



*Denton County Transportation Authority  
1660 S. Stemmons., Suite 250  
Lewisville, Texas 75067  
(972) 221-4600  
dcta.net*

**Board of Directors  
Work Session  
March 28, 2013  
1:30 p.m.**

1. Routine Briefing Items
  - a. Financial Reports
    - i. Financial Statements
    - ii. Capital Projects Fund
    - iii. Sales Tax Report
    - iv. Annual Insurance Renewal –TML- Intergovernmental Risk Pool
    - v. Procurement Report
    - vi. FTA Procurement Review
    - vii. Mobile Ticketing
  - b. Capital Projects Update
    - i. GTW Integration
    - ii. Where's My Ride
    - iii. Bus Operations and Maintenance Facility (O&M)
    - iv. Community Enhancements
    - v. Lewisville Bike Trail
    - vi. Positive Train Control (PTC) (Including Consultant Contract)
    - vii. Passenger Amenities
    - viii. Station Improvements
  - c. Communications and Planning
    - i. Marketing and Communications Initiatives
    - ii. Media Coverage
    - iii. Customer Service
    - iv. Advertising Update
  - d. Transit Operations
    - i. Rail Operations
    - ii. Bus Operations
2. Items for Discussion
  - a. Legislative Update
    - i. State
    - ii. Federal

- b. August Service Change Development
    - i. Public Involvement
    - ii. Changes under Consideration
  - c. Customer Survey Results
  - d. Title VI Update
3. Discussion of Regular Board Meeting Agenda Items (March 28, 2013)
4. Executive Session
- a. As Authorized by Section 551.071(2) of the Texas Government Code, the Work Session or the Regular Board Meeting may be Convened into Closed Executive Session for the Purpose of Seeking Confidential Legal Advice from the General Counsel on any Agenda Item Listed Herein.
  - b. As authorized by Texas Government Code section 551.071 consultation with General Counsel regarding pending litigation Cause No 2011-30066-211; URS Corporation v. Denton County Transportation Authority; 211th District Court, Denton County, Texas.
5. Reconvene Open Session
- a. Reconvene and Take Necessary Action on Items Discussed during Executive Session.
6. Discussion of Future Agenda Items
- a. Board Member Requests

**Board of Directors  
Regular Meeting  
March 28, 2013  
3:00 p.m.\***

*\*or immediately following Board Work Session*

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO US AND TEXAS FLAGS

INVOCATION

WELCOME AND INTRODUCTION OF VISITORS

1. CONSENT AGENDA
- a. Approval of Minutes - Board Meeting February 28, 2012
  - b. Acceptance of Financial Reports
  - c. Approve Annual Insurance Renewal - TML- Intergovernmental Risk Pool

2. **REGULAR AGENDA**
  - a. Discussion: Revision to DCTA Board of Directors Bylaws – Specific approval requirements for participation in a Local Government Corporation
  
3. **CHAIR REPORT**
  - a. Committee Appointments
  - b. Access Appeal Panel Representative
  - c. Discussion of Regional Transportation Issues
  - d. Discussion Legislative Issues
    - i. Regional
    - ii. State
    - iii. Federal
  
4. **PRESIDENT’S REPORT**
  - a. Planned Meetings with Area Communities
  - b. Tri-Party Dinner
  - c. American Public Transportation Association Transit Board Member Seminar
  - d. Crisis Communication
  
5. **REPORT ON ITEMS OF COMMUNITY INTEREST**
  - a. Pursuant to Texas Government Section 551.0415 the Board of Directors may report on following items: (1) expression of thanks, congratulations, or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming DCTA and Member City events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.
  
6. **CONVENE EXECUTIVE SESSION**
  - a. As Authorized by Section 551.071(2) of the Texas Government Code, the Board Meeting may be Convened into Closed Executive Session for the Purpose of Seeking Confidential Legal Advice from the General Counsel on any Agenda Item Listed Herein.
  
7. **RECONVENE OPEN SESSION**
  - a. Reconvene and Take Necessary Action on Items Discussed during Executive Session.
  
8. **ADJOURN REGULAR MEETING**

**Chair – Charles Emery**  
**Vice Chair –**

**Secretary – Dave Kovatch**  
**Treasurer – Paul Pomeroy**

**Members – Skip Kalb, Doug Peach, Jim Robertson, Bill Walker, Daniel Peugh,  
 Richard Huckaby, Don Hartman, George A. Campbell, Allen Harris, Carter Wilson  
 President – Jim Cline**

The Denton County Transportation Authority meeting rooms are wheelchair accessible. Access to the building and special parking are available at the east entrance. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling Leslee Bachus at 972-221-4600 or e.mail [lbachus@dcta.net](mailto:lbachus@dcta.net)

**Subject: WS1ai) Monthly Financial Reports****Background**

The financial statements are presented to the Board of Directors on a monthly basis for acceptance. The reports presented for the period ending February 28, 2013 include the Statement of Change in Net Assets, Statement of Net Assets, and Capital Projects Fund. These reports provide a comparison of budget vs. actual for the fiscal year as of the current month.

The following are major variances which are annotated on the Statement of Change in Net Assets, Statement of Net Assets, and Capital Projects Fund:

**Statement of Changes in Net Assets:**

- **Note A:** Passenger Revenues – YTD Favorable by \$84k attributable to A-train ridership being higher than anticipated in the budget. Actual YTD ridership was 213,710 A-train riders compared to budget 159,300 riders, an increase of 54,410 in ridership.
- **Note B:** Contract Service Revenue – YTD Unfavorable by (\$92k) due to lower than anticipated revenue hours in December, offset by higher revenue hours in October, November, January, and February. Actual YTD revenue hours were 24,476 compared to budget 25,259, down 3%. In addition, actual YTD fuel usage was 76,525 gallons compared to budget 83,111 gallons, down 8%.
- **Note C:** Sales Tax Revenue – YTD Favorable by \$350k. Sales tax generated in February has not yet been received and is accrued for the month based on budget. The Sales Tax Report included in this agenda packet provides a more detailed Budget to Actual comparison of sales tax receipts for FY 13.
- **Note D:** Federal/State Grants – YTD Unfavorable by (\$2,837k) due to timing of the Bus O&M project and corresponding delay in grant reimbursement as anticipated in the budget.
- **Note E:** Services – YTD Unfavorable by (\$72k) mainly due to higher than anticipated legal fees (\$74k more than budget), offset by savings in other professional services. This is due to the total expenditure budget of \$250K approved in the FY12 budget not being fully spent. Since operating budget appropriations lapse at year end the balance, \$117,000, will be re-appropriated for FY13 upon completion of the year-end audit.
- **Note F:** Utilities – YTD Unfavorable by (\$11k) attributable to an increase in water usage compared to budget, offset by lower than anticipated electricity costs.
- **Note G:** Purchased Transportation Services – YTD Unfavorable by (\$243k) due to the transfer of a credit for DART's payment of the RDC seat re-upholstery from this account to the Leases account as noted below (\$395k).
- **Note H:** Leases and Rentals – YTD Favorable by \$458k. The lease expenses were reduced due by a \$395k credit from DART for RDC seat re-upholstery

**Statement of Net Assets**

- **Note A:** Investments increased by \$820k. This is primarily due to the net impact of:
  - + Receipt of Sales Tax of \$2,128k
  - - \$1,310k transferred to cover operating and capital expenditures
- **Note B:** Receivables decreased \$378k due to the receipt of sales tax for December sales and UNT payment for two months of services.
- **Note C:** Other Capital Assets increased \$24.6 million and Construction in Progress decreased \$24.8 million due to completed projects that were transferred from CIP to

depreciable assets including professional services associated with the rail construction, rail grinding equipment, and a paratransit scheduling system.

- **Note D:** Bonds Payable: No change in the current month. The first payment for the 2009 Series Bonds of \$885k is due in September 2013.
- **Note E:** Net Income for the month of February was (\$78,429).

