

Minutes
of the
Transportation Policy Committee
Lubbock Metropolitan Planning Organization
June 17, 2008

The meeting of the Transportation Policy Committee of the Lubbock Metropolitan Planning Organization was held in Room 103 at 1625 13th Street, at 8:30 a.m. on June 17, 2008.

Required notices were given to the members of the Committee and the public. The following Transportation Policy Committee members were present:

Patti Jones, Commissioner, Lubbock County
Tom Martin, City of Lubbock
LeeAnn Dumbauld, City Manager, City of Lubbock
Jim Gilbreath, City of Lubbock
L.C. Childers, City of Wolfforth
John Wilson, Citibus
John Leonard, City of Lubbock

Visitors/Staff: David Jones, Lubbock MPO
Tera Davis, Lubbock MPO
Diane Lann, TxDOT - Austin
Marsha Reed, City of Lubbock
Steve Warren, Texas Department of Transportation
Mitch Satterwhite, City of Lubbock
Randy Henson, City of Lubbock
Norma Ritz Johnson, Chamber of Commerce
James Loomis, City of Lubbock
Todd Reno, Reese Technology Center

Call to Order.

Ms. Jones called the meeting to order at 8:32 a.m.

The Committee moved to the next item.

Acknowledgement of Quorum by Chairman.

Ms. Jones acknowledged a quorum of the Transportation Policy Committee (TPC).

The Committee moved to the next item.

Public Comment Opportunity / Acknowledgment of Guests

Ms. Jones asked for any comment from the public. No comment was made. Ms. Jones welcomed Mr. Todd Reno with the Reese Technology Center.

The Committee moved to the next item.

Approval of the May 6, 2008 minutes of the Transportation Policy Committee Meeting.

Ms. Jones asked for any corrections to the minutes. No corrections were made.

John Wilson made a motion to approve the May 6, 2008 minutes of the Transportation Policy Committee Meeting. John Leonard seconded the motion and the motion passed unanimously.

Ms. Jones asked that the Committee move to Agenda Item 7, as Mr. Warren would need to leave the meeting early to attend another commitment. The Transportation Policy Committee agreed to move to Agenda Item 7 then return to Agenda Item 5.

The Committee moved to the next item.

Presentation, discussion and possible action on the FY 2009 budget for the Lubbock MPO.

Mr. Jones said the budget is simple and he tried to note all of the important items that caused changes in the budget from last year. He stated the first thing he would bring to the TPC's attention is the stated PL112 and 5303 revenue on the statement of income and expenses sheet. He stated that it is an estimate only and the basis of the estimate is an email from the Transportation Planning and Programming Division of the Texas Department of Transportation in Austin that says to assume you will be budgeted at one hundred percent of what you had in FY 2008 and with that directive, that is the number Mr. Jones has used. Mr. Jones verified with Ms. Lann that we are not likely to know the actual allocation until December or so. Ms. Lann agreed. Mr. Jones stated that, in theory, the MPO would operate from October to December with only the contingency money that Mr. Jones built into the budget.

Mr. Jones stated he and Ms. Davis had "scrubbed" the budget and feel that we will save \$54,000 out of this year's operating budget. He stated that the two carryover items listed are confirmed numbers that we received from the TPP in Austin telling us we have this carryover amount. The MPO will need to spend the FY 2006 carryover this year, as we will lose the money if it is not used because it is only a three-year carryover. Mr. Jones said that it appears, based on our estimate, the total revenue available for next year will be \$810,000.

Mr. Jones said the expenses are shown on the statement of income and expenses sheet provided. Expenses that caused considerable change from this year's budget include merit raises for the staff. Mr. Jones explained that his footnote gives the basis for justifying that raise. He passed out his over/under sheet. He stated this helps him know where he is over and where he is under. He pointed out that in most cases the reason we are budgeting less for FY 09 is due to the fact that he is being paid on a contract so those expenses were grouped together into a "Professional Services" category, 8302. He stated that likewise the salaries are done the same way with a substantial reduction in salary and benefits.

Mr. Jones said that if you look to 8406, Other Contributions, one thing that throws a curve in the budget is the inclusion of a \$60,000 operating contingency. He explained that, without knowing until December, exactly what money we will have, we need some operating money and this amount covers that three-month period. If it is not depleted, it will fall to the fund balance and it would be captured and carried over to the next year. He stated that he felt like the money was needed there. He pointed out the over/under sheet shows that he is presenting a budget that is \$28,000 more than this year's budget and that is due to the \$60,000. He said if you pull that contingency money out, he could show a budget actually \$31,000 less than this year's budget.

