

**MINUTES OF THE TEMPO GENERAL MEETING  
JULY 31, 2013  
TXDOT OFFICES  
150 E. RIVERSIDE DR.  
AUSTIN, TEXAS 78704**

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 for a motion to approve the April TEMPO meeting minutes. A motion was made, seconded, and unanimously passed.

PRESENTATION OF FINAL SUBCOMMITTEE ROSTER

Mr. Johnson noted a few changes necessary to the final subcommittee roster, as well as changes wished to be made by TEMPO members. The final roster is a living document, and will be posted on the TEMPO website as soon as possible.

TxDOT REPORTS

Mr. Johnson directed TxDOT staff to begin the presentations listed in the agenda.

**LOCAL GOVERNMENT PROJECT AGREEMENT**

Dave Millikan of TxDOT's Local Government Project Office introduced his role in assisting presentation on LGP office briefing local planning agencies administer federal-aid projects. Mr. Millikan referenced a tri-fold handout that details the requirements for local management of federally funded projects. Every two months the LGP office sends out a newsletter to update constituents of the relevant requirements and regulations, offer training classes (sixteen since January 2013).

Mr. Millikan presented the official regulations for local management of federal-aid projects, a document 333 pages long. The LGP office is in the process of starting a major update to change the format and content of the manual as well as an updated summary of best practices. The updated manual will feature a checklist of program requirements for the convenience of local sponsors, examples of compliance reviews and audits. The actual the manual is also available online to download.

Mr. Millikan noted that the LGP manual does not include FTA or FRA-funded projects, and that one may take a 12-hour class to become qualified to manage a federal-

aid project. Such qualification follows the individual, not the agency. Currently there is no agency-wide qualification procedure. The next meeting of LPGO Advisory Committee meeting is in August and TEMPO Executive Committee member Maureen McCoy will attend. TEMPO members requested Ms. McCoy consider working with the Advisory Committee to consider updating the LGPO certification requirements and policies, in the event it could better streamline project delivery and improve letting schedule compliance. TEMPO members requested input on the relative ease of using STP-MM dollars to fund planning activities in the UPWP. Mr. Millikan and Mike Leary, FHWA Texas Division, agreed to receive comment through the TEMPO Executive Committee or Ms. McCoy. Mr. Johnson added that it may be worthwhile to reconsider the fairness of the State charging MPOs an oversight fee for planning done by MPOs on state facilities. Mr. Millikan encouraged the MPOs contact their local district coordinator in such cases.

### RECENT CHANGES TO FUNDING FORMULAS

Marc Williams, TxDOT TP& P, began discussing funding formulas by updating TEMPO on the effort to consolidate FTA-5303 and PL-112 planning funds. The process has been completed and the understanding is that the funds would be available to the MPOs on the first of October. The previous requirement to spend 5303 funds first is no longer an issue, as the two funding sources are now effectively considered one.

Furthermore, Mr. Williams reported no major statewide changes in the funding formulas as of yet due to MAP 21. A new version of the 2014 UTP will be out in August, hopefully presenting a more planning-focused document and capturing total project cost. Major transportation projects are not defined in the document, because once designated, a project is subject to major reporting requirements. TxDOT wants to make sure the projects are clear, informed, and set up before it is validated as major transportation project in the UTP. The latest version of the UTP will also seek to define and identify 11PA funds for supplemental project authority—funding at the district’s discretion to line up projects for advance in future UTPs.

Regarding future funding, there is very little to no available capacity in the UTP looking forward. TxDOT’s ability to fund new projects is “zero” unless new sources are identified. However, funding formulas need to be updated and verified in the event funding becomes available or in the event formulas are used for alternative sources. For instance, there are currently no Category 2 funds, but that formula could get applied when funds become available. As such, the Category 2 formula needs concurrence from TEMPO.

### FEDERAL LEGISLATIVE UPDATE

Mr. Johnson announced an upcoming meeting in August between TxDOT federal legislative affairs and TEMPO Executive Committee members. TxDOT is in the process of developing an agenda for the next congressional session and transportation bill reauthorization, and they are seeking input for ideas on the agenda contents. TEMPO members were instructed to forward any related recommendations to the TEMPO Executive Director; or the Chair of the TEMPO Legislative subcommittee. Certainly one issue is the MAP-21 “100 bus” rule. Additionally, 2010 census data was not used for the PL-112 formula calculation, thus depriving Texas MPOs of valuable planning dollars.

## TXDOT ADMINISTRATIVE CHANGES

Mr. Jack Foster is presented as the new deputy division director of Transportation Planning and Programming Division, Ms. Peggy Thurin is presented as the new systems planning director, and the effort to hire a statewide rural planning organization coordinator is announced.

Mr. Williams apologized for any confusion surrounding the future of the TxDOT “Regions” offices. The current staff continue to be an important planning resource for TP&P, and are critical in local interaction with TxDOT partner-MPOs. In the meantime, Cindy Mueller has been serving as a liaison to MPOs and regional TxDOT staff. Mr. Johnson recommended strengthening the coordination by hosting a joint environmental/planning conference in 2014. Ms. Mueller reminded TEMPO that the 2014 Planning Forum will be in San Antonio, from January 6-8, at the Grand Hyatt. TxDOT is currently working on session ideas, and has reserved a room for a general TEMPO meeting.

## DELEGATION OF CERTAIN STATE HIGHWAY RESPONSIBILITIES TO MUNICIPALITIES

Mr. Howard Holland, TxDOT Director of the Maintenance Division, presented the subject of state-maintained roads within cities being turned over to local authorities. TxDOT presented to the Commissions in June regarding this matter, and will send out a letter to local authorities soon. Local agencies already maintain signals on the roads in question. The roadways are in mid-size to larger cities, and TxDOT intends to return them to cities in good condition. From TxDOT’s point of view, this will allow municipalities the freedom to redevelop a corridor for economic benefit. TxDOT will honor any currently planned improvements on the corridors in question. The facilities in question are not considered critical to the state roadway system—municipalities would be free to do as they please with them.

