

**MINUTES OF THE TEMPO GENERAL MEETING
TUESDAY, FEBRUARY 19, 2013
ROOM 406, DOWNTOWN HILTON HOTEL
AUSTIN, TEXAS**

Presiding Executive Committee

Place	Name	Term Expires	Representing
TEMPO Executive Director	Ashby Johnson	October 2015	Houston-Galveston MPO
TEMPO Deputy Executive Director	Chris Evilia	October 2015	Waco MPO
TMA - 1	Tom Niskala	October 2013	Corpus Christi MPO
TMA - 2	<i>Vacant</i>	<i>NA</i>	<i>NA</i>
Non-TMA - 1	Karen Owen	October 2013	Longview MPO
Non-TMA - 2	Brad McCaleb	October 2015	Bryan/College Station MPO
Non-TMA - 3	E'Lisa Smetana	March 2014	Abilene MPO

INTRODUCTIONS AND OPENING REMARKS

Executive Director Johnson called the meeting to order and led the room in personal introductions of attendees and a quick overview of the agenda.

Executive Director Johnson then asked for a discussion regarding possible changes to the minutes of the October 2012 general meeting. Seeing no discussion, he requested a motion to approve the minutes. Such a motion was made, seconded, and passed without dissent.

ELECTION OF TEMPO EXECUTIVE COMMITTEE TMA POSITION

Executive Director Johnson announced Roy Gilyard's December 2012 retirement from the El Paso MPO, which opened a position on the TEMPO Executive Committee for the TMA-2 representative position. The immediate-past Executive Director Dan Kessler reminded TEMPO the term for the TMA-2 position is two years, rather than the previously cited three years.

TEMPO Executive Director Johnson requested nominations for filling the vacancy from the floor. David Jones, Director of the Lubbock MPO; Maureen McCoy of the Capital Area (Austin) MPO; and Andrew Canon of the Hidalgo County MPO were all nominated. Deputy Executive

Director Chris Evilia distributed and collected ballots. The tallied results gave Maureen McCoy the position. The term for Ms. McCoy will expire in March 2015.

Resulting Executive Committee

Place	Name	Term Expires	Representing
TEMPO Executive Director	Ashby Johnson	October 2015	Houston-Galveston MPO
TEMPO Deputy Executive Director	Chris Evilia	October 2015	Waco MPO
TMA - 1	Tom Niskala	October 2013	Corpus Christi MPO
TMA - 2	Maureen McCoy	March 2015	Capitol Area (Austin) MPO
Non-TMA - 1	Karen Owen	October 2013	Longview MPO
Non-TMA - 2	Brad McCaleb	October 2015	Bryan/College Station MPO
Non-TMA - 3	E'Lisa Smetana	March 2014	Abilene MPO

Mr. Johnson added a request that Mr. Kessler be appointed to a yet to be created ex-officio (non-voting) position on the Executive Committee. The proposed ex-officio position would be for the immediate-past TEMPO Executive Director—for a term to last as long as the current Executive Director. Mr. Johnson hoped this would preserve continuity of activity in the future and maximize dialogue with TxDOT and FHWA begun under the tenure of the previous Executive Director. After some discussion regarding the bylaws and necessary changes, Mr. Johnson amended his request to ask for a motion to begin a 2-week announcement period for the appointment, which would be confirmed by a majority vote of the attendees of the next TEMPO general meeting. Mr. Brad McCaleb, Director of the Bryan/College Station MPO made the motion, with Ms. Maureen McCoy seconding. Mr. Kessler encouraged future consideration of a re-structuring of TEMPO leadership. The work expected of the Executive Director can be overwhelming at times, Mr. Kessler stated, and more participation from the general assembly and the other members of Executive Committee is optimal.

AMPO DUES

Mr. Johnson reported that dues for membership in the Association of Metropolitan Planning Organizations (AMPO) have recently been raised. Previously, they totaled \$75,000 per year. The fee restructuring will increase the fee for most MPOs (Houston and D-FW fees are capped), in that AMPO is raising the per-capita cost for membership. Mr. Johnson stated he will use the \$15,000 TxDOT distributes to the TEMPO host MPO to cover the anticipated fee increase.

Executive Committee member-elect Maureen McCoy asked whether or not TEMPO received a group discount in its membership fee calculation, to which multiple members present answered “yes”.

