

# Capital Area Regional Transportation Planning Organization Quarterly Meeting Summary Minutes

CAPCO Conference Room  
Thursday, June 28, 2001

## **ATTENDEES:**

Jefferson Grimes - TXDoT Legislative Affairs Office  
Judy Miller – City Planner, City of Marble Falls  
Michael Stoldt – City Manager, City of Marble Falls  
Eric Carlson – Mayor, City of Elgin  
H.T. Wright – Judge, Caldwell County  
James Oakley – Commissioner, Burnet County  
Phil Duprey – City Council, Cedar Park  
Clovia English – City Manager, City of Lockhart  
Ray Sanders – Mayor, City of Lockhart  
James Fisher – City Administrator, City of Bee Caves  
Maureen McCoy Daniel – CAMPO  
Michael Aulick – Executive Director, CAMPO  
Emlea Chanslor – Cap Metro  
Dave Marsh – CARTS  
Scott Kniffen – Chief of Police, Sunset Valley  
Neal Kocurek – AARO  
Joe Holland – TXDoT Austin District  
David Hutton – City of Cedar Park  
Jenny Peterman – TXDoT Austin District  
Tex Middlebrook – City Manager – City of Smithville  
Howard Falkenberg - AARO  
Ross Milloy – Austin – San Antonio Corridor Council  
Wade Thomason – Executive Director, Clean Air Force  
Betty Voights – Executive Director, CAPCO  
Richard Kelly – Director of Regional Planning & Information, CAPCO  
Erin Toedtman – Comprehensive Planner, CAPCO

- I. CALL TO ORDER** – Chairman Ray Sanders, Mayor of Lockhart
- II. INTRODUCTION** – Chairman Ray Sanders, Mayor of Lockhart

Mayor Sanders welcomed all attendees and led introductions. He then provided a brief description of CARTPO, emphasizing that the organization would like to jointly understand the problems of the urbanized and rural counties in our region, and to bring these concerns to the attention of state agencies and legislators. This is particularly important since many areas in the region are becoming “bedroom communities” of Austin and are thus experiencing a lot of commuter traffic. In addition, county roads often do not receive the attention that they should. He said that through this organization, we hope to become “one voice” in getting state agencies and others to understand our critical transportation needs.

Mayor Sanders then asked Betty Voights, Executive Director of CAPCO, to add to the introduction. Ms. Voights began by pointing out that CAPCO is now charged with air quality planning for the region. Because the air quality planning area is larger than CAMPO's area, and transportation is impacted by air quality, it would be helpful to have a broader group looking at transportation issues. She also added that CARTPO has been in place for about a year and a half, and that we should use this meeting as an opportunity to determine what its role should be as an organization and how to encourage broader participation.

### **III. PRESENTATION ON TRANSPORTATION-RELATED LEGISLATION – Jefferson Grimes, TXDoT Legislative Affairs Office**

Mr. Grimes introduced himself, and reminded members that Coby Chase, Director of the TXDoT Legislative Affairs Office, attended a CARTPO meeting at the beginning of the year to discuss what we might expect during the upcoming legislative session. Mr. Grimes said that his presentation would focus on some of the outcomes of this proposed legislation. He then distributed handouts, and stated that this was probably the most transportation-focused session he has seen since 1991.

The first issue that Mr. Grimes discussed was the Texas Mobility Fund, which will be on the November 6th Constitutional ballot. He said that the State of Texas has always been a pay-as-you-go state: we have relied exclusively on the collection of gas tax and motor vehicle registration fees to fund the State Highway Program. Although he believes that we will continue to be a user fee-driven state in the future, the Legislature is making a move towards the issuance of debt to fund highway improvements. The Texas Mobility Fund will set up the statutory and constitutional framework for future legislators to dedicate State revenues to the retirement of debt issued by the Texas Transportation Commission (TTC) for highway improvements.

There was a lot of focus at the end of the session on the fact that no money was put into the Texas Mobility Fund. Mr. Grimes said that this is a "glass is half empty" approach, and that the Texas Mobility Fund is a very significant proposed constitutional amendment. Although Texas voters routinely approve debt for local projects, this will be the first time that citizens will have the opportunity to vote on this from a statewide perspective. Mr. Grimes believes that legislators will respond if the voters approve going in to debt to fund highways. If the constitutional amendment is passed, it will be up to future legislators to decide whether the program will be funded through statutory set-aside money, or if it will be more of a general obligation of the State.

