

**MINUTES OF THE TEMPO GENERAL MEETING  
APRIL 23, 2013  
TXDOT AUSTIN DISTRICT OFFICES  
7901 N IH 35  
AUSTIN, TEXAS 78753**

INTRODUCTIONS AND APPROVAL OF MINUTES

Executive Director Johnson, H-GAC, called the meeting to order and introduced attendees. Mr. Johnson then overviewed the agenda and asked that a motion be passed to accept it. A motion was made, seconded, and unanimously passed.

AMPO DUES REPORT

Based on information provided in the meeting packet, Mr. Johnson reported that AMPO dues increased for MPOs besides NCTCOG and H-GAC—given that their dues are capped. The difference in dues is available by reviewing the meeting packet spreadsheet. Mr. Johnson reported that H-GAC received “more than enough” from TxDOT to administer TEMPO for this fiscal year and pay AMPO dues, depending on approval from TEMPO.

Karen Dunlap, TxDOT Public Transportation, raised a question regarding the AMPO-produced population numbers in the spreadsheet. Mr. Johnson responded he will find AMPO whether figures refer to “UZA”s or another geographic designation. Tom Niskala, Corpus Christi MPO, made a compound motion to both pay the AMPO dues and determine the exact nature of the population figures in the spreadsheet. The motion was seconded, and passed unanimously.

PROPOSED BYLAWS CHANGE

Mr. Johnson reported that the proposed bylaws amendment has met the procedural requirement for review by TEMPO members, as evidenced by the printout in the meeting packet. The proposed change would create an additional position on the TEMPO Executive Committee—immediate past TEMPO Executive Director. He stated that the general purpose of this amendment is to preserve continuity between in-coming and out-going Executive Directors. A motion was made to add the position to the Executive Committee, it was seconded, and passed unanimously.

## SUBCOMMITTEE FORMATION ASSIGNMENTS AND TASKS

Mr. Johnson introduced the subject of subcommittee formation and makeup. He solicited a call for volunteers to staff the subcommittees, and reminded TEMPO members that MPO Directors are free to appoint members of their staff to these subcommittees as well. The Executive Committee drew up the following list of potential subcommittees:

1. Legislative
2. UPWP
3. STIP/TIP/UTP
4. Performance Measures
5. Funding formula
6. Freight movement
7. TDM—
8. Public Participation

An Air Quality subcommittee was discussed in the Executive Committee meeting, but it was deemed unnecessary given that there is already a working group in place to address those matters. Mr. Johnson stated a sign-up spreadsheet would be sent out to the MPO Directors for volunteers and names to be added to the list. At the next TEMPO meeting, the spreadsheet will be brought back to the general body for approval.

## UPDATE ON UTP COORDINATION WITH TXDOT TP&P

TEMPO Deputy Executive Director Chris Evilia, Waco MPO, introduced Mr. Marc Williams, TxDOT TP&P, to update on changes being considered to the TxDOT Unified Transportation Plan (UTP), the 10-year planning document. Mr. Williams introduced Jessica Butler as the lead contact for UTP questions and issues. Additionally, Robert Ramirez and Dione Albert are available to MPOs to help address any concerns. TxDOT is currently developing the 2014 UTP, while considering the implementation of changes required by the legislature's most recent TxDOT sunset bill. Specifically, all of the UTP projects must be identified and prioritized, for which TxDOT is considering a tiered approach. TTI has been contracted to develop a method for tiering projects which would mainly depend on the respective status of the project development process. Mr. Williams does not anticipate the prioritization changes to be implemented in time for the 2014 UTP. The 2014 document will include an update of funding levels and identified projects. The prioritization process is not project selection—that should be done by the MPOs and local partners at the local level. Rather, it is more of a methodology to identify where UTP projects stand in the development process.

Additionally, TxDOT is taking the UTP through a different approach with identifying 11-PA funding and increasing the authority TxDOT districts have to initiate the project development process. UTP financial constraint has created a challenge in securing approval for construction, but TxDOT is setting up a method to maximize 11-PA district authority. Previously, the 11-PA amount was based on the last four years of the UTP and was limited—unintentionally keeping the “shelves bare” of projects that were

development-ready. The adapted approach in the 2014 UTP would give districts the ability to start project development on all programmed UTP projects. When TxDOT calculates the UTP financial forecast, their method assumes the funding levels through the expiration of the current surface transportation bill, MAP-21, which increased Texas funding by about \$800 million annually. Upon expiration, the official financial forecast reverts to Highway Trust Fund-levels. This would cause the state to lose considerable amounts of funding annually, and was partly the motivation for revising the 11-PA approach. Mr. Williams stated TxDOT is open to further comment and conversation regarding the changes and offered to answer any question TEMPO members may have at this time.