COMMITTEE-STYLE MODEL FOR TEMPO BUSINESS

Mr. Johnson reminded the assembly of Mr. Kessler’s previous comments regarding the demanding workload for the TEMPO Executive Director. Due to this reality, Mr. Johnson suggested TEMPO commit to executing its work through committees, which would report back to the Executive Committee and general assembly and make presentations and request votes of approval where applicable. Mr. Johnson requested comment on the idea, predicting that such a change would “democratize” more of the TEMPO work, rather than limiting the activity to the position of Executive Director. Ms. McCoy began the comment period by stating that a UPWP committee was formed to consider changes to the document requirements. That committee, while not yet complete in its task, gave a rewarding experience to participants. Mr. Johnson added that TEMPO should consider creating additional committees such as a legislative committee. This would provide TEMPO leadership and representatives with consensus regarding important legislative principles that, while TEMPO cannot lobby, can educate elected officials on transportation issues.

Mr. McCaleb commented positively on a possible committee structure, with Mr. Karl Welzenbach, Director of the Sherman-Denison MPO agreeing, and asking that members of the Executive Committee be appointed to each committee formed. Ms. E’lisa Smetana, Director of the Abilene MPO, asked if the Executive Director already had some committees in mind. Mr. Johnson responded that he did, at least in part, and added that a Performance Measures committee be formed in part due to the ongoing rulemaking process for MAP-21. Mr. Welzenbach volunteered to participate in the performance measures committee, adding that recent research from the Texas A&M Transportation Institute could inform the efforts.

At this point, Mr. Johnson elaborated that he had attended a meeting with John Barton, Deputy Executive Director/Chief Engineer of TxDOT and Marc Williams, TxDOT Transportation Planning and Programming Division Director, in which was discussed the need to proactively request from FHWA stronger outreach aspects of MAP-21 rulemaking. Mr. Johnson reported that Mr. Barton agreed with his disappointment in recent highly attended conference calls with FHWA to solicit stakeholder input. Mr. Johnson suggested a more desirable method would be nation-wide “listening sessions”—a strategy previously employed by FHWA. TxDOT leadership present at the meeting stated they will draft a letter to FHWA recommending certain outreach tactics in the future and offering discreet suggestions for the rulemaking process and its outcomes. Mr. Johnson stated he would like TEMPO to draft a similar letter, to be used in coordinating a final, composite letter from both TxDOT and TEMPO to send to FHWA. Such a composite letter would be the first time joint comments were made to FHWA by an MPO and TxDOT. Mr. Williams, in attendance at the TEMPO general meeting, agreed. Ms. McCoy

suggested copying AMPO and the US DOT in any final composite suggestion letter—to expand the value of the joint message.

Mr. Evilia stated that his concern regarding performance measures is that the MPOs may be held responsible for metrics that are beyond their area of activity—thus pinning all deficiencies on one culprit. Similarly, he added, is the concern that certain metrics would be applied uniformly statewide. Such a “one size fits all” approach ignores region-wide planning and operations disparities throughout the state. Mr. Johnson added that, based on his previous meeting with TxDOT, it seems that the Texas Transportation Commission as well as Mr. Barton are interested in reliability measures as a part of the solution to this issue. Mr. Evilia contributed that performance measures should address shared goals rather than merely measure past occurrences. Mr. McCaleb additionally volunteered for the performance measures committee.

Mr. Johnson assured those in attendance that not all subcommittees had to be staffed by MPO Directors, that it was permissible to delegate a trusted staff member.

Mr. Kessler listed some additional committees that could be formed: an intermodal freight committee, air quality committee, and travel demand modeling committee. TxDOT has recently picked up the matter of intermodal freight, especially as it relates to the Panama Canal expansion, but a TEMPO committee might still provide important insight. An air quality committee could address multiple near-non attainment MPOs in Texas. A travel demand modeling committee, with approval from TEMPO, could be staffed by the relevant members of MPO travel demand modeling groups.