Mr. Martin stated that he had no problem with the concept of the operating contingency. He stated it is just to ensure that if, when December comes, we receive less money it will cover the expenses and if we do not use it, it will fall to our unexpended carryover. He asked if the discussion the TPC had earlier regarding money available to do the Outer Loop study was included in the 241,000 that is available for future programming. Mr. Jones stated that it was. He stated that the TPC could facilitate the previous action and encumber the money by directing the MPO to put it into the UPWP and title it Outer Loop Feasibility Study. He stated that there is still an option not to use it but it is captured or encumbered and would carry over for two more years. Mr. Gilbreath questioned if the FY 2006 money would be spent first to ensure we do not lose it. Mr. Jones said that it would be spent first.

Mr. Martin said if we get our funding as we expect and don't expend the \$60,000 contingency, the amount available would be \$301,000. Mr. Martin asked where it would be put if the TPC chose to put the line item for the Outer Loop study in the budget? Mr. Jones stated that if the TPC directed it, he would take the fund balance and put it into the UPWP. It would be programmed into the UPWP as an expense item. Mr.

Martin asked if it would be better in the "Contributions – Other" line item. Ms. Dumbauld agreed that would be fine. Mr. Jones stated the money would be moved into the "Contributions – Other".

Ms. Jones asked if the TPC was comfortable in committing all \$241,000 to the UPWP or leaving a small amount as a fund balance. She said she realized we have the \$60,000 although it is unknown at this time what would happen to it. She was concerned that if the \$60,000 were spent and the \$241,000 was committed to this study, when the next budget year comes there would be no cushion whatsoever and if we were to get into the same position of needing to fund three months worth of operating, it would not be available. Mr. Wilson pointed out there was a \$5,000 reserve so there is actually a \$65,000 contingency.

Mr. Martin said that he would not have a problem plugging the \$241,000 into the 8406 and coming out with a zero. He stated that simply says the money has been budgeted for that. He said when we get to the negotiations it is possible that we may only want to commit \$200,000 as an example from the MPO but at least it is a placeholder and allows the MPO to produce the UPWP and meet the deadline.

Mr. Henson said that following Ms. Jones comments, the importance of carryover for the past number of years has been the lifeline of the next year. He said if you are overzealous one year then you are holding your breath the next year and he didn't feel like the next year would be a good year. He stated that the carryover is more than the current availability for programming. Mr. Martin said there is a lot of talk in the legislature about the Sunset report on TxDOT and he said that, reading between the lines of that report, it looks like the legislature, at least from this standpoint, has more of a role for MPOs to take and would assume there would be more funding that would come along for that too. Mr. Martin said that is one thing he got out of the report was that it looked like they wanted a larger role for MPOs. He said it appeared to be something positive on the other side.

Mr. Jones said there is also some concern on the part of MPOs about the increased chatter around the state about the idea of creating RPOs. The concern is that the legislature will have to fund the RPOs with the MPO funding source thereby reducing or making the share of the pie for each MPO smaller in the future. Mr. Leonard stated that he understands being prepared and setting aside money for some future important event that may occur that we are not aware of and feels that this is that need. He feels that it is something that we need to move forward on. Ms. Jones said that she agrees wholeheartedly with moving forward. She said it is the practice of the County not to budget all of the fund balance just because there is need out there. She said that she is at the pleasure of the TPC but that is her personal view that we not budget it all. She felt that there should be a little money held back.

Ms. Dumbauld said when you budget it, you are really putting a placeholder in. She said it will automatically fall to fund balance if it is not used, and based on the negotiations of the group, then you can come back and amend your budget or let it automatically roll down but you will know that you have authority to that level if need be. She said it gives everybody the best of both worlds.

Tom Martin made motion to approve the FY 2009 Budget for the Lubbock Metropolitan Planning Organization with the following change and that is that \$241,130 be added into the 8406 Line Item, Other Contributions, for a placeholder to be used as possible funding for the Outer Loop study. John Leonard seconded and the motion passed with Ms. Jones casting the dissenting vote.

The Committee moved to the next item.

Preliminary Findings of the Joint Federal Certification Review by the Federal Highway Administration and the Federal Transit Administration.