**Capital Projects Fund**

- The Capital Projects Fund schedule provides budget to actual comparisons for DCTA bus and rail capital projects. It provides information on a life-to-date basis for approved projects.

**Need**

Provides the Board a monthly review of DCTA's financial position and performance to budget.

**Recommendation**

Staff recommends acceptance.

Submitted by: Marisa Perry, CPA  
Accounting Manager

Final Review:   
V-P Finance/CFO

**Denton County Transportation Authority**  
**Change in Net Assets**  
**Month and Year to Date February 28, 2013**  
**(Unaudited)**

WS1ai

Description	Month Ended February 28, 2013			Year to Date February 28, 2013			Annual Budget	
	Actual	Budget	Variance	Actual	Budget	Variance		
<b>Revenue and Other Income</b>								
Passenger Revenues	100,649	83,562	17,087	506,362	422,859	83,503	1,030,940	Note A
Contract Service Revenue	310,827	310,183	644	1,364,344	1,456,416	(92,072)	3,001,040	Note B
Sales Tax Revenue	1,528,939	1,421,825	107,114	8,127,447	7,777,642	349,805	18,775,391	Note C
Federal/State Grants and Reimbursements	753,189	732,066	21,123	1,435,247	4,272,442	(2,837,195)	10,248,100	Note D
<b>Total Revenue and Other Income</b>	<b>2,693,605</b>	<b>2,547,636</b>	<b>145,969</b>	<b>11,433,400</b>	<b>13,929,359</b>	<b>(2,495,959)</b>	<b>33,055,471</b>	
<b>Operating Expenses</b>								
Salary, Wages and Benefits	655,589	607,232	(48,357)	2,832,513	3,045,500	212,987	7,211,225	
Services	88,777	92,634	3,856	702,525	630,368	(72,158)	1,505,452	Note E
Materials and Supplies	257,276	305,906	48,630	1,090,846	1,497,046	406,200	3,498,665	
Utilities	27,900	31,062	3,162	165,875	155,308	(10,566)	372,740	Note F
Insurance, Casualties and Losses	34,119	45,394	11,276	171,780	226,972	55,191	544,732	
Purchased Transportation Services	783,197	702,515	(80,682)	3,755,672	3,512,577	(243,095)	8,430,186	Note G
Miscellaneous	7,924	8,598	674	34,562	75,572	41,010	151,166	
Leases and Rentals	23,513	22,611	(903)	(194,673)	263,054	457,727	421,330	Note H
Depreciation	771,934	775,162	3,228	2,969,581	3,894,307	924,727	9,320,443	
<b>Total Operating Expenses</b>	<b>2,650,230</b>	<b>2,591,114</b>	<b>(59,116)</b>	<b>11,528,681</b>	<b>13,300,705</b>	<b>1,772,024</b>	<b>31,455,940</b>	
<b>Income Before Non-operating Revenue and Expense</b>	<b>43,375</b>	<b>(43,478)</b>	<b>86,853</b>	<b>(95,281)</b>	<b>628,654</b>	<b>(723,935)</b>	<b>1,599,531</b>	
<b>Non-Operating Revenues / (Expense)</b>								
Investment Income	2,571	3,000	(429)	15,821	15,000	821	36,000	
Gain (Loss) Disposal of Assets	-	-	-	-	-	-	-	
Other Income - Miscellaneous	342	-	342	17,797	-	17,797	-	
Long Term Debt Interest/Expense	(124,717)	(180,743)	56,027	(623,583)	(903,717)	280,134	(2,168,920)	
<b>Total Non-Operating Revenue / (Expense)</b>	<b>(121,804)</b>	<b>(177,743)</b>	<b>55,939</b>	<b>(589,965)</b>	<b>(888,717)</b>	<b>298,752</b>	<b>(2,132,920)</b>	
<b>Change in Net Assets</b>	<b>(78,429)</b>	<b>(221,221)</b>	<b>142,792</b>	<b>(685,245)</b>	<b>(260,063)</b>	<b>(425,183)</b>	<b>(533,389)</b>	

**Denton County Transportation Authority**  
**Statement of Net Assets**  
**As of February 28, 2013**  
**(Unaudited)**

	<u>February 28, 2013</u>	<u>January 31, 2013</u>	<u>Change</u>	
<b>Current Assets</b>				
Cash & Cash Equivalents	5,886,559	5,572,666	313,893	
Investments	8,985,775	8,166,139	819,636	Note A
Accounts & Notes Receivable	4,292,332	4,670,442	(378,110)	Note B
Prepaid Expenses	125,885	160,004	(34,119)	
Restricted Asset-Cash and Equivalents	4,739,197	4,738,380	817	
<b>Total Current Assets</b>	<u>24,029,749</u>	<u>23,307,631</u>	<u>722,118</u>	
<b>Property, Plant and Equipment</b>				
Land	16,228,337	16,228,337	-	
Land Improvements	5,386,734	5,386,734	-	
Machinery & Equipment	1,028,055	1,018,804	9,252	
Leasehold Improvements	55,506	55,506	-	
Vehicles	8,261,725	8,261,725	-	
Computers & Software	262,676	58,808	203,868	
Accumulated Depreciation	(15,216,576)	(14,442,864)	(773,712)	
<b>Total Property, Plant and Equipment</b>	<u>16,006,458</u>	<u>16,567,050</u>	<u>(560,592)</u>	
<b>Other Non Current Assets</b>				
Bond Fees	291,531	309,254	(17,723)	
<b>Total Other Non Current Assets</b>	<u>291,531</u>	<u>309,254</u>	<u>(17,723)</u>	
<b>Capital Assets</b>				
Intangible Assets	16,997,155	16,997,155	-	
Other Capital Assets, Net	240,143,361	215,574,809	24,568,551	Note C
Construction in Progress	67,656,155	92,412,058	(24,755,902)	Note C
<b>Total Capital Assets</b>	<u>324,796,671</u>	<u>324,984,022</u>	<u>(187,351)</u>	
<b>Total Assets</b>	<u><u>365,124,408</u></u>	<u><u>365,167,957</u></u>	<u><u>(43,549)</u></u>	
<b>Liabilities</b>				
<b>Current Liabilities</b>				
Accounts Payable	1,043,693	1,166,574	(122,881)	
Salary, Wages, and Benefits Payable	372,032	361,957	10,075	
Accrued Expenses Payable	3,832,586	3,775,094	57,492	
Deferred Revenues	382,353	399,152	(16,800)	
Interest Payable	534,966	427,973	106,993	
<b>Total Current Liabilities</b>	<u>6,165,629</u>	<u>6,130,749</u>	<u>34,880</u>	
<b>Non-Current Liabilities</b>				
Rail Easement Payable	1,800,000	1,800,000	-	
Retainage Payable	1,596,289	1,596,289	-	
Bonds Payable	35,280,000	35,280,000	-	Note D
<b>Total Non-Current Liabilities</b>	<u>38,676,289</u>	<u>38,676,289</u>	<u>-</u>	
<b>Total Liabilities</b>	<u><u>44,841,918</u></u>	<u><u>44,807,038</u></u>	<u><u>34,880</u></u>	
<b>Net Assets</b>				
Invested in Capital Assets	302,097,018	302,097,018	-	
Unrestricted Retained Earnings	18,870,718	18,870,718	-	
Change in Net Assets	(685,245)	(606,816)	<b>(78,429)</b>	Note E
<b>Total Equity</b>	<u>320,282,490</u>	<u>320,360,919</u>	<u>(78,429)</u>	
<b>Total Liabilities and Equity</b>	<u><u>365,124,408</u></u>	<u><u>365,167,957</u></u>	<u><u>(43,549)</u></u>	