Karl Welzenbach, Sherman-Denison MPO, requested clarification regarding the affect of federal sequestration on MAP-21 funding amounts. Mr. Williams responded that sequestration did not impact Texas very much because it was a reduction of general funds. Statewide the total impact is estimated to be about \$50 million. In fact, MAP-21 aided TxDOT in refinancing bonds and gaining approximately \$2 billion in bonding capacity. The original construction estimates were not sensitive to the recession and TxDOT districts received quotes for much better prices than anticipated. This, coupled with an opportunity to refinance bonds, added \$2 billion of bonding capacity.

Mr. Johnson asked where the responsibility for developing the financial forecasts resides. Mr. Williams responded that the forecasts are the responsibility of the TxDOT Chief Financial Officer, who is identified by state rule as the official prognosticator. Once those funding levels are set the UTP is used as a planning tool. However, Mr. Williams noted that how those funding levels are set can be create challenges for MPOs like H-GAC and NCTCOG—which have to deal with air quality conformity requirements. Minor project changes can put MPOs into non-attainment. Thus, TxDOT is working to see how both ends of the funding spectrum can be balanced. The current conservative approach to forecasting is designed to avoid suggesting more money than will be available. TxDOT does not forecast funds that the federal government has not guaranteed, but at the same time TxDOT realizes the need to plan for the future with or without a federal surface transportation bill.

Mr. Johnson asked how TEMPO may be of assistance to further this work and advance a balanced funding forecast. Mr. Williams answered that input is needed from TEMPO and outside of TEMPO, and related subcommittees. TxDOT recognizes the need for a dialogue on the short-term elements of the UTP in particular.

Mr. Monty Wade, TTI, mentioned that the TxDOT finance division would probably clarify that they are not doing 20 year funding “forecasts” but rather forecasting out 11 years and then blending in previous trends. The Chief Financial Officer's job, Mr. Wade added, is to be as conservative as possible.

Mr. Johnson asked if TxDOT has a requirement that the districts coordinate with MPOs regarding the projects they are using 11-PA funds to develop. A hypothetical disconnect between districts and MPO MTPs could be problematic. MPOs would benefit from

knowing what the district's priorities are. Mr. Williams agreed to send out a reminder to the districts to initiate that dialogue with MPOs and also encouraged the MPOs to reach out to the districts.

Dan Kessler, NCTCOG, encouraged TEMPO to regularly revisit the UTP funding forecast. TxDOT puts figures out for the MPOs, and a review of past forecasts suggests the UTP is programming less and less money each time. As such, NCTCOG has no new freeways in their current MTP, partly due to the appearance that around the 2020 time-frame there is no funding available for additional capacity increases. Mr. Kessler asked for clarification regarding the allocation of dollars to maintenance versus new construction. Mr. Williams responded that funding for new capacity is shrinking relative to that for maintenance and, in light of this, TxDOT wants to reaffirm its intention to work together with MPOs to advance project development. Strong project development activity will ensure that the state legislature and the Texas Transportation Commission are aware of worthwhile investments for leveraging. Mr. Williams encouraged TEMPO members to share with their local policy boards and stakeholders that the Commission will consider in their decisions what level of funding local agencies will support TxDOT with. Current legislation supports this approach by advancing matters such as toll projects, transportation reinvestment zones, and oil and gas-related county transportation fees. Brad McCaleb, Bryan/College Station MPO, clarified that metropolitan areas such as Bryan/College Station and Brazos County do not have the same leveraging capability as some of the faster-growing areas. Mr. Williams committed to continue to dialogue regarding the best fit for each MPO, and reiterated that the "big picture" remains focused on stretching the funds available.