Mr. Jones stated that SAFETEA-LU mandates that FHWA and FTA jointly certify the eight TMAs every four years. The Lubbock MPO recently had their second certification. He stated that the Certification determines whether or not the local MPO is meeting the mandate to provide a 3C Planning Process; Continuing, Cooperative and Comprehensive. Mr. Kirk Fauver, the State Planning Engineer with FHWA, acted as the Chief Examiner. Ms. Lynn Hayes, a Community Planner with FTA, assisted him and Justin

Luther, a right-of-way engineer in the Austin office acted as an observer. In his opening remarks, Mr. Fauver noted that the documentation presented in the desk audit manual demonstrated good participation between the participating agencies and the MPO, which satisfies the SAFETEA-LU, mandate that TMAs must maintain a “stand-alone” position with regard to all the governmental entities that participate. Mr. Fauver also stated that, due to the emphasis placed on the implementation of Title VI requirements by Congress and by FHWA that all MPOs need to strengthen their Title VI requirements. Lastly, Mr. Fauver noted that for the same reasons, every MPO should continue to work to strengthen the feedback loop in their Congestion Management Process.

Mr. Jones said with those comments made the Team launched into a question and answer format that covered all the focus areas that are set out in SAFETEA-LU that continued on through mid-morning on Thursday. During the debriefing the Team gave some commendations. They commended the MPO on the organization and presentation of the desk audit manual. He stated that Ms. Davis worked seven or eight months diligently on the manual and their chins dropped when they walked in the door. Mr. Jones stated that it covers everything that has been done since the last Certification Review.

Mr. Jones said they also commended the MPO on their logistics attributed to the Public Listening Session and Mr. Jones thanked Ms. Davis and Ms. Harvey for making those arrangements. It was held at the Citibus Transfer Center downtown and it went well. Mr. Jones said they also commended the MPO on the interviews that they had with the three elected officials. Mr. Jones thanked Mr. Gilbreath, Ms. Jones and Mr. Head for helping out. He said the Team expressed their thanks to Jerry Cash for taking them on a construction tour. Mr. Fauver said that was the first time anyone offered to do that and they enjoyed it thoroughly and said that just seeing the things on the ground actually put the desk audit into perspective. The Team also expressed a special thanks to Jere Hart for the tour and hands-on demonstration that he gave them of the TMC in the Traffic Engineering Department. The Team actually sat and manipulated the equipment and saw how, if there were an emergency say on the Loop and someone called it in, that you can implement all the signs that are in place now from the Traffic Engineering station.

Lastly, the Team commended the MPO for their strong working relationships with the two Cities, the County and State officials. They also commended the MPO for having strong agreements in place with the various stakeholders that participate in our process. The Chief Examiner said that he felt this was a fundamental strength of the MPO.

The Team also had some recommendations. They recommended that the MPO continue to work towards greater public involvement and suggested a peer-to-peer exchange program with San Antonio/Bexar County MPO. They have launched a program that the Team felt was a good public involvement type program. Mr. Jones stated the MPO would make that contact. They also recommended some English to Spanish translation on our website. They recommended that we update the website more frequently, and especially when we make changes to various components in our plans. The Team also recommended that we include information regarding non-federal funded studies, particularly pedestrian/bike plans that might be funded with Safe Routes to School Grant Programs for information purposes.

The Team thought that it would be beneficial to bring more training to Lubbock. Mr. Jones stated there are a multitude of training programs available from FHWA and from the State. They range from MPO 101 to use to train new board members up to innovative financing. He stated that lastly they told us that we need to improve our visualization aspect of the various plan components. Mr. Jones said we need to work on our mapping and our graphics. He said the maps need to be larger, more detailed with more information on them so they can be interpreted better.

Mr. Jones said the Lubbock MPO basically got a clean bill of health. Mr. Jones said Mr. Fauver would write a final draft, which we will get in about two weeks for our review. Mr. Fauver will come and make a presentation to the TPC of the final findings. Mr. Jones said he would like to extend thanks to Mr. Hopmann, Mr. Warren and Ms. Lann who also sat through the desk audit review. Mr. Jones stated there is no action to be taken on this report.

Ms. Jones said that she wanted to say thank you to everyone involved and thinks it was tremendous for Ms. Davis to have put together the desk audit and for Mr. Jones to come in as the new MPO Director, only having been here for a few months, to go through a Federal Certification and not get any more marks than we did. She felt that the marks given were not severe, so she wanted to thank everyone involved in the Certification.

Ms. Jones stated that she had to leave for another meeting and would turn the chair over to Mayor Martin. Mr. Martin thanked Ms. Jones.

The Committee moved to the next item.

Presentation, discussion and possible action regarding the current status of the Outer Loop Feasibility Study..

Mr. Jones stated that at the last Transportation Advisory Committee meeting, Mr. Randy Henson asked to be on the agenda in order to discuss the feasibility study of the Outer Loop project. His concern was, which was echoed by several other members of the TAC, the importance of continuing that study and the importance of determining exactly where the route is going to be. Mr. Jones said it would be an important feature of growth, not only for the City of Lubbock but the City of Wolfforth as well. The entire region would be affected. Mr. Jones said that Mr. Henson made a presentation to the TAC and gave his reasons why he felt like the study should be continued. Mr. Warren also explained that the contract has not been terminated, but merely suspended.