Ms. McCoy repeated that TEMPO’s UPWP committee was not going to be able to finish its work in time to recommend changes for fiscal year 2014. While unfortunate, the committee had noticed multiple differences in the way Texas MPOs prepared their UPWP, Ms. McCoy said. Ms. Karen Owen, Director of the Longview MPO, asked whether previous work done by specific MPOs on the need for correspondence between an MPO’s APER and UPWP had been considered. Ms. McCoy responded that, yes, previous work had been incorporated, but that, for instance, the San Antonio MPO’s APER and UPWP were different from her organization’s but both were still accepted by FHWA. She wondered how the documents could be amended, given that doing so requires FHWA permission. Mr. McCaleb mentioned that in his previous work with the Arkansas DOT, the federal overseers did not require permission before the UPWPs were amended. Mr. Welzenbach strengthened this statement by testifying that Florida-area FHWA officials only required amendments where total amounts of dollars were changed. Ms. McCoy suggested bringing TxDOT, TEMPO, and FHWA together on this matter for uniformity’s sake—perhaps even to create a template document. It would be further helpful to have a timetable for approval of the documents as well. Mike Leary, FHWA Texas Division Director of Planning and Programming, stated that FHWA is open to discuss administrative amendments’ permission protocol, but that, overall, FHWA needed to know what was being amended and why. The same would hold true for FTA-related changes. Mr. Leary clarified that non-TMAs submit changes to

TxDOT and not FHWA. If amendment approval needs to be formalized and classified then FHWA prefers all parties involved agree on a new setup. Regarding APERs, Mr. Leary informed the meeting that FHWA was reviewing the purpose and need of the document and would report back hopefully sometime in March. Mr. Kessler suggested all TEMPO members transition to a 2-year UPWP and they feel free to cut down on the documents' detail. Mr. Johnson concluded discussion by noting that the current breakdown of UPWP length among MPOs in Texas is that about half draft a 1-year document and half a 2-year. Given the disparity, it would be good for the UPWP subcommittee to investigate this recommendation as well as add strategies for administratively amending a UPWP to their work-list.

Mr. Johnson announced a change that the Houston MPO is considering: requiring recipients of federal funds to report regularly on the status of environmental documents for their federal-aid projects. This would increase a project's chance of advancing to letting according to schedule. The Houston MPO would consider it helpful for TxDOT to support this. Mr. Leary commended the previous related work of a STIP subcommittee he participated in—whose product should be considered in this matter. TEMPO should convene a STIP subcommittee again, Mr. Leary suggested, as there would be work for such a group with regard to environmental review and performance measures when the MAP-21 rules are promulgated. Ms. McCoy added that the Austin MPO has similar interests in assisting local planning agencies with environmental review for the sake of project letting. Mr. Williams of TxDOT responded that they would be happy to support this innovation, and that tracking the progress of environmental review was a worthwhile endeavor. Eduardo Calvo, of TxDOT-El Paso District, supported this effort by mentioning that environmental review should not slow down projects or limit the number of partners consulted during the timetable.

REVIEW PL AND 5303 FUNDS DISTRIBUTION

Mr. Johnson introduced the review of formulas by explaining that the reason it was being discussed today is that there are some MPOs in the state that saw large differences in distribution amounts. In particular, there is a “hold harmless” clause incorporated into TxDOT's distribution formula for FTA 5303 formula. Mr. Johnson reported that TxDOT staff believes the distribution formula is now part of the Texas Administrative Code. Remedying this matter would necessitate a change to the administrative code. The Texas Transportation Commission does not want to review this matter before the conclusion of the current legislative session. As such, Mr. Johnson encouraged TEMPO to decide on any needed changes now—given that UPWPs will be due soon. Mr. Johnson then made reference to a distributed printout showing the current distributions and four scenarios describing potential distribution changes. The change scenarios allowed TEMPO members to avoid the negative implications of the hold harmless clause by combining PL-112 and 5303 funds pre-distribution, and then calculating amounts to be distributed according to the PL distribution formula. The third scenario, Mr. Johnson explained, is basically a formula for fund distribution according to population while maintaining a minimum of \$180,000 for smaller MPOs (In this instance, Texarkana MPO, Sherman-Denison MPO, Victoria

MPO, and Wichita Falls MPO). TxDOT's Bobby Killebrew originally suggested the scenarios. Mr. Johnson then opened the matter up for comment.

Ms. McCoy offered a further explanation of this issue by admitting it was her MPO, the Austin-area MPO, which saw a discrepancy and did not understand the \$90,000 loss they experienced in 5303 funds. even though their population increased. Mr. Kessler explained that though the Austin MPO gained population, the percentage of population within the Census-designated urbanized area (UZA) did not grow as fast as the population outside the UZA. However, the hold harmless clause provides that no MPO receive less money through the funding, even if the Census reduced a metropolitan area's UZA. Mr. Johnson inserted that no one around the TEMPO table remembered agreeing to the hold harmless clause in the funding formula. Mr. Kessler then continued to clarify that the scenarios involving "no takedowns" did not include the set asides for near non attainment areas, non attainment areas, or TMAs.