**Capital Projects Fund - DCTA**  
**Budget vs. Actual**  
 As of February 28, 2013  
 (Cash Basis)

Work Session 1a ii

	Original Budget	Revised Budget	February 2013 Expenses Booked	LTD	\$ Under/(Over) Budget	% of Budget (As of February 2013 Close)
<b>ASSETS</b>						
<b>Fixed Assets</b>						
<b>1660 · Construction Work in Progress</b>						
<b>5 · Bus Capital Projects</b>						
<b>50202 · Passenger Amenities (Phase 2)</b>						
5020214 · Acquisition	174,011	229,326		138,973	90,353	61%
<b>Total 50202 · Passenger Amenities (Phase 2)</b>	<b>174,011</b>	<b>229,326</b>	<b>-</b>	<b>138,973</b>	<b>90,353</b>	<b>61%</b>
<b>50301 · Bus O&amp;M Facility</b>						
5030113 · Design	590,000	1,294,280		920,494	373,786	71%
5030115 · Survey, Testing, Inspection		-		97,872	(97,872)	N/A
5030114 · Land Acquisition	1,164,310	1,164,310		1,173,451	(9,141)	101%
5030116 · Building Construction	4,745,690	5,469,392		2,260	5,467,132	0%
5030118 · Canopy Construction		-		-	-	0%
5030120 · Landscaping		472,513		10,000	462,513	0%
5030125 · Utilities		1,362,500		-	1,362,500	0%
5030126 · Furniture, Fixtures & Equipment	1,642,667	517,865		-	517,865	0%
5030128 · Contingency		835,585		-	835,585	0%
5030129 · Project Management	-	341,331		-	341,331	0%
5030131 · Insurance/Bonds		105,521		105,521	-	0%
5030132 · Mobilization		157,060		23,506	133,554	0%
5030133 · Legal Fees		360		-	360	0%
<b>Total 50301 · Bus O&amp;M Facility</b>	<b>8,142,667</b>	<b>11,720,717</b>	<b>-</b>	<b>2,333,104</b>	<b>9,387,613</b>	<b>28%</b>
<b>50302 · Bus Maintenance Equipment</b>						
5030214 · Acquisition	500,000	500,000		78,777	421,223	16%
<b>Total 50302 · Bus Maintenance Equipment</b>	<b>500,000</b>	<b>500,000</b>	<b>-</b>	<b>78,777</b>	<b>421,223</b>	<b>16%</b>
<b>50303 · DDTC</b>						
5030314 · Acquisition	373,282	373,282		-	373,282	0%
<b>Total 50303 · DDTC</b>	<b>373,282</b>	<b>373,282</b>	<b>-</b>	<b>-</b>	<b>373,282</b>	<b>0%</b>
<b>50406 · Where's My Ride</b>						
5040614 · Acquisition	940,485	940,485	990	990	939,495	0%
<b>Total 50406 · Where's My Ride</b>	<b>940,485</b>	<b>940,485</b>	<b>990</b>	<b>990</b>	<b>939,495</b>	<b>0%</b>
<b>50407 · Bus Ops Safety &amp; Security Equipment</b>						
5040714 · Acquisition	88,555	88,555		-	88,555	0%
<b>Total 50407 · Bus Ops Safety &amp; Security Equipment</b>	<b>88,555</b>	<b>88,555</b>	<b>-</b>	<b>-</b>	<b>88,555</b>	<b>0%</b>
<b>50502 · Fleet Replacement</b>						
5050214 · Acquisition	1,968,500	3,136,993		2,871,592	265,401	92%
<b>Total 50502 · Fleet Replacement</b>	<b>1,968,500</b>	<b>3,136,993</b>	<b>-</b>	<b>2,871,592</b>	<b>265,401</b>	<b>92%</b>
<b>Total 5 · Bus Capital Projects</b>	<b>12,187,500</b>	<b>16,989,358</b>	<b>990</b>	<b>5,423,436</b>	<b>11,565,922</b>	<b>32%</b>



**Capital Projects Fund - DCTA**  
**Budget vs. Actual**  
As of February 28, 2013  
(Cash Basis)

Work Session 1aii

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>February 2013 Expenses Booked</u>	<u>LTD</u>	<u>\$ Under/(Over) Budget</u>	<u>% of Budget (As of February 2013 Close)</u>
<b>6 - Rail Construction (RTRFI Funded)</b>						
<b>61102 - Rail Grinding</b>						
6110217 - Track & Civil Work Construction	204,000	204,000		191,609	12,391	94%
<b>Total 61102 - Rail Grinding</b>	<u>204,000</u>	<u>204,000</u>	-	<u>191,609</u>	<u>12,391</u>	<u>94%</u>
<b>61206 - MedPark Extension</b>	1,000,000	1,000,000	-	1,000,000	-	100%
<b>61208 - Rail Station Improvements</b>						
6120815 - Installation		15,000		-	15,000	0%
<b>Total 61208 - Rail Station Improvements</b>	-	<u>15,000</u>	-	-	<u>15,000</u>	<u>0%</u>
<b>61401 - Fare Collection Systems</b>						
6140111 - Engineering	-	68,962		68,963	(1)	100%
6140114 - Acquisition	489,000	582,371		477,281	105,090	82%
6140115 - Installation	80,000	81,771	6,049	101,234	(19,463)	124%
<b>Total 61401 - Fare Collection Systems</b>	<u>569,000</u>	<u>733,104</u>	<u>6,049</u>	<u>647,477</u>	<u>85,627</u>	<u>88%</u>
<b>61403 - Traffic Signals</b>						
6140323 - Crossings/Traffic Signals	2,480,000	3,046,178		2,733,818	312,360	90%
<b>Total 61403 - Traffic Signals</b>	<u>2,480,000</u>	<u>3,046,178</u>	-	<u>2,733,818</u>	<u>312,360</u>	<u>90%</u>
<b>61406 - Positive Train Control</b>						
6140617 - Construction		13,492,026			13,492,026	0%
6140628 - Contingency		728,554			728,554	0%
6140629 - Project Management		2,097,992		461,840	1,636,152	22%
6140633 - Legal Fees		80,939			80,939	0%
6140636 - Vehicle Provisions		597,930		358,758	239,172	60%
6140621 - Systems	-	-		-	-	0%
<b>Total 61406 - Positive Train Control</b>	-	<u>16,997,441</u>	-	<u>820,598</u>	<u>16,176,843</u>	<u>5%</u>
<b>61603 - Stadler Implementation</b>						
6160332 - Mobilization	-	895,803	16,952	540,383	355,420	60%
<b>Total 61603 - Stadler Implementation</b>	-	<u>895,803</u>	<u>16,952</u>	<u>540,383</u>	<u>355,420</u>	<u>60%</u>
<b>61707 - Community Enhancements</b>						
6170711 - Engineering	-	22,000		-	22,000	0%
6170712 - Preliminary Design	-	12,500		37,033	(24,533)	296%
6170713 - Final Design	-	15,000		27,523	(12,523)	183%
6170715 - Survey, Inspection & Testing	-	6,000		-	6,000	0%
6170716 - Building Construction	-	545,000		-	545,000	0%
6170720 - Landscaping	-	25,000		2,500	22,500	10%
6170726 - FF&E	-	10,000		-	10,000	0%
6170727 - Environmental Mitigation	-	4,000		-	4,000	0%
6170728 - Contingency	-	15,029		-	15,029	0%
6170729 - Project Management	-	85,088		-	85,088	0%
6170733 - Administration Fees	-	13,091		13,091	-	100%
<b>Total 61707 - Community Enhancements</b>	-	<u>752,708</u>	-	<u>80,147</u>	<u>672,561</u>	<u>11%</u>

Capital Projects Fund - DCTA  
**Budget vs. Actual**  
 As of February 28, 2013  
 (Cash Basis)