Mr. Grimes then discussed a second constitutional issue that will be combined with the Texas Mobility Fund as one item on the ballot in November: Toll Equity. Toll Equity involves amending the constitutional requirement that State Highway Fund money used for toll roads be repaid to the State Highway Fund. Currently, the TTC can put State Highway Fund money into a toll road as long as that money is repaid using the tolls collected from that project. Under this system, every project that the Texas Turnpike Authority (TTA) is considering as a toll project around the state will have eventually been funded as a free road, even though it might take twenty plus years to construct the facility. Allowing the State to put equity into a toll road without requiring that the money be repaid to the State Highway Fund may result in a more positive financial package and in the building of more toll roads. Mr. Grimes said that the TTC supports this idea, and that Governor Perry will push for this constitutional amendment.

Mayor Carlson, from the City of Elgin, asked if there is any organized opposition to this amendment. Mr. Grimes responded that there is none that he is aware of, but that he believes there may be some people who are not ready for the State to go into debt to fund highways.

Judge Wright, from Caldwell County, asked if this amendment would mandate an issuance of a state income tax. He wondered where the money would come from to pay back the debt. Mr. Grimes responded that the constitutional amendment is set up so that future legislators have a choice. First, they can dedicate some type of a fee by statute. This may be an existing transportation-related fee that the Department of Public Safety is involved with now, or it may be a completely new fee. Secondly, funding can be a general obligation of the State. For example, the TTC would issue bonds based on whatever amount of general revenue the Legislature, in a future appropriations bill, sets aside for this purpose. Once the Legislature funds it, these bonds would be retired by the first moneys coming into the State Treasury.

Commissioner Oakley, from Burnet County, inquired about limitations on the use of funding. Mr. Grimes clarified that funds can be used for any state highway system improvement, but that they cannot be used for routine maintenance (e.g., patching a pothole).

James Fisher, Administrator for the Village of Bee Cave, expressed concerns that this amendment would potentially create a situation in which Texas is asked to issue a blank check, and that the Legislature does not have a great history of doing what it says it will do. Mr. Grimes said that the constitutional amendment is not about writing a blank check, and that legislators will decide how much of a bond program this would be.

Ross Milloy, President of the Austin-San Antonio Corridor Council, requested that Mr. Grimes discuss Regional Mobility Authorities (RMAs). Mr. Grimes said that the enabling legislation for Toll Equity grants the TTC authority to establish RMAs. These authorities would be governmental entities of the State, and would be governed by representatives of the counties that make up the RMAs. The TTC wants to be certain that every geographic area of the state would have the ability, at the local level, to construct, maintain, and operate a toll road. Under this proposal, RMAs would have all of the authority that the Texas Turnpike Authority currently has for construction of a toll road.

If an RMA constructs a toll road and there is surplus revenue after the debt is retired, it can do one of three things: (1) spend the surplus on other transportation projects in its geographic region; (2) send it to the Texas Mobility Fund; or (3) reduce the toll.

Dave Marsh, Executive Director of the Capital Area Rural Transportation System, pointed out that he thinks it is clear that the governor's direction was to develop mobility. He believes that the intent of the RMA is to be a flexible mechanism to help counties address their needs.

Judge Wright asked for clarification about the type of roads that this would involve. He said that he did not see how smaller counties, such as Bastrop and Caldwell Counties, could build an RMA. Mr. Grimes pointed out that RMAs are not designed to get the State out of the responsibility of constructing a toll road. The Texas Turnpike Division would still be involved in constructing and developing toll roads throughout the State. This is just another option. He also said that the local governments fund RMA operations.

Mr. Grimes then mentioned that the Legislature fixed the State Infrastructure Bank problem related to loaning money to a county, and passed a bill that prohibits a 2060 permitted truck from crossing a load-zoned bridge, except in land-locked areas. The Design-Build bill, however, was not passed.

### **III. DISCUSSION OF CARTPO'S GOALS, OBJECTIVES, AND MEMBERSHIP**

Various participants voiced their concerns about not being able to lower speed limits, put in traffic signals, provide matching grants, and upgrade roads in their communities in a timely manner. Participants also asked Mr. Garbade, District Engineer for TXDoT, to answer questions about specific community projects and TXDoT procedures.

Richard Kelly, Director of Regional Planning and Information for CAPCO, suggested that each county put together a list of issues and community needs related to transportation. These lists could be combined with lists from other counties and cities to demonstrate the overall transportation needs in the region, as well as to serve as a unified voice when dealing with TXDoT. Mayor Sanders agreed with Mr. Kelly, and suggested that the CARTPO meetings be held in each county so that members will have the opportunity to present their individual problems to TXDoT. He said that rural communities currently do not have a voice in transportation, and CARTPO can certainly do a lot to change this if it can just get organized.