Mr. Welzenbach questioned how the funding distribution for Sherman-Denison MPO could shrink if the population grew. Mr. Evilia replied that although the total population for an MPO's jurisdiction may grow, the funding could still shrink if the percent of that population residing within the UZA did not grow as fast or did not increase. Mr. Kessler agreed, saying it was the percent of population within the UZA that drove the distribution formulas, not the total population in an area.

Ms. McCoy pointed to this explanation as the motivation for meeting with Mr. Killebrew and attempting to rectify the loss of funds. Mr. Kessler stated it would be optimal to reconsider the hold harmless clause, but that during his tenure as Executive Director TEMPO simply ran out of time. And though in many scenarios D-FW loses money, that choosing an alternative scenario where the Austin MPO did not lose so much or any was the "right thing" to do. Ms. McCoy concluded by assuring members while she understood the original purpose of the hold harmless clause, she questioned why it has to be executed at the expense of metropolitan areas which are growing fastest. Ms McCoy expressed concern at explaining the loss of funds, which would result in a limitation on her MPO staff, to her local policy oversight board.

Mr. Sid Martinez, Director of the San Antonio MPO, expressed similar concern over the utility of the current formulas, mentioning that these numbers are more driven by the 2000 Census rather than the current, more useful 2010 Census.

Mr. Johnson articulated that much of the minimum guarantee amount derives from PL-112 funds and the PL formula. For smaller MPOs that are storing the majority of their PL funds and carrying it over from fiscal year to year, it may not be deemed agreeable by TxDOT if more funding or changes to the formula were requested by TEMPO in the future. Perhaps TEMPO should openly consider instituting a program that addresses large carryover balances. Mr. Welzenbach stated he usually stored up PL funds just as Mr. Johnson was describing, with the intention of spending those funds on the MPO's federally required long-range plan. Currently, he

has two years' worth of PL funds as carryover balances, but all of them will be used up within eighteen months on the long-range plan. Mr. Kessler added that it seems the most "fair" way to design the formula would be on a per capita base. However, such a structure leaves the smaller MPOs in a desperate financial situation. Mr. Kessler recommended using a hybrid formula model that took population into account while raising a consensus-derived "floor" below which small MPOs could not fall. However, the issue raised by Mr. Johnson, carryover balances, currently stands in the way of this hybrid solution moving forward, Mr. Kessler warned. TxDOT does not seem to be willing to use planning funds for smaller MPOs' operations when they hold such high carryover balances. In response to the population-based formula, Mr. Leary questioned the depth of per capita calculations. The metropolitan areas in question are complex, Mr. Leary asserted, and necessitate robust formulas that address numerous aspects of the region. If a certain MPO is being misrepresented by the formula, it may alter the distribution for all MPOs in Texas, thus compounding the problem. In order to make up for any lack, TMAs possess the ability to leverage STP money and toll development credits, but this requires TxDOT participation. Mr. Kessler suggested, and Mr. Leary agreed, requesting the Texas A&M Transportation Institute study what the minimum amount of money for running an MPO is. Mr. Kessler guessed that the amount may be double the current minimum assurance of \$180,000.

Mr. Alan Clark, Director of Transportation and Air Quality at the Houston MPO, introduced a short timetable for resolving this formula question due to the impending implementation of MAP-21, which allocates planning money based on 2000 Census. This significantly affected Texas, a state that grew immensely from 2000-2010. Mr. Clark recommended TEMPO members inform state and local elected officials about the implications of this MAP-21 provision. Additionally, Mr. Clark noted, MAP-21 sets the Surface Transportation Program and Congestion Mitigation and Air Quality program amounts that come to the Houston area. Mr. Clark admitted that though this could not be fixed today that attendees needed to remind their local officials that such an arrangement is insufficient and should be an issue TEMPO agrees to address. Ms. Cindy Mueller, the TxDOT Statewide MPO Coordinator, referenced a 2003 precedent in which TxDOT appealed to the state legislature regarding funding being cut too much. TxDOT asserted then that there would be an inadequate amount distributed through the formulas. It may be in TEMPO's interest to review those proceedings and understand how the formula was revised—especially in that Ms. Mueller recalled an incremental change as the solution. Mr. Williams added to Mr. Clark's comments by clarifying that the underlying problem is that MAP 21 did not benefit Texas by basing distribution numbers on 2000 Census population counts. This deficiency needs to be communicated to elected officials in TEMPO members areas. Mr. Williams continued that carryover balances have to be regarded in considering future levels and solutions to funding. If necessary, Mr. Williams testified, TxDOT may be willing to provide more of a financial backstop, but not without MPOs articulating the reasons for their carryover balances. Mr. Johnson urged TEMPO members to report to TxDOT their reason for holding large carryover balances, where appropriate.