Work Session 1a ii

	Original Budget	Revised Budget	February 2013 Expenses Booked	LTD	\$ Under/(Over) Budget	% of Budget (As of February 2013 Close)
<b>61708 - Lewisville Bike Trail</b>						
6170811 - Engineering	-	75,000	-	-	75,000	0%
6170812 - Preliminary Design	-	75,000	-	-	75,000	0%
6170813 - Final Design	-	41,000	-	-	41,000	0%
6170816 - Building Construction	-	2,410,102	-	-	2,410,102	0%
6170820 - Landscaping	-	21,000	-	-	21,000	0%
6170822 - Bridges	-	55,355	-	-	55,355	0%
6170823 - Crossings/Traffic Signals	-	200,000	-	-	200,000	0%
6170825 - Utilities	-	75,000	-	-	75,000	0%
6170826 - FF&E	-	3,000	-	-	3,000	0%
6170827 - Environmental Mitigation	-	28,800	-	-	28,800	0%
6170828 - Contingency	-	50,000	-	-	50,000	0%
6170829 - Project Management	-	394,454	-	-	394,454	0%
6170833 - Administration Fees	-	60,685	-	60,685	-	100%
<b>Total 61708 - Lewisville Bike Trail</b>	-	<b>3,489,396</b>	-	<b>60,685</b>	<b>3,428,711</b>	<b>2%</b>
<b>61709 - ROW Fencing</b>						
6170914 - Acquisition	25,000	25,000	-	-	25,000	0%
<b>Total 61709 - ROW Fencing</b>	<b>25,000</b>	<b>25,000</b>	-	-	<b>25,000</b>	<b>0%</b>
<b>60701 - Passenger Information</b>						
6070114 - Acquisition	-	56,214	-	23,851	32,363	42%
<b>Total 60701 - Passenger Information</b>	-	<b>56,214</b>	-	<b>23,851</b>	<b>32,363</b>	<b>42%</b>
<b>Total Rail Construction Projects</b>	<b>4,278,000</b>	<b>27,214,844</b>	<b>23,001</b>	<b>6,098,568</b>	<b>21,116,276</b>	<b>22%</b>
<b>61501 - Rail Cars</b>						
6150114 - Acquisition	71,500,000	77,715,424	-	77,781,249	(65,825)	100%
6150128 - FRA Compliance Contingency	-	250,396	-	-	250,396	0%
6150133 - Legal Fees	-	15,005	-	15,005	-	100%
6150129 - Project Management	-	1,814,699	-	1,506,125	308,574	83%
<b>Total 61501 - Rail Cars</b>	<b>71,500,000</b>	<b>79,795,524</b>	-	<b>79,302,379</b>	<b>493,145</b>	<b>99%</b>
<b>TOTAL RAIL CONSTRUCTION &amp; CARS</b>	<b>75,778,000</b>	<b>107,010,368</b>	<b>23,001</b>	<b>85,400,947</b>	<b>21,609,421</b>	<b>80%</b>
<b>Total 1660 - Construction Work in Progress</b>	<b>87,965,500</b>	<b>123,999,726</b>	<b>23,991</b>	<b>90,824,383</b>	<b>33,175,343</b>	<b>73%</b>



**Board of Directors Memo**

**March 28, 2013**

**Item: WSM 1 (a) iii Sales Tax Report**

**Background**

Sales tax represents the single largest source of revenue for DCTA, at 56.7% for FY13 budget. The annual Sales Tax budget is \$18,775,391. Because of its importance in funding of DCTA's ongoing operations, the Board adopted a Budget Contingency Plan that outlines the Agency's response when declines in sales tax hit a specific target. This month, receipts were favorable compared to budget.

- Sales tax for sales generated at retail in the month of January and received in March was \$1,501,720.
- This represents an increase of 7.68% or \$107,115 compared to budget for the month.
- Receipts are favorable 5.50% year-to-date compared to budget.
- Compared to the same month last year, sales tax receipts were 147,734 or 10.9% more.
  
- Member city collections for the month compared to prior year are as follows:
  - City of Lewisville up 13.58%
  - City of Denton up 7.05%
  - Highland Village up 18.9%

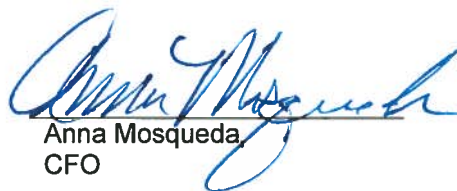
**Need**

Provides the Board of Directors a monthly status on Sales Tax collections.

**Recommendation**

For information only. No action required.

Final Review:



Anna Mosqueda,  
CFO

**Denton County Transportation Authority (DCTA)  
Sales Tax Report  
Budget to Actual and Prev. Yr. Comparison**

Sales Generated in Month of:	Received in month of:	2012-2013 Year Budget	2012-2013 Year Actual	Variance Actual to Budget	CY Actual to CY Budget % Variance	2011-2012 Year Actual	Variance Actual to Prior Year	CY Actual to PY Actual Variance
October	December	\$ 1,385,756.30	\$ 1,637,689.04	\$ 251,932.74	18.18%	\$ 1,345,394.47	\$ 292,294.57	21.73%
November	January	\$ 1,467,497.19	\$ 1,437,883.91	\$ (29,613.28)	-2.02%	\$ 1,424,754.55	\$ 13,129.36	0.92%
December	February	\$ 2,107,957.25	\$ 2,128,329.19	\$ 20,371.94	0.97%	\$ 2,046,560.44	\$ 81,768.75	4.00%
January	March	\$ 1,394,605.60	\$ 1,501,720.29	\$ 107,114.69	7.68%	\$ 1,353,986.02	\$ 147,734.27	10.91%
February	April	\$ 1,421,825.33				\$ 1,380,412.94		
March	May	\$ 1,922,042.18				\$ 1,866,060.37		
April	June	\$ 1,526,010.87				\$ 1,481,563.95		
May	July	\$ 1,613,898.76				\$ 1,566,892.01		
June	August	\$ 1,687,584.24				\$ 1,762,132.21		
July	September	\$ 1,349,344.92				\$ 1,540,038.75		
August	October	\$ 1,350,487.51				\$ 1,533,237.85		
September	November	\$ 1,548,380.37				\$ 1,708,102.34		
<b>Y.T.D Total</b>		<b>\$ 18,775,390.51</b>	<b>\$ 6,705,622.43</b>	<b>\$ 349,806.09</b>	<b>5.50%</b>	<b>\$ 19,009,135.90</b>	<b>\$ 534,926.95</b>	<b>8.67%</b>

Sources: Texas Comptroller of Public Accounts and DCTA Finance Department  
Prepared By: Denton County Transportation Authority Finance Department  
March 7, 2013

**Denton County Transportation Authority (DCTA)  
Member Cities Sales Tax Report  
Month Allocation is Received from Comptroller  
Prev. Yr. Comparison**

City of Lewisville					City of Highland Village						
Sales Generated in Month of:	Received in month of:	2011-2012 Year Actual	2012-2013 Year Actual	Variance Actual to Prior Year	CY Actual to PY Actual Variance	Sales Generated in Month of:	Received in month of:	2011-2012 Year Actual	2012-2013 Year Actual	Variance Actual to Prior Year	CY Actual to PY Actual Variance
October	December	\$ 1,732,551.04	\$ 2,371,149.84	\$ 638,598.80	36.86%	October	December	\$ 243,619.10	\$ 250,035.98	\$ 6,416.88	2.63%
November	January	\$ 1,984,090.82	\$ 1,965,351.05	\$ (18,739.77)	-0.94%	November	January	\$ 243,165.41	\$ 246,297.20	\$ 3,131.79	1.29%
December	February	\$ 2,874,196.38	\$ 3,085,264.25	\$ 211,067.87	7.34%	December	February	\$ 395,580.52	\$ 413,313.51	\$ 17,732.99	4.48%
January	March	\$ 1,797,507.20	\$ 2,041,609.97	\$ 244,102.77	13.58%	January	March	\$ 201,738.67	\$ 239,867.34	\$ 38,128.67	18.90%
February	April	\$ 1,501,720.29				February	April	\$ 215,687.96			
March	May	\$ 2,521,189.10				March	May	\$ 294,815.24			
April	June	\$ 2,056,180.28				April	June	\$ 246,982.39			
May	July	\$ 2,146,891.75				May	July	\$ 280,774.11			
June	August	\$ 2,461,535.81				June	August	\$ 296,673.40			
July	September	\$ 2,130,071.15				July	September	\$ 247,525.92			
August	October	\$ 2,161,803.34				August	October	\$ 240,564.70			
September	November	\$ 2,278,200.43				September	November	\$ 289,237.15			
Y.T.D Total		\$ 25,645,937.59	\$ 9,463,375.11	\$ 1,075,029.67	12.82%	Y.T.D Total		\$ 3,196,264.57	\$ 1,149,514.03	\$ 65,410.33	6.03%