### **IV. AIR QUALITY UPDATE – Wade Thomason - Executive Director, Clean Air Force**

Mr. Thomason opened his discussion by saying that monitoring results indicate that our region has not been conforming to the 1997 standard established by the EPA. Normally, this would mean that we would be declared a non-attainment area. However, because of litigation over the standard, the non-attainment designation process has been significantly delayed. The region has been taking some proactive steps while waiting for an outcome. Almost a year ago, a group of elected officials representing cities and counties in what would be the five-county non-attainment area (Caldwell, Bastrop, Hays, Williamson, and Travis) came together to talk about what we can do to address air quality without waiting for results of the EPA litigation. Over the last year, an advisory group appointed by elected officials has been meeting to develop an early action plan. The EPA has also been focusing on early action, and has come up with the O3 Flex Plan. As part of our initial involvement in this process, the Clean Air Force (CAF) went to member governments in the region to obtain support for submitting a letter of intent to EPA stating that we want to go forward with the O3 Flex Plan.

Mr. Thomason mentioned that the CAF is currently producing a briefing book that will go out across the region. He said that through the O3 Flex Plan, we will define the abatement measures that we plan to adopt and use science to show how effective these measures will be. We will send the draft plan out into the region, and will hold public meetings to obtain input. By this fall, we hope to submit a draft O3 Flex Plan to the EPA. The final plan will not be due until December 2002. The O3 Flex Plan is much preferred over sitting back and waiting for the EPA non-attainment designation.

Mayor Sanders mentioned that cities and counties outside the five-county non-attainment area are still affected by air quality problems. Commissioner Oakley indicated that he has similar concerns. Mr. Thomason clarified that the Clean Air Act determines the air quality region, and that the Metropolitan Statistical Area is the non-attainment area. However, the CAF welcomes participation and would like to see more involvement from interested communities.

Michael Aulick, Executive Director of the Capital Area Metropolitan Planning Organization (CAMPO), added that the EPA could also declare non-attainment areas based on air quality data, so designation is not limited to the MSA. It has even been suggested that Lee and Milam Counties be included in the non-attainment area. Mr. Thomason agreed, but said that there are no monitors in these counties to determine whether or not such a designation is justified.

Commissioner Loucks, from Bastrop County, inquired about the expected costs for conducting the emissions “sniffer” tests. Mr. Thomason said that the most basic test would be about \$13.00-\$15.00, while the more sophisticated test, which simulates road conditions, would cost about \$22.00-\$25.00. Commissioner Loucks was also concerned about the expense associated with installing the testing equipment. Mr. Thomason said that purchasing the testing equipment is optional. However, if you do not want to conduct emissions testing, you must drop your state inspection license. There are also operational costs that are part of the testing equipment.

#### **IV. OTHER BUSINESS**

Mr. James Fisher, Administrator for the Village of Bee Cave, said that he believes this organization could be beneficial, especially if we can present a unified front. He suggested breaking the organization into four or five subcommittees to address the different transportation needs of different areas in the region, and to come back together as a regional group on a quarterly basis. He also said that we need to start forming a better relationship with TXDoT and come up with a better way of presenting our problems to people who can help us. We need to plan ahead for transportation improvements, and it is going to take all of us to address our transportation needs.

Mayor Carlson, from the City of Elgin, said that he believes an organization has value only if it results in change and correcting problems. Mr. Garbade agreed with Mayor Carlson, and said that this group needs to decide what it wants to do: does it want to be a planning group like the MPO that focuses on broad long-range issues; or does it want to focus only on implementation, addressing needs such as stop signs, traffic lights, and rebuilding county roads? He said that the meetings this group has had so far have been great for airing out problems and issues, but the time has come to decide what this group should be. Representatives from TXDoT will be present at the meetings regardless of what the organization decides to do. He added that we also need a lot more participation from the region.

Michael Stoldt, City Manager of Marble Falls, agreed that we need to look at region-wide issues and plan for the long term, especially when considering the current costs of right-of-way acquisition for transportation improvements versus what such acquisitions would cost years from now. Mr. Fisher added that we need to act, rather than react. Most of the frustration he experiences comes from identifying important transportation issues and not seeing anything happen to correct them.

Mayor Carlson suggested that each county designate one person as its CARTPO representative to collect data about specific county needs. A small representative group should then meet for a day to discuss long-range goals and an action plan for the entire organization. After this has been done, we can have a large meeting for all interested parties to build ownership of the organization.

Ms. Voights then suggested that we meet for a working session in late September or early October to address these organizational issues, and everyone seemed to agree that this would be an appropriate course of action.

#### **V. Adjourn**