

7 DR. PETERS: And he does get the girl in the
8 end.

9 (Laughter.)

10 MR. WILSON: Okay. Any more public comments?

11 (No response.)

12 MR. WILSON: Okay. From that, we will move on
13 to item number ten: Confirm date for our next meeting.
14 And this is an action item.

15 MR. FARIS: It says that.

16 MR. WILSON: Okay. So do we have a suggestion
17 from -- first from the staff? Do we have some dates in
18 mind?

19 MR. KIRKLAND: Mr. Chair, this is Kelly
20 Kirkland again. It looks like we don't really have to
21 have another PTAC meeting until September. That would be
22 the second opportunity for PTAC to look at the rules for
23 the JARC and the New Freedom Administrative Code -- and
24 plus the two items.

25 MS. HALSTEAD: A point of information, Kelly.

1 What is the time frame for the Commission finalizing its
2 legislative package for the next session? I would hate
3 for us to miss an opportunity to at least offer input to
4 the Commissioners on several specific items.

5 MR. GLEASON: The -- November is when the
6 Commission will be finalizing its agenda. So there will
7 be an item on the November agenda.

8 (Pause.)

9 MR. GLEASON: Okay. I've been -- Shawna
10 Russell's here from Commissioner Andrade's office. On the
11 November agenda for the Commission will be a discussion
12 item on the barriers and constraints that have been
13 identified as part of the regional process and legislative
14 actions arising from them. So that's not exactly what you
15 asked. You asked the question about the agenda itself.
16 But there will also be an opportunity at that point in
17 time for a discussion.

18 MS. HALSTEAD: Well, the reason I asked the
19 question is because as kind of a rule of thumb, most folks
20 assume that you've got to start work in September at the
21 latest in order to be ready to have legislation introduced
22 during the next session. And if we're not meeting until
23 September and that kind of rule of thumb applies, are we
24 in fact getting ourselves in a bind time wise?

25 (Pause.)

1 MS. HALSTEAD: I'm just asking. I'm not trying
2 to stir up trouble.

3 MS. RUSSELL: I'm certainly not a member of
4 PTAC. This is Shawna from Commissioner Andrade's office.

5 But what I would think of maybe as an idea outside of
6 being a privileged member of this committee is that -- if
7 a chair convenes a group to look at something, does it
8 have to be voted on and approved at a meeting, or is it at
9 the chair's discretion that they have that liberty? If
10 so, that would seem to solve the September question. But
11 again --

12 MS. HALSTEAD: I agree with you.

13 MS. RUSSELL: -- I have not been privileged
14 enough to be able to comment on that.

15 DR. PETERS: Okay. Well, Shawna, the other
16 side is that if we don't meet until September, the Chair
17 can't appoint a committee until September.

18 MS. RUSSELL: Yes.

19 DR. PETERS: And then we're kind of behind the
20 eight-ball.

21 MS. RUSSELL: If it must be done formally in a
22 committee meeting, right.

23 MR. TREVIÑO: I don't see why the chair has to
24 have the committee's approval to appoint a committee -- a
25 subcommittee. I think that he could be able to do it just

1 by a letter informing the committee that he did it.

2 MR. WILSON: Okay. And as the vice chair, I
3 will tell the chair that. And he will be back in town on
4 Saturday, and I will make sure he knows about that.

5 MR. GEYER: Well, John, this is Bob Geyer. I
6 agree with Donna, though. Rather than take a chance, why
7 don't we meet in August? I mean what's wrong with that?

8 MR. WILSON: Oh, that's fine with me. I
9 just --

10 MR. GEYER: Because I think we ought to talk
11 about the legislative issues. And if there's a committee
12 appointed in the meantime, then they can come to that
13 meeting with some recommendations for our approval.

14 MS. RUSSELL: May I -- this is Shawna. May I
15 answer the second part of your question, Donna -- your
16 original question?

17 With regard to a window of opportunity with the
18 Commission about their upcoming legislative packet, I have
19 spoken with staff, and they are aware that the
20 coordination process -- that at the November meeting,
21 there will be a report to review the barriers and
22 constraints report that has been given by the regions to
23 the department. A big component of that -- I assume, at
24 this point -- will have a legislative arm, so to speak.

25 And so they know, if you will, that there's

1 kind of a place holder and an expectation that a public-
2 transportation-related legislative-type report will be
3 coming to the Commission in November.

4 MR. WILSON: Okay.

5 MS. RUSSELL: So there's our window.

6 MS. MALONE: Mr. Chairman, Reba. Is there any
7 reason why, if the Commission is not going to take action
8 until November, we'd meet in September? And perhaps we
9 can have any preliminary information that's available at
10 that time and then, in October, act on our recommendations
11 to go forward to the Commission in November? I mean if we
12 meet in August, are we going to have anything to talk
13 about on this? I wouldn't think so.