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City of Denton					
Sales Generated in Month of:	Received in month of:	2011-2012 Year Actual	2012-2013 Year Actual	Variance Actual to Prior Year	CY Actual to PY Actual Variance
October	December	\$ 1,847,567.14	\$ 1,947,109.61	\$ 99,542.47	5.39%
November	January	\$ 1,765,223.00	\$ 1,729,577.71	\$ (35,645.29)	-2.02%
December	February	\$ 2,562,967.74	\$ 2,521,245.16	\$ (41,722.58)	-1.63%
January	March	\$ 1,802,513.11	\$ 1,929,589.80	\$ 127,076.69	7.05%
February	April	\$ 1,733,550.06			
March	May	\$ 2,557,253.34			
April	June	\$ 1,825,446.45			
May	July	\$ 1,930,853.61			
June	August	\$ 2,214,480.34			
July	September	\$ 1,919,986.80			
August	October	\$ 1,874,046.32			
September	November	\$ 2,333,782.27			
Y.T.D Total		\$ 24,367,672.18	\$ 8,127,522.28	\$ 149,251.29	1.87%

Sources: Texas Comptroller of Public Accounts and DCTA Finance Department  
Prepared By: Denton County Transportation Authority Finance Department  
March 7, 2013

**All Transit Agencies  
Monthly Sales and Use Tax Comparison Summary**

Transit	Current Rate	Net Payment This Period	Comparable Payment Prior Year	% Change	2013 Payments To Date	2012 Payments To Date	% Change
Houston MTA	1.00%	\$ 47,771,183.39	\$ 41,900,613.17	14.01%	\$ 161,814,662.14	\$ 149,621,907.20	8.15%
Dallas MTA	1.00%	\$ 35,529,139.30	\$ 30,759,025.97	15.51%	\$ 115,433,557.77	\$ 108,528,027.05	6.36%
Austin MTA	1.00%	\$ 13,494,173.88	\$ 12,166,992.34	10.91%	\$ 45,331,609.14	\$ 41,451,004.52	9.36%
San Antonio MTA	0.50%	\$ 8,549,766.90	\$ 7,592,145.02	12.61%	\$ 29,735,208.73	\$ 27,667,826.81	7.47%
San Antonio ATD	0.25%	\$ 3,849,326.41	\$ 3,556,615.76	8.23%	\$ 13,439,289.93	\$ 12,983,988.64	3.51%
Fort Worth MTA	0.50%	\$ 4,379,509.03	\$ 4,012,238.38	9.15%	\$ 14,706,749.99	\$ 13,895,416.34	5.84%
EI Paso CTD	0.50%	\$ 2,731,670.46	\$ 2,584,952.00	5.68%	\$ 9,941,635.25	\$ 9,501,847.95	4.63%
Corpus Christi MTA	0.50%	\$ 2,395,030.35	\$ 2,164,316.49	10.66%	\$ 9,236,117.88	\$ 7,366,136.39	25.39%
Denton CTA	0.50%	\$ 1,501,720.29	\$ 1,353,986.02	10.91%	\$ 5,067,933.39	\$ 4,825,301.01	5.03%
Laredo CTD	0.25%	\$ 545,841.52	\$ 502,561.15	8.61%	\$ 2,000,291.80	\$ 1,853,729.21	7.91%
<b>TOTALS</b>		<b>\$ 120,747,361.53</b>	<b>\$ 106,593,446.30</b>	<b>13.28%</b>	<b>\$ 406,707,056.02</b>	<b>\$ 377,695,185.12</b>	<b>7.68%</b>

Sources: Texas Comptroller of Public Accounts and DCTA Finance Department  
 Prepared By: Denton County Transportation Authority Finance Department  
 March 7, 2013



## Board Memo Work Session

March 28, 2013

### **Work Session Item 1(a) iv** Approval for President to Execute Annual Renewal of TML Intergovernmental Risk Pool Insurance (TML-IRP) Coverage

#### **Background**

In order to provide public services a government entity inevitably exposes itself, its employees and governing body to risk. The various types of risk loss associated with the delivery of public services can take a myriad of forms and these include torts; theft of, damage to, or destruction of assets; errors or omissions; job-related illnesses or injuries to employees; natural disasters; and environmental occurrences.

DCTA has an Interlocal Agreement with the TML-IRP for insurance coverage for workers' compensation, automobile liability and physical damage coverage, errors and omission, crime, general liability, and real and personal property. TML-IRP provides Texas municipalities and other units of local government with a stable source of risk financing and loss prevention services at the lowest cost consistent with sound business practices. In addition, TML-IRP's equity return policy allows the TML-IRP Board to approve equity returns for Liability and Worker's Compensation for members when certain conditions occur. The fund has returned equity to members in 15 out of the past 18 years. The equity return is based on each member's loss experience and longevity as a member of the Pool.

**Workers' Compensation:** TML workers' compensation coverage is first dollar coverage with price based on salary and wages paid to DCTA and TMDC employees during the coverage period.

**Automobile Liability:** TML automobile liability coverage is written with a limit of \$5,000,000 per each occurrence. The automobile physical damage coverage for collision and comprehensive coverage has a \$10,000 deductible for each vehicle. Units with a market value less than \$10,000 are not insured for physical damage. In addition to coverage for the DCTA fleet, the vehicle liability policy covers staff and board members driving their personal vehicles for the benefit of DCTA. The liability coverage would apply after the limits of the individual vehicle owner's policy up to the limits of the DCTA policy. The policy does not provide coverage for damage to the individual's personal vehicle. The policy also provides liability and physical property damage for DCTA staff and board members while traveling and renting vehicles at the travel destination. The individual would have full liability coverage under the policy and physical damage coverage for the vehicle subject to the \$10,000 deductible.

**Mobile Equipment (rail vehicles):** Stadler vehicles property damage.

**Errors and Omissions:** TML errors and omissions liability has a \$10,000 deductible with limits of \$3,000,000 per wrongful act and an annual aggregate of \$6,000,000.

**General Liability:** TML general liability coverage has no deductible with limits of \$1,000,000 per occurrence, \$1,000,000 per occurrence for sudden events involving pollution and an annual aggregate of \$2,000,000.

**Real and Personal Property:** TML real and personal property coverage has a \$250 deductible.

**Crime/Theft:** TML Crime coverage has a \$10,000 deductible and covers computer fraud, public employee dishonesty, forgery or alteration, and theft and or destruction.

**Identified Need**

DCTA must be properly insured and TML-IRP services provide adequate risk coverage, loss control, legal defense and claims handling.