Mr. Warren stated that TxDOT is facing a funding crisis. He stated as a result of the crisis, in December the decision was made to suspend the contract as it is a project that is way out there. He stated that TxDOT acknowledges Mr. Henson's point that it is a very important study for planning purposes. He said it would be very nice to have a footprint on the ground out there for platting and development purposes. Mr. Warren stated TxDOT is at a point where there is no money to do it. He stated that he told Mr. Jones that TxDOT would be happy to take money from somewhere else, but for the TAC's information the entire contract that was signed with MACTEC Engineering is for 1.8 million dollars. That is for all phases of the contract.

Mr. Warren said Phase 1, which is the feasibility study and the marketing operations is 1.3 million and \$500,000 is for the actual route determination. Mr. Warren stated that before a route is selected a determination would have to be made to determine what kind of facility needs to be built to handle traffic in Lubbock for the next thirty years. Mr. Warren said Mr. Cash had told him that there was a possibility of the MPO contributing \$286,000 that could be made available. Mr. Warren said that is a very generous offer and TxDOT appreciates it; however, there is not much that can be done in the current scenario with that money.

Mr. Warren said the options available are, if the TPC is agreeable to commit that money to this study, that we could go back to Austin and beg and plead that we have local participation through the MPO for this study for nearly \$300,000, for a first phase 1.3 million, and see if they would authorize us to continue with Phase 1 and allocate a million dollars worth of consultant funds to that project and continue. He said that the current environment at TxDOT is that the project is way too far out and there are pressing needs right now that money has to be dedicated to. Mr. Warren said he couldn't even begin to say whether the Administration would authorize that or not. He said that even if they did, Phase 1 does not determine the route. He said he wanted to make that clear. He said Phase 2, which determines the route, is another half million dollars. He said it was a multi-year study so if the MPO were in a position to contribute funds for more than one year, it would be an option down the road to continue the study.

Mr. Warren said the other snag is how do we take money from the MPO and pay a contract that TxDOT has with a consultant. He said he is sure there is a mechanism to do that but he is not sure what it is at this time. Mr. Martin asked that, if for the sake of argument, all the political entities at the table, in one way or another, were able to come up with the balance of the money that is needed, would that have to be

paid to TxDOT up front or, as it is a multi-year study, could it be where we could pay a certain amount each year. Mr. Martin said that everyone else is in the same way as TxDOT with having more to be done than funding allows but felt that it is a very important public policy issue for Lubbock, Lubbock County, and Wolfforth and for everybody in this region. He said it is easy to put it off and say we will let the next group worry about it. Mr. Martin said they are dealing with that now because for twenty-five years that kind of talk has gone on and it has been put off and we have already basically missed out on what was envisioned at least twenty-five years ago with the use of certain farm to market roads. Mr. Martin said that one thing he would like to know is if TxDOT would have to have a check for 1.8 million.

Mr. Warren said he felt it could be done over the multi-year contract as TxDOT has mechanisms by which there are incremental payments and they have been used in Lubbock before as they might remember on Phase 3B with Marsha Sharp Freeway. Mr. Warren said that was a two-payment set up. Mr. Warren stated that he felt it would be beneficial, if we want to pursue this, to sit down with TxDOT Administration and Mr. Hopmann and whomever Ms. Jones would delegate from the MPO and whoever Mayor Martin would delegate from the City of Lubbock to talk about the options and how much money could be available to the study and how it could be phased in over a period of time.

Mr. Warren said the only requirement that TxDOT has is they cannot extend the credit of the State so at any time that the contract had spent more money than what had been put into escrow; they would have to come back and make another withdrawal. Mr. Warren said that would require a fairly detailed negotiation meeting with TxDOT Administration and Mr. Hopmann. Mr. Warren said the elected officials on the TPC carry some weight in Lubbock County, the City of Lubbock and with TxDOT Administration. He felt it would be beneficial to have the parties sit down and talk this out and see if there is a way, between TxDOT, City of Lubbock, Lubbock County and the MPO we could find a way to fund the study. He said the only way to start is to sit down and start talking about it. He felt it should be made clear to the Administration, he said they have tried but are fighting an uphill battle as they are too busy trying to take care of what is under construction without taking on anything planned for construction. Mr. Warren said he didn't feel it would be fruitless to sit down and visit with the Administration and said they are always looking for local participation in projects and it does carry weight with the Administration on making decisions.