With regard to the overarching discussion as to how to adjust the current distribution formula, Mr. Johnson reminded the assembly any changes must be approved today in order to make it into the next UPWP calculation. Ms. McCoy asked whether legislative cycles should be considered, to which Mr. Johnson reiterated any such delay so as to coordinate with the legislative session would force MPOs to report the funds' losses in the next UPWP. Ms. McCoy agreed this would be unfavorable, noting she raised this issue more than a year ago. Mr. Kessler assured the group that though this discussion was tedious, it deserved their attention—if only to address the drawbacks of the embedded hold harmless clause. A decision today, Mr. Kessler admitted, also fails to address a second pending issue: that the current formula does not adequately address the status of MPOs as non-attainment and near-non attainment areas. Mr. Kessler said he would be remiss not to remind the group of that issue, and that it should be addressed in the near future. Ms. Owen concurred that the “formula” discussion is hard. However, she agrees with the plan to combine the PL-112 and 5303 funds and allocate them through the PL formula because it is the least painful for the group and it gives numbers MPOs can use in their next UPWPs. Ms. Owen reminded TEMPO that with the current distribution CAMPO is losing one transit planner per year. Ms. Owen then made a motion to adjust the formula according to the first scenario, the first white column's results on the appropriate spreadsheet. This column represents the previously discussed combination of PL-112 and 5303 funds pre-distribution, which are then allocated according to the PL formula, thus avoiding the loss of funds inherent in the hold harmless clause in the 5303 formula. The motion is seconded, clarified by Mr. Johnson, and unanimously passed. Mr. Johnson added to the motion the provision that the fiscal year 2015 distribution be re-discussed and any changes be negotiated and amended by TEMPO at subsequent meetings.

83RD LEGISLATIVE SESSION

Mr. Johnson introduced TEMPO Deputy Executive Director Chris Evilia, Director of the Waco MPO, as the presenter for this agenda item. Mr. Evilia introduced some salient points from the regular Texas legislative session so far by stating there is some good news on revenue. In general, lawmakers have acknowledged the insufficiency and that there is a long-term problem. Details become more problematic, Mr. Evilia admitted. Most current bills propose merely shifting revenue from one pot to another; from the general fund to Fund 06 (the state highway fund) or some variant thereof. However, Mr. Evilia cautioned, there has not been much said about what to do with the programs de-funded from the general fund. Senator Nichols has proposed to take the sales tax of new and used vehicles and, over time, shift that to Fund 06. Additionally, Mr. Evilia mentioned that ending diversions from the highway fund is popular but, then again, how do you fund DPS if this is executed?

Mr. Evilia commented that there is a proposal pending to establish a mileage tax, as well as a few bills that are addressing the business of TxDOT, and some that deal with MPO operations—concerning who can sit on policy boards. There is still additional opportunity for bills to be filed. Mr. Evilia requested questions from the floor. None were made.

OTHER BUSINESS

Mr. Johnson requested that any members with additional business beyond the agenda mention it. Mr. McCaleb requested clarification on the payment of travel expenses for Director interviews. Bryan/College Station MPO had invited some prospective hires to fly in and interview for positions and wanted to clarify the process required for approval for paying those expenses. Mr. Kessler mentioned that usually NCTCOG seeks prior approval for the payment of these types of funds. A representative from the TxDOT South Region indicated it may depend on the HR policies of the respective MPO.

Mr. Kessler announced that the NCTCOG MPO federal certification review would be April 30, and that if any other TMAs are interested in learning more about the process that they should inquire of NCTCOG as to the activities and join in as observers.

Without any further business, Mr. Johnson adjourned the meeting with an announcement that he planned on calling another meeting in April at the latest.