14 MR. WILSON: I would think not, probably,
15 because that's not a whole lot of time.

16 MS. MALONE: It sounds to me like that's the
17 only reason we'd need an August meeting and -- I mean want
18 an August meeting.

19 MS. HALSTEAD: Except we don't -- if we wait
20 until September to appoint a committee --

21 MR. WILSON: Oh, I don't -- no. I think the
22 committee will be appointed by the Chair.

23 MS. MALONE: The Chairman has the authority to
24 appoint a committee.

25 MS. HALSTEAD: Then that takes care of my

1 concern.

2 MR. WILSON: Okay.

3 MR. FARIS: In your role as Vice Chairman,
4 couldn't you appoint the committee today, since he asked
5 you to do so in acting in his behalf in his absence?

6 MS. MALONE: I think that would be appropriate.

7 MR. WILSON: Can I do that?

8 MR. TREVIÑO: If it's not a posted item on the
9 agenda -- and by doing it now, what you've done is --
10 you're making -- you're talking about something that isn't
11 a discussion item or a posted item -- if he just writes a
12 letter, if it's outside the scope of the meeting, then it
13 doesn't violate any law whatsoever.

14 MR. WILSON: Okay. Thank you, Oscar.

15 And I will move on then with that. Then we
16 need a date for our next meeting. Do we have a
17 recommendation for a date from the staff?

18 DR. PETERS: September 15.

19 MR. WILSON: Well, do we have a recommendation
20 from the staff?

21 MS. MALONE: For September?

22 MS. MAYLE: I don't know. I haven't looked
23 that far ahead. This is Ginnie.

24 MR. WILSON: Okay. Does anybody have a
25 recommendation for a date?

1 DR. PETERS: September 15. That's a Friday.

2 MR. WILSON: Friday, the 15th, in September?

3 Okay.

4 Does anybody have a problem with Friday,

5 September 15?

6 MS. MAYLE: In the morning?

7 MR. WILSON: In the morning at 9:30?

8 MR. TREVIÑO: Nine o'clock or 9:30 would be

9 great.

10 MR. FARIS: I possibly can by telephone, but
11 not in person.

12 MR. WILSON: Okay. 9:30 gives Bob a little bit
13 more time, because he's on the -- he's in a different time
14 zone. So if it's -- do I have a motion to make -- I
15 guess, a motion for September 15 at 9:30.

16 DR. PETERS: I move September 15.

17 MR. WILSON: Okay.

18 Do I have a second?

19 MS. LANGGUTH: I second.

20 MR. WILSON: Claudia seconds. Okay.

21 All right. Let's go through -- around for the
22 vote, with the motion maker.

23 DR. PETERS: Aye. Peters.

24 MS. LANGGUTH: Claudia. Yes.

25 MR. FARIS: Vinsen. Yes.

1 MS. MALONE: Reba. Yes.

2 MS. HALSTEAD: Donna. Yes.

3 MR. WILSON: On the phone, Vastene?

4 MS. OLIER: Yes.

5 MR. WILSON: Mayor?

6 MR. TREVIÑO: Yes.

7 MR. WILSON: Bob?

8 MR. GEYER: Yes.

9 MR. WILSON: And John says yes. 9-0, we have
10 a -- that passes.

11 Now, the last item on the agenda, number 11, is
12 to adjourn. Do I have a motion to adjourn?

13 DR. PETERS: So moved.

14 MS. HALSTEAD: So moved.

15 DR. PETERS: You were in second place.

16 (Laughter.)

17 MR. WILSON: Okay.

18 MS. LANGGUTH: This is Claudia. I second.

19 MR. WILSON: Okay.

20 Unfortunately, we have to ask for another roll
21 call vote. Donna, who made the motion, go ahead.

22 MS. HALSTEAD: I move we adjourn, Mr. Chairman.

23 MR. WILSON: Okay.

24 MS. MALONE: Reba. Yes.

25 MR. FARIS: Vinsen. Yes.

1 MS. LANGGUTH: Claudia. Yes.

2 DR. PETERS: Peters. Yes.

3 MR. WILSON: On the phone, Vastene?

4 MS. OLIER: Yes.

5 MR. WILSON: Mayor?

6 MR. TREVIÑO: Yes.

7 MR. WILSON: And Bob?

8 MR. GEYER: Yes.

9 MR. WILSON: And John. Yes. So we are
10 adjourned. Thank you all very much.

11 (Whereupon, at 2:45 p.m., the meeting was
12 concluded.)

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MEETING OF: Public Transportation Advisory Committee
LOCATION: Austin, Texas
DATE: June 28, 2006

I do hereby certify that the foregoing pages,
numbers 1 through 60, inclusive, are the true, accurate,
and complete transcript prepared from the verbal recording
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(Transcriber) 06/30/2006
(Date)

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