**Financial Impact:**

<b>MARCH 2013 TML INSURANCE COVERAGE RENEWAL</b>			
	<b>FY12-13 BUDGET</b>	<b>FY12-13 BILLED</b>	<b>Budget Variance</b>
Worker comp	\$ 122,202	\$ 106,418.00	
Auto Liability / Phys Damage	\$ 183,130	\$ 171,083.00	
Mobile Equipment	\$ 110,000	\$ 443,564.00	
Real /Per. Property	\$ 125,380	\$ 84,842.00	
General Liability	\$ 300	\$ 228.00	
Errors & Omissions	\$ 1,800	\$ 4,671.00	
Crime Insurance	\$ 1,920	\$ 2,082.00	
<b>TOTAL</b>	<b>\$ 544,732</b>	<b>\$ 812,888.00</b>	
Less Prompt Pymt/Equity Return		\$ (38,930)	
<b>Total Payment</b>	<b>\$ 544,732</b>	<b>\$ 773,958</b>	<b>\$ (229,226)</b>

**Recommendation**

Staff recommends approval to authorize the President to renew the TML-IRP coverage for the risk identified above.

Final Review:   
 Anna Mosqueda, CFO

Approval:   
 James C. Cline, Jr., President





## **Board of Directors Memo**

**March 28, 2013**

### **Item: 1(a)(v) Procurement Status Report**

#### **Digital Communication System**

Two proposals were received and reviewed by the evaluation committee. The services to be provided by the firm selected for this project will be provided by the Where's My Ride contractor. Staff has canceled this procurement and will not make an award.

#### **Management of the Vanpool Program**

Two proposals were received on March 13<sup>th</sup> and are currently under evaluation by staff. It is anticipated a recommendation for award will be presented to the Board for approval in April with the new contract effective in June.

#### **Equipment for New Maintenance Facility**

Two procurements are currently available on BidSync for equipment for the new facility. Bids are due April 9<sup>th</sup> and staff anticipates seeking approval of award on the April agenda. Specifications are in development on the remaining equipment and will be presented to the board in May for approval.

#### **Construction of the Bus Shelters in Denton**

Specifications are currently available on BidSync with bids due on April 4<sup>th</sup>. The pre-bid meeting was held on March 19<sup>th</sup> with five (5) firms in attendance. Staff anticipates seeking approval of award on the April agenda.

#### **Investment Advisory Services**

Specification development is currently underway to solicit for investment advisory services. Our current contract will expire in September. Staff anticipates releasing the procurement in May with award of the contract in July.

#### **Fleet Repair and Painting Services**

The current contract will expire in October and staff is developing specifications for the procurement of collision repair and painting services. Staff anticipates releasing the procurement on BidSync in April with award in August.

#### **Space Planning and Furniture Procurement**

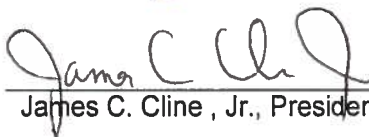
In preparation for the new bus operations and maintenance facility a space planner will be procured to help staff determine the furniture and fixtures most conducive to a maintenance facility. The space planner will work with staff to determine our needs and will assist in the preparation of the furniture specifications. Based on the construction schedule it is anticipated the procurement for the furniture would be released in late summer with award in October. This schedule should allow for the time needed to receive and install the furniture upon receipt of certificate of occupancy of the facility.

**Software for Fleet Management**

A procurement for the purchase of a fleet maintenance, parts inventory control software will be released in early April with award at the May meeting. The software will allow fleet management to track inventory of fleet and parts inventory and to maintain maintenance records on each vehicle. The software will also track NTD data and data required for the triennial reviews.

Submitted by:   
Athena Forrester, Procurement  
Manager

Final Review:   
Anna Mosqueda, CFO

Approval:   
James C. Cline, Jr., President



**Board Memo Work Session** **March 28, 2013**  
**Work Session Item 1(a) vii Status Update on Mobile Ticket Application (GoPass)**

**Background**

At board meetings in late 2012, staff briefed the board regarding progress on the regional mobile ticketing application that DCTA was participating in with DART and the "T". DART entered into an agreement with UNWIRE a to develop and deliver the mobile ticketing application.

DCTA staff has participated with DART and the "T" throughout the vendor selection and design development. The application has been developed as a regional project. DART is the lead agency and is the agency contracting with UNWIRE. DCTA and the 'T' will have ILA's with DART which will address methods for handling hosting and transaction based fees related to credit card payment processing among other items. Marketing will be handled with a regional focus as well. The ILA is in the draft stages and is currently being reviewed by various agency staff and will be forwarded to legal for review and comment. The plan is to have ILA for Board action in April.

The initial public testing (beta) test will begin in mid-June and run until mid-July with the public launch planned for late August 2013. The current plan is to post the application to the stores on August 30 and schedule promotional events to officially kick off the project.

DART has also contracted with a design firm to assist with the digital marketing efforts for the application.

Staff will present a short video of the GoPass application, which provides a better look at the actual application animation.

No action is required at this time.

  
 Anna Mosqueda, CFO

**Board of Directors Memo**  
**Item: 1(b) Capital Projects Update****March 28, 2013****GTW Implementation**

Staff continues to work with HTSI, Stadler and the FRA to test GTWs with the intent of eventually operating single units. HTSI, DCTA and the FRA will conduct testing on Sunday March 24<sup>th</sup> to gauge a single GTW's ability to shunt in the northern section of the A-train corridor. As discussed previously, single car testing in the Hebron area was not successful.

**Where's My Ride**

Staff is in the process of negotiating a contract with Strategic Mapping for the development of the WMR project. Once finalized, an updated project schedule will be provided. Project completion is anticipated to occur prior to the end of the 2013 calendar year.

**Bus Operations and Maintenance Facility**

Work is ongoing on the public improvements, particularly the drainage way. The contractor has also completed most of the building piers and grade beams. The second vehicular bridge has been removed as an alternate. The actual location of underground utilities in the vicinity of the drainage way would require a complete redesign of the bridge. The bridge would have assisted with Phase Two of the facility and is not required for Phase One. Bus Operations was consulted prior to eliminating this from the scope of the project. The scope of the project has been increased slightly to include repairs and upgrades to the channel under the rail bridge and the Hike and Bike trail. While not required for this project, this work will protect the integrity of these structures and provide for better water flow through the channel. Four change requests are being reviewed by Huitt-Zollars at this time. One is a credit for deletion of the alternate vehicular bridge. The other three reflect changes made during the final plan review, unforeseen conditions on the site, and unanticipated utility conflicts. The net change will not increase the Ratcliff contract amount. Project completion is anticipated in January, 2014.

**Community Enhancements**

90% plans have been submitted to TxDOT and the City of Denton for review. We are awaiting comments. The schedule reflects construction start late summer, 2013, so that planting can be completed in the Fall.

**Lewisville Hike/Bike Trail**

Jacobs has begun work on Phase 1 of the project, including data gathering and base map preparation, corridor analysis and a draft concept design. A meeting is scheduled on April 6<sup>th</sup> with the City of Lewisville stakeholders and DCTA to walk the route and identify any major issues. Phase 1 is expected to be complete at the end of April 2013. Final engineering is expected to be complete in late 2013 with construction start in the spring of 2014.

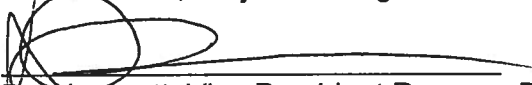
**Positive Train Control (PTC)**

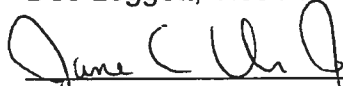
The high level budget and Executive Summary for the regional effort will be complete in April and ready for presentation to the Steering Committee. Per their preliminary schedule, the DBI bid documents will be complete by the end of June, 2012. A review and update the LTK contract will be provided at the board meeting.

**Passenger Amenities**

Drawings have been submitted to Engineering inspection for review. The bid package for construction has been issued. Bids are due April 4, 2013. Staff may opt to delay bid award if Engineering comments are not returned prior to April Board Meeting.

