

**MINUTES OF THE TEMPO GENERAL MEETING
JANUARY 6, 2014
GRAND HYATT HOTEL
SAN ANTONIO, TEXAS**

INTRODUCTION AND WELCOME, ANNOUNCEMENTS, AND APPROVAL OF MINUTES

Mr. Ashby Johnson, TEMPO Executive Director, convened the meeting and welcomed the attendees. The minutes from the November 2013 meeting in Austin were introduced and adopted by unanimous consent of those gathered.

HIGH-SPEED RAIL UPDATE

Judge Robert Eckels gave a presentation introducing Texas Central Railway efforts to fund and operate a high-speed passenger rail line between Dallas and Houston. The presentation is available for review on the TEMPO website. Once the presentation concluded, Mr. Eckels opened up for questions from the audience.

Ms. Karen Owen, TEMPO Executive Committee member and Longview MPO Director, asked for the target date of operation. Mr. Eckels replied they were aiming for test runs to begin in 2020 and full operation in 2021.

Mr. Chris Evilia, TEMPO Executive Committee member and Waco MPO Director, asked regarding the chances that the goal of no public subsidies for operation could be achieved. Mr. Eckels replied that those proposing to construct and operate the line were responsible for successful operation of the most profitable high-speed passenger rail line in the world, and were committed to achieving the same in Texas. This aspiration is mainly due to the projected growth in the two metropolitan areas, the current Census-documented “super-commuter” activity, the relatively flat and available land, and the “business-friendly” climate Texas is renowned for.

Mr. Cameron Walker, Midland-Odessa MPO Director, asked what the fuel source would be of the trains. Mr. Eckels replied it would be fully electric, with overhead catenary transmission lines, and on the public utility grid.

Mr. Johnson said he had heard of some consideration of sites outside the urban cores of Dallas and Houston, and added that the last few miles of the Houston approach seemed to be very expensive. Mr. Eckels agreed, but that the current Environmental Impact Study proposed a line from downtown Dallas to the “old Post Office” site north of downtown Houston—so the current plan is to connect the cores of the two metropolitan areas. Though the EIS is preliminary, Mr. Eckels insisted the line would be “in the urban core”, and that the hardest part of the planning work actually involved crossing the Beltway rather than accessing downtown Houston. Additionally, there are no firm plans for station locations right now, and the environmental work should be completed in the short term.

TxDOT REPORTS

E-STIP PRESENTATION

Deferred

TxDOT IMPACT AND MOBILITY IN SHALE AREAS

Deferred

TURNBACK PROGRAM DISCUSSION

Deferred to TML workgroup meeting

TxDOT FOLLOW-UP ON FEDERAL LEGISLATIVE AGENDA

Deferred

ENVIRONMENTAL AND PLANNING DISCUSSION

Mr. Carlos Swonke, Director of Environmental Affairs Division, updated the group on events and programs active at the state level in environmental findings. Mr. Swonke mentioned the “main topic” in the Division at this time was NEPA designation, which refers to the ability of a state DOT to undertake NEPA approval. Once the process is completed, environmental documents would “stop” at TxDOT for streamlining. It eliminates another layer of review, which in some cases is a duplicative layer of review. Procedurally, FHWA has draft rules on the designation but they are not final. Last year there was piece of legislation that gave TxDOT a key authority to move forward while the rules are being finalized. By May TxDOT may have everything in place by to operate under NEPA responsibility assignment. The Environmental Impact Study-level documents currently in the review process will not be affected by any forthcoming changes. The most significant changes from this transfer are internal—TxDOT now is responsible for quality assurance and control, for example. Also, TxDOT and FHWA are revising a lot of internal guidance what goes into an environmental document to ensure better consistency across the state. Additionally, ENV will be updating the TxDOT environmental manual and looking to contribute more training to achieve that level of consistency as well. Training will hopefully be ready by late spring or early summer, and will be available upon request. Mr. Swonke promised the group he would make those details available through TEMPO. TxDOT feels that a well-prepared document is easier to hit the mark of stakeholder and regulatory expectations and avoid iterative revisions.

The related updates and documents will most probably be made available through email blasts at first. New sections of the Environmental manual will be rolled out in early spring. In the interim, Mr. Swonke encouraged project sponsors and MPOs representatives to contact local district offices and not use the Environmental manual.

Mr. Johnson asked what FHWA’s role would be after the transition of NEPA designation to the state. Mr. Swonke replied that FHWA would not be involved on project by project review, but would still be involved in program-level review, and that nothing regarding FHWA would change outside the ENV program. Mr. Leary added that certain projects are not covered in the agreement

governing the transfer of NEPA designation, such as border crossing and state line-related projects. Mr. Johnson asked that Mr. Swonke clarify whether he was talking about both Environmental Assessment and Environmental Impact Study-level categorical exclusions; Mr. Swonke replied they were both included, and that the District can be expected to act within days, rather than weeks, if the CE request is filled out correctly. However, Mr. Swonke added, there will be no requirement for District employees to coordinate with the MPO in evaluating submittals. Mr. Swonke insisted, though, that communication with local project stakeholders is vital to the success of the transition period. Mr. Swonke invited those assembled to take some initiative on the environmental review process, assemble stakeholders, and invite TxDOT to come out and present the changes in the procedure and operating policies.