Ms. Jones asked if Mr. Warren had any idea when the contract expires? Mr. Warren stated that the consultant had just walked in to the room and introduced Mr. Gerald Sturdivant. He asked Mr. Sturdivant if he knew the expiration date on the contract. Mr. Sturdivant did not know the date. He stated that the feasibility study would have been finished this month if the contract had not been suspended and said that when it was suspended the clock "stopped ticking". Ms. Jones asked if it could be suspended. Mr. Warren stated that it could. She said if the "powers that be" could figure out how to fund the project, it would be to our benefit to make it happen before the contract expires and not have to start over. Mr. Warren said there is language in the contract to extend the date.

Ms. Jones said that she stayed for the last meeting two months ago and it was quite interesting to see the maps that Mr. Henson pulled out from 1942 and here it is 2008 and we are still talking about it. Ms. Jones said she agrees that it is a good idea to sit down and at least start talking about it to find out if there is money that can be pulled together from the other entities. Ms. Reed said that she wanted to comment that at the Transportation Advisory Committee meeting it was discussed and also asked, because there was an extensive, elaborate marketing portion put into this project, if there was a possibility TxDOT considering scaling some of the contract back if we were to look at trying to come together to some kind of funding.

Mr. Leonard said he agrees with the comments made and would like to see this study move forward and any negotiations that need to occur be initiated. Mr. Warren stated that he would like to throw in two things. He stated that the marketing study was thought of because of the fact that, if this project is determined to be a highway type project, would have to be a toll road to be built. He stated that they went into this knowing full well that they would have opposition from people, not only to a toll road but also to the concept of an Outer Loop. He felt that marketing study was a way to get ahead of the curve with the public and sell the idea of long range planning and its benefit to Lubbock from the past using Loop 289 as

an example and to show that this is a beneficial study to help Lubbock continue to grow for the next thirty to fifty years.

Mr. Warren stated that another issue he would throw out is if, in regard to item number five on the agenda, if this is an item you need to have in your 2009 UPWP that you could go ahead and approve this dollar amount in that UPWP and if the negotiations fell through, you could reallocate those funds to some other needs or study. He stated if the TPC needs to make that decision today, he would encourage them to go ahead and make that decision on that budget item.

Mr. Martin asked if there was a need to pass the budget today or if it could wait for another meeting. Mr. Jones said that it needed to be done today because we still have to get the UPWP assembled and to the TAC to approve and then back to the TPC to be approved. It has to be in Austin on August 1, 2008. Mr. Martin asked if it was roughly \$300,000? Mr. Jones said 241,130. Mr. Martin asked Mr. Childers if the City of Wolfforth would be willing to put up some money for part of the study. Mr. Childers said it needs to be done and that he felt it could be looked at and some money possibly added. Mr. Martin asked Ms. Jones if Lubbock County would be willing to look at it. Ms. Jones said that Lubbock County has some money set aside and that the last time it was touched was when they did matching funds for the West 82nd Street project. She stated it was not a huge amount of money but there is some funding.

Ms. Jones cautioned that the rules of the Open Meetings Act would need to be followed and an agenda posted if there would be a quorum of TPC members present during any meeting regarding the Outer Loop Feasibility Study. Mr. Warren said he would suggest that he be allowed to visit with Mr. Hopmann and allow Mr. Hopmann to facilitate the meeting and get the appropriate administration people to come to Lubbock and one representative from each entity should be enough. Mr. Martin said they would work it out. Mr. Warren said he would ask Mr. Hopmann to set up a discussion meeting sometime, hopefully this month.

Ms. Jones asked if someone wanted to make a motion for Mr. Hopmann to facilitate a meeting to look at possible funding for the study.

John Leonard made motion that the Transportation Policy Committee move forward to negotiations with the Texas Department of Transportation Administration and Mr. Hopmann on the Outer Loop Feasibility Study. L.C. Childers seconded and the motion passed unanimously.

The Committee moved to the next item.

Reports

- A. **Cities and County**
- B. **TxDOT**
- C. **Citibus**
- D. **Director's**

Cities and County

No report given.

TxDOT

No report given.

Citibus

Mr. Wilson stated they are working on their budget at this time.

Director

Mr. Jones said that his report was the Certification Report.

Mr. Gilbreath said that if you are asked to go to one of the Certification Review interviews to go. He said he was worried about what might be asked and it was okay. Mr. Leonard said he would like to follow up on the Chair's comments and thank Mr. Jones for doing an excellent job. He stated he is looking forward to a good report and that Mr. Jones had done a lot of work.

Meeting Adjourned.

The meeting adjourned at 9:21 a.m.