Submitted by:   
Ann Boulden, Project Manager

Reviewed by:   
Dee Leggett, Vice President Program Development

Approval:   
James C. Cline, Jr. P.E.  
President



# COMMUNICATIONS AND PLANNING REPORT

March 28, 2013

## Marketing and Communications Initiatives

Community Open House Events Communication  
 Late Night Train Communication  
 University Pass Promotion  
 American Airlines Cntr. Events Communication  
 Apartment Community Outreach  
 International Student Outreach  
 Arts & Jazz Festival Outreach Planning  
 Summer Orientation Outreach Planning  
 Summer Youth Pass Promotional Development  
 A-train Magazine Content Development

I-35E Construction Campaign & Communications  
 Communication Architecture Development  
 DentonRadio.com Partnership  
 Social Media Presence Enhancement  
 Where's My Ride? (GO Time) Comm. Planning  
 Rider Text Alert System Communication Planning  
 Website Enhancement  
 Rail Safety Outreach  
 Bus Driver Recruitment

## Regional Initiatives

NCTCOG Air Quality Public Relations Task Force  
 Regional Saturday Fare Promotion Coordination  
 Regional Events Promotion Coordination

Mobile Ticketing (GO Pass) Communication  
 Planning  
 Transit Advertising

## Recent Events

2/25	Calhoun Middle School Field Trip/Travel Training	170 attendees
3/7	UNT International Student Travel Training	8 attendees
3/9	UNT International Student Travel Training	5 attendees
3/16	Dallas St. Patrick's Day Parade (Regional promotion)	
3/19	Denton Apartment Management Crime Prevention Meeting	18 attendees
3/21	REACH of Denton Travel Training	10 attendees
3/25	REACH of Denton Travel Training	10 attendees

## Upcoming Events

4/4	Denton Information Network
4/10	Lewisville Apartment Managers Meeting
4/11	Citizen's Advisory Team, Lewisville
4/11	Community Open House: August 2013 Service Changes, Highland Village
4/11	Twitter Townhall Meeting: August 2013 Service Changes
4/18	Citizen's Advisory Team, Denton
4/19-4/20	Fort Worth Main Street Arts Festival (Regional promotion)
4/19	UNT International Student Transportation Meet & Greet
4/20	Community Open House: August 2013 Service Changes, Lewisville
4/20	Community Open House: August 2013 Service Changes, Denton
4/26 - 4/28	Denton Art's & Jazz Festival
5/9	Greater Denton Arts Council "It's In the Bag"
5/16	Rail Ready: Denton Olive Stephens Elementary



# COMMUNICATIONS AND PLANNING REPORT

March 28, 2013

## General DCTA Related Media

Articles Mentioning DCTA	11
Web Reach Per Million	7
YTD Web Reach Per Million	1,407

Month Total Ad Value	\$ 3,071
YTD Total Ad Value	\$ 75,252

### *Topic Highlights:*

- Where's my ride delivers real-time information
- DCTA installs vending machine at Trinity Mills
- A-train Experiences Strong Ridership in First Quarter
- Commuters give up the 'ball and chain'

# COMMUNICATIONS AND PLANNING REPORT

October 25, 2012

## Customer Service Performance

### Call Center Monthly Statistics

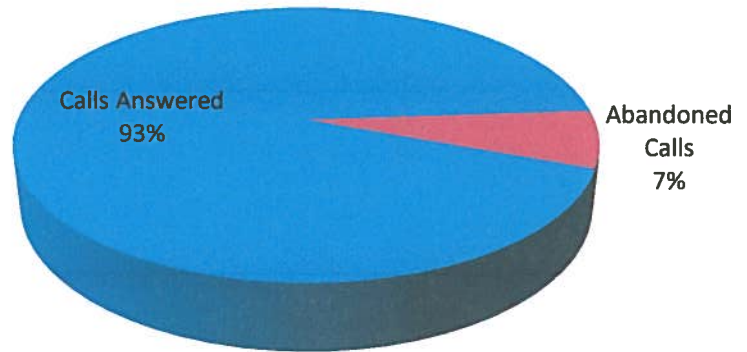
In February, DCTA's call center received 2,001 calls compared to 5,117 calls for the whole of January. 1,867 of those calls were answered and 134 were abandoned. **Twelve reporting days were missed in February due to an employee error. Retraining has occurred and backup measures have been put into place.**

The target for answered calls is 90%. With a 93% rate of calls answered this target was met this month.

DCTA's target talk time is three minutes. The longest queue time that we would like to see is three minutes. The ideal average queue time is 90 seconds.

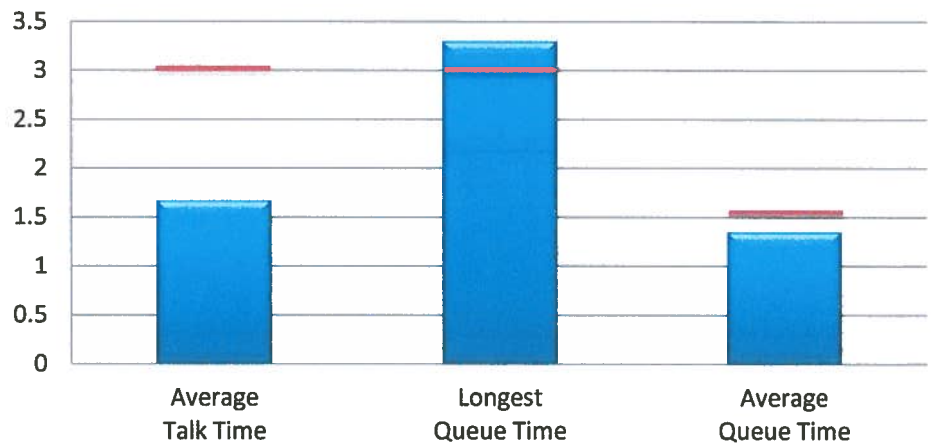
### Incoming Calls

2/1/13 - 2/28/13



### Call Center Performance

2/1/13 - 2/28/13





# COMMUNICATIONS AND PLANNING REPORT

October 25, 2012

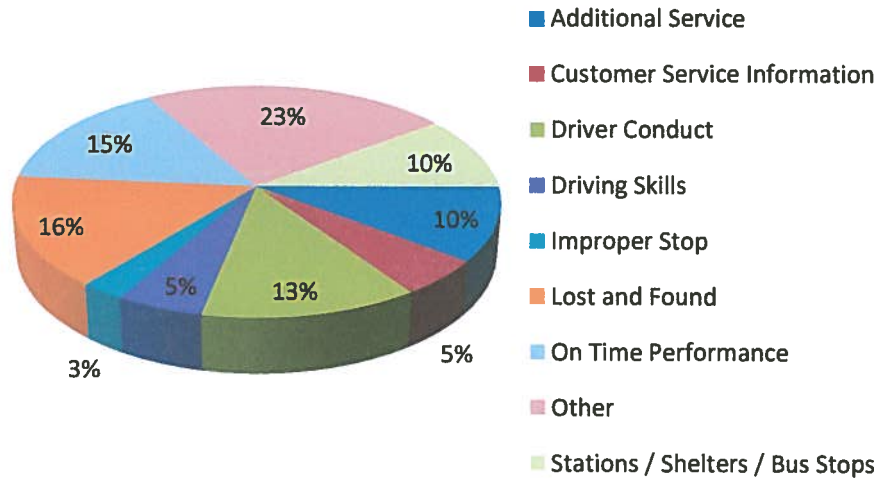
## GoRequest Monthly Statistics

DCTA had a total of 39 requests during the month of February. This is a 24% decrease from the month of January.

Additional Service	4
Customer Service Information	2
Driver Conduct	5
Driver Skills	2
Improper Stop	1
Lost and Found	6
On Time Performance	6
Other	9
Stations / Shelters / Bus Stops	4

### Topic Counts of Opened Requests

2/1/13 - 2/28/13



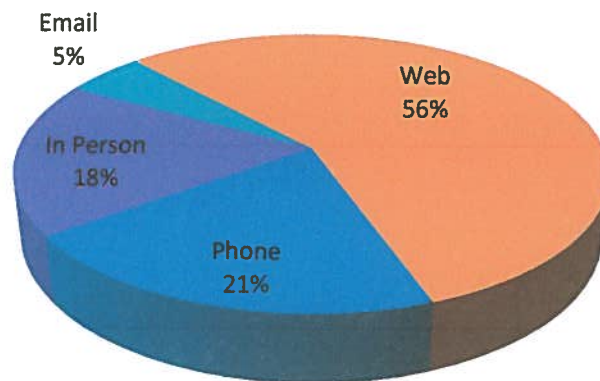
When a passenger enters a request they are asked to categorize it into a particular type. There are five request types to choose from complaint, compliment, problem, question and suggestion. Of the 39 requests received in February, the breakout looks like this:

Complaint	18
Compliment	2
Problem	0
Question	13
Suggestion	6

0.55 Complaints/10,000 Passengers  
 1.20 Total Requests / 10,000 Passengers

### How Requests Are Reported

2/1/13 - 2/28/13



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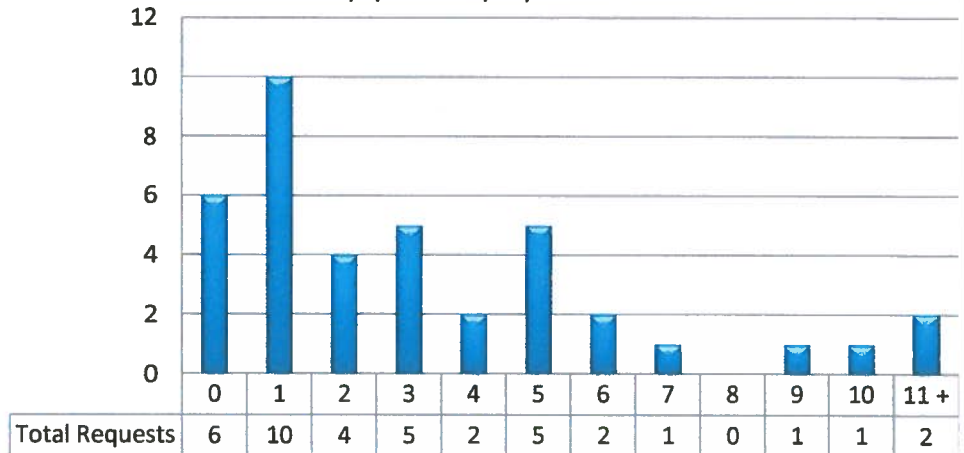
DCTA has set a goal to have all requests closed within seven days. Ten days is the maximum number of days that a request is allowed to remain unresolved.

Of the three requests that took ten or more days to close, two were handled with the customer via email and phone calls but the requests were not officially closed out in the system. The other request was unfortunately overlooked in the delegate's inbox. Retraining has taken place and some new processes have been put into place.

In this reporting period it took, on average, 3.33 days to close out a request.

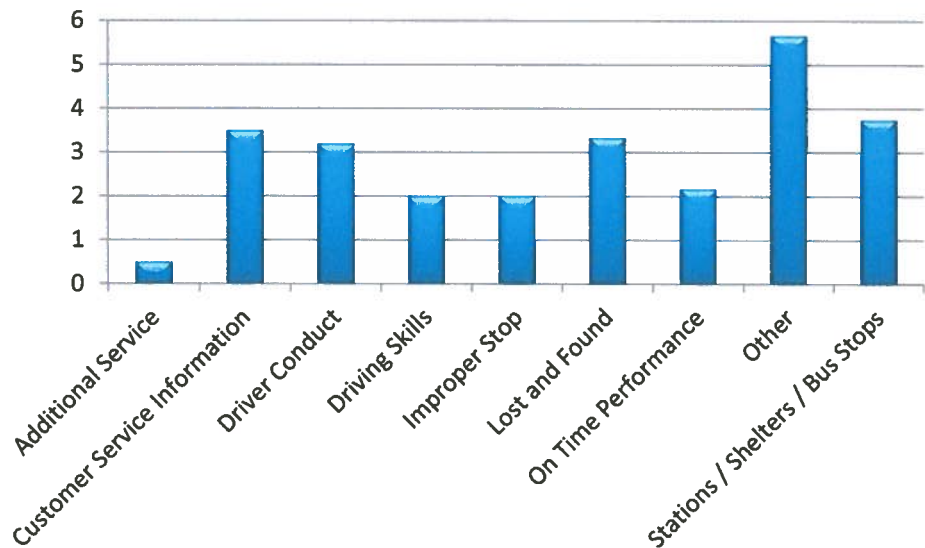
## Number of Days to Close a Request

2/1/2013 - 2/28/2013



## Average Number of Days to Close a Request by Topic

2/1/13 - 2/28/13




Dee Leggett  
VP of Communications & Planning



## RAIL OPERATIONS REPORT

Thursday, March 28, 2012

### ❖ RIDERSHIP

- The A-train carried 43,334 passengers during the month of February. This reflects an overall increase in ridership of 40% for the month of February 2013, when compared to February 2012.
- Refer to attached ridership charts.

### ❖ OPERATIONS

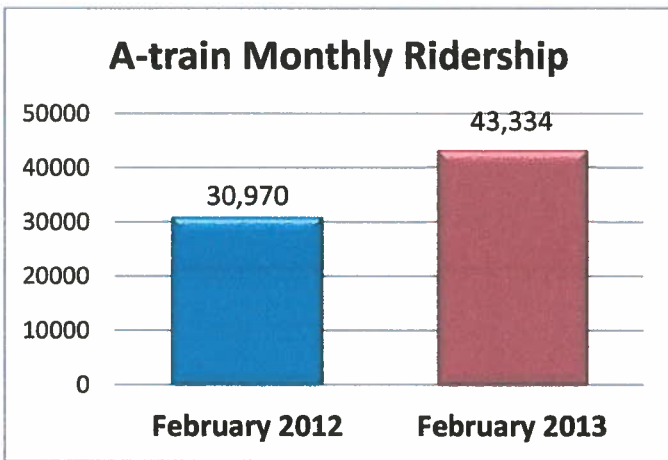
- February "On Time Performance" (OTP) was 99.49%.
- Train 5917 struck a vehicle at West Main St. in Lake Dallas on February 11<sup>th</sup>. There were no injuries and the equipment sustained only minor damage. Lake Dallas Police Department ticketed the driver. Six trains were delayed as a result of this incident.

### ❖ SAFETY/SECURITY

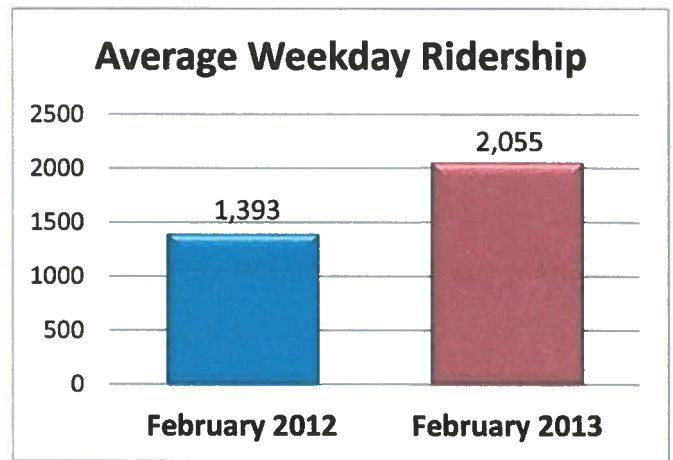
- DCTA Rail Operations Injury-Free Workdays: 221 days
- There was one vehicle issue at the Eagle Point road crossing during February, which did not result in delayed trains or track damage.

### ❖ MAINTENANCE