QUESTION AND ANSWER SESSIONS ON PLANNING ISSUES

Mr. Johnson asked Mr. Marc Williams, interim director of the Transportation Planning and Programming, whether or not TxDOT was outsourcing maintenance on a large, or statewide, scale. Mr. Williams responded that it would be a question better asked of Mr. John Barton, Deputy Executive Director of TxDOT. He added that [in December 2013](#) (see Agenda Item 4), he gave a presentation to the Transportation Commission regarding the operating “split” in expenditures between maintenance and adding capacity to the roadway system. Mr. Williams concluded that there is not a clear line between the two—as a substantial portion of many added capacity projects involve rehabilitation and replacement of facilities. But, that being said, about two-thirds of TxDOT-funded projects are maintenance and rehabilitation of facilities. This estimate does not include non-UTP maintenance contracts. Mr. Williams expects the divide between maintenance and added capacity expenditures to increase as funding tightens—meaning more spent on maintenance and rehab at the expense of roadway capacity added to the state system.

Mr. Johnson then asked Mr. Williams to clarify the role of the UTP as far as a clear statement of TxDOT agency priorities. Traditionally, the UTP was the expression of TxDOT’s priorities in the form of ten-year listing of planned commitment projects, but many TxDOT Environmental Division employees develop environmental clearance documents for projects that are not included in the UTP. Mr. Williams clarified that about an equal UTP dollar-amount of projects are being developed that are not included in the total UTP amount. Due to the practical assumption that funding will be extended somehow in the future, TxDOT is reconsidering how much planning authority should be distributed to the Districts for developing projects in the event additional funding materializes. Again, [the December 2013 presentation to the Commission](#) (see Agenda Item 4) could be a good resource for understanding this scenario. In an effort to understand what each Districts’ priorities are, the Transportation Planning and Programming Division has instructed District officials to engage MPO stakeholders once internal priorities have been attached to the projects they are currently working on. Mr. Williams stated that the end objective of the outreach is to formalize a level of funding that indicates how much program authority can be

used for a basis to insert a developing project into the STIP or MTP, given that FHWA cannot approve a project unless it is in those documents.

Mr. Johnson requested TEMPO be engaged soon on drafting the distribution formula for proceeds stemming from passage by voters of the 2015 transportation funding proposition. Mr. Williams agreed, and stated that there was a rider associated with the proposition that pointed to a few formulas to consider use of in the distribution. The rider mentioned the category 2 formula, the bridge program formula, the maintenance distribution formula, and category 4. The language did not specify, however, how much should be put into each area. Mr. Williams stated there was nothing more specific to share.

Regarding the restructuring of TxDOT regional representatives and MPO coordinators, Mr. Williams remarked that the relevant employees had been brought under the Transportation Planning and Programming Division. The original “regions” concept has been largely disbanded. Mr. Williams sees the individual as an important resource and available to provide consistent service to the state in their current function. The operating manual for the original “regions” concept was found inconsistent with other operating manuals, and was thus revoked. The TPP goal for this new team is to better understand the functions they are performing, and understanding how Administration can help them enhance their current project areas. For now, continue submitting all relevant MPO documents to the same contacts. Cindy Mueller, Texas TPP, will begin to consider the current arrangement’s areas for possible improvement after winding down from the Forum.

PRESENTATION ON INVEST SUSTAINABILITY MODEL

The presentations given by Chad Edwards, NCTCOG and Kirk Fauver, FHWA, are available on the TEMPO website.

REGULATORY UPDATE

Mr. Johnson reminded TEMPO members of the recently finalized and current regulatory updates from the MPOs’ federal partners:

ADVANCED NOTICE OF PROPOSED RULEMAKING ON SAFETY AND ASSET MANAGEMENT *Docket No.* [FTA-2013-0030](#) (Comment period closed)
This announcement will be followed by the official Notice of Proposed Rulemaking (NPRM), currently scheduled for Fall 2014.

PROPOSED POLICY GUIDANCE ON MPO REPRESENTATION OF LOCAL TRANSIT INTERESTS *Docket No.* [FTA-2013-0029](#) (Comment period closed)
No comment was made on this regulatory update item.

PROPOSED PRIMARY FREIGHT NETWORK *DOCKET NO.* [FHWA-2013-0050](#) (Comment period extended to February 15 2014)
This network designation is currently scheduled to be completed sometime in calendar year 2014.

FHWA UPDATE ON DRAFT MAP 21 REGULATIONS

Mr. Mike Leary, Director of Planning and Program Development FHWA-Texas, gave a presentation on the status of regulatory updates stemming from the passage of the MAP-21 surface transportation reauthorization bill in summer 2012. Mr. Leary's presentation is available online at the TEMPO website. Upon concluding his presentation, he expressed concern at the pace of the regulatory update/drafting process, and contributed it to the complexity of the updates needs, the large number of updates of needed, and the extent of feedback received from stakeholders, including those gathered at the TEMPO meeting. Mr. Johnson responded that TEMPO was not surprised at the pace of the effort, given that FHWA was undertaking something he had never witnessed before: updating regulations of a bill while it is expiring. Mr. Johnson asked that direction of the respective House and Senate committees regarding a new bill. Mr. Leary replied that the committees were focused on funding for now—both for the sake of a new bill and to “right the wrongs” suffered by Texas due to changes brought on by MAP-21. The federal position in transportation funding will definitely decrease, Mr. Leary added, but because transportation drives the economy, Congress cannot afford to ignore the situation much longer before a crisis ensues. Mr. Johnson expressed TEMPO's concern that freight be p[roperly funded and considered in any new legislation, more so than it was in MAP-21. Mr. Leary responded that political leadership at the national level much like there has been at the local level would help to ensure such a thing occur.