#### UPDATE ON THE JOINT TEMPO/TXDOT LETTER REGARDING MAP-21 PERFORMANCE MEASURES

Mr. Johnson reported that a draft letter on behalf of TEMPO was sent to Deputy Executive Director Barton in advance of USDOT meetings on performance measures. TxDOT sent TEMPO a set of principles in response, included in the meeting packet. Mr. Williams added that the list is what TxDOT considers to be guiding principles in the matter of performance measures, and that Mr. Barton expressed a desire to federal officials to maintain state authority over any future measurement of adopted metrics. Mr. Williams encouraged TEMPO members to recommend these points to their policy committees--in order to establish consistent talking points. Texas is growing quickly, and should not be held accountable for its attractiveness relative to other states in the future implementation of MAP-21 performance measures.

#### UPDATE ON 83<sup>RD</sup> LEGISLATIVE SESSION

Mr. Evilia presented a composite report of MPO-related bills filed in the state legislature, drawn mainly from research completed by H-GAC. Though the bills dealing with transportation revenue are not expected to pass, the fact that so many were filed and thoroughly discussed indicates next session will more actively focus on transportation.

Among the bills listed (full list available in the meeting packet), Mr. Evilia made specific mention of the following:

SB 984—a videoconference bill that applies to five TEMPO MPOs. It has since passed both houses and signed by the Governor. In summary, if a policy committee member cannot attend a meeting on location, they can still quorum through videoconference, with the responsibility to provide technical capability resting with the MPO.

HB 1290—this bill allows for a multicounty transportation reinvestment zone (TRIZ). The bill passed the house but failed to get through the senate in time for passage.

HB 3664—a bill to increase vehicle registration fees for the sake of the state highway fund and current non-tolled highways. It passed the senate but did not pass the house.

SB 1253—a bill prohibiting TxDOT from disinvesting in non-tolled facilities in favor of tolled. It passed the senate but did not pass the house.

SB 1794—would establish a revolving fund allowing an MPO to have an internal fund. However, the bill was left pending in the senate transportation committee.

Regarding the “rainy day” fund, Mr. Evilia mentioned several bills allocating moneys within the fund for both water and transportation projects. The Governor remains open to some spending from the fund, with limitations.

#### STATEWIDE NAMING CONVENTION FOR MANAGED LANES

Mr. Kessler introduced “Texpress”, a public outreach-generated naming scheme for a current planned series of NCTCOG tollway projects. The naming process was conceived due to documented user confusion regarding occupancy rules and rates; as well as the need to identify the planned north central Texas system of electronic toll tag-monitored lanes. In order for the logo selected through the campaign to be used it must be adopted into the Texas transportation manual. As such, it seemed judicious to propose a statewide naming convention for future managed lane projects. Such uniformity could go a long way to standardize the concept of rate usage and occupancy rules in Texas corridors. Mr. Kessler requests the members of TEMPO consider presenting this naming scheme to their policy committees and contact him regarding any questions.

#### SPECIAL ITEM: STATE FUNDING FORMULAS REPORT

Mr. Williams reported that state legislators had requested TxDOT revisit certain aspects of the state’s categorical funding formulas. Some issues raised so far have included transportation activity associated with the Texas-Mexico international border, facilities damaged by increased oil/gas commercial vehicles, congestion levels, and changes stemming from new TMA designation. TxDOT considers TEMPO to be the starting point for all funding formula discussions, and Mr. Williams requested an opportunity to better inform TEMPO of the recent considerations to the formula. This item further references the need to coordinate performance measure implementation under MAP-21, as funding formulas will be more highly scrutinized from now on as to whether they allocate programmed funds toward their highest and best use.

## SPECIAL ITEM: REPORT ON TTI RESEARCH OF MPO OPERATING NEEDS

Mr. Wade presented an update on a request from TEMPO in February 2013 regarding how much “small” MPOs could target as a baseline for operations on a five-year cycle. In working with TxDOT TP&P, TTI developed a study question, and quickly noticed there will be considerable diversity depending on whether the MPO operates as “stand-alone” or nested—that is, within the operational scope of a separate umbrella entity. A questionnaire has been developed and sent out to two tiers of case study MPOs. An oversight work group has been formed, and Mr. Wade is requesting input on study process and the questionnaire from TEMPO Executive Committee members. Mr. Johnson, Kessler, and Evilia volunteered.

## CLOSING REMARKS

Mr. Johnson reminded attendees of a recently announced TIGER grant opportunity, and stated that the next TEMPO meeting will be considered for late June/early July.