## SPEED DATA AND MAP-21 PERFORMANCE MEASURES

The Texas A&M Transportation Institute presented findings from an initial discussion of performance measurement and MAP-21. The presenters addressed the definition of congestion and target values as well. Currently, FHWA is making the measures and is expected to release a series of Notice of Proposed Rulemaking starting in fall 2013, with 90 day comment periods after a release, and finalization in spring 2014.

In general, TxDOT and performance measurement partners have indicated they do not want to be penalized for that which is beyond their control, and that any national measurements should be built on existing performance indicators. The State has been engaged in similar efforts for many years, including the Urban Mobility Report and the Top 150 Congested Roads report. Updates to the performance measurement efforts would be forthcoming.

## TTI PROGRESS REPORT ON SMALL URBAN AREA OPERATING COST STUDY

Mr. Montgomery Wade, TTI, began a presentation on the study of operating costs for smaller MPOs by describing the challenge behind the effort: is not affect the distribution equation while investigating its effectiveness. The objective of the study is to establish some minimal or desirable level for smaller MPOs to operate on. Within a cohort of the fifteen smallest MPOs, the study analyzes the costs of salary and overhead, and not consulting fees. The study does not consider what things the MPO *ought* to be doing, but such a discussion is a natural outreach of this effort. TEMPO realizes that if the values of smaller MPOs cannot be clearly demonstrated, talk of eliminating them could resurface in the next federal reauthorization bill.

While the smaller MPOs can testify as to their operating needs, it is apparent through this study that once an MPA population reaches a certain size, economies of scale develop and the operating strain eases. Mr. Kessler encouraged smaller MPOs to consider what operating funds are being spent on, how effective that expense is, and catalogue ideal tasks. This could support “mature” conversation with fiscal agents regarding certain expenses and shared costs. Mr. Johnson encourages TEMPO to consider the study as a tool for reauthorization negotiation; to help elected officials understand what an MPO does and how much it costs to operate one.

Maureen McCoy, Director of the Capitol-Area MPO, suggests expanding the field of inquiry to all the MPOs in Texas. Executive Director Johnson adds his support to the idea, and concludes to discuss the matter amongst the Executive Committee and in coordination with Ms. Thurin and Mr. Foster

## DISCUSS FALL FHWA PERFORMANCE-BASED PLANNING WORKSHOP

Mr. Kirk Fauver, Federal Highways Administration-Texas Division, announced that the intended fall workshop has to be pushed back due to a delayed Notice of Proposed Rulemaking (NPRM) release schedule. TEMPO members suggested November 14 as a potential new date. Mr. Fauver added that the NPRMs are coming out in 3 waves beginning on October 31 2013. First released will be safety performance measures, followed by pavement conditions, followed by the remaining measures—with two months separating each release. Mr. Jose Campos, FHWA-Texas Division, stated that the November 14<sup>th</sup> release will feature the planning-related NPRMs. Mr. Fauver agreed to check with the scheduled presenter about moving the workshop to November 14th.

In other federal affairs, Mr. Mike Leary, FHWA-Texas Division, announced that SAFETEA-LU allowed states to assume the federal role in environmental findings decisions, and that the Texas Legislature has elected to invoke this right as of the last regular legislative session. Negotiations are currently on-going regarding the explicit hand-over of responsibility, but once a memorandum of understanding is signed, the State will be considered the final authority on environmental permissions for construction of federal-aid facilities. This hand-over should be complete sometime in September 2013, with a possibility for comment by the public on the memorandum of understanding. Whether or not FTA is using this process to hand over the responsibilities as well, Mr. Leary is uncertain.

## TRAVEL DEMAND MODEL DEVELOPMENT FOR MPOS

Ms. Janie Temple, with a TxDOT group that assistance in travel demand model development reviewed current discussions with TEMPO members, a process to which regional coordinators are very critical. TxDOT is currently reviewing CAMPO and the El Paso's models, as well as prioritizing repair on models that are older than 10 years. TxDOT has partnered with Texas A&M to assist Bryan/College Station MPO. Upcoming visits include Texarkana, Midland-Odessa, San Angelo, Tyler, and the Rio Grande Valley in 2015. Relatedly, the Districts can provide demographic assistance through UTSA and the Texas State Data Center. In certain cases, model effectiveness can be deteriorated by the cost-sharing of a modeling employee between the MPO and the fiscal agent. Many times such a set-up requires a consultant and project manager to come in and correct any errors, unnecessarily adding to the model development costs.

## ENVIRONMENTAL JUSTICE ANALYSIS METHODOLOGY

Mr. Isaac Ramirez, Houston MPO, explained that most of the Houston region registers as an EJ-sensitive area based on federal guidance, and that more context-sensitive analysis was necessary. Mr. Johnson wanted to find a way to better reflect the region's more sensitive areas and coordinated the creation of an analysis tool to use moving forward. Other TMAs or MPAs may not be as interested in such a fine granularity of analysis, but that depends on the local situation.

Karl Welzenbach, Sherman-Denison MPO, stated this concern was shared in his area, and asked why population density was not one of the critical analysis factors. Mr. Ramirez replied that some of the Tracts in question were simply too large to consider population density as a shared variable. Ms. Temple offered agency assistance in determining EJ buffer zones in an MPO's jurisdiction, if necessary. H-GAC still needs to formally close the loop on the tool's utility with FHWA and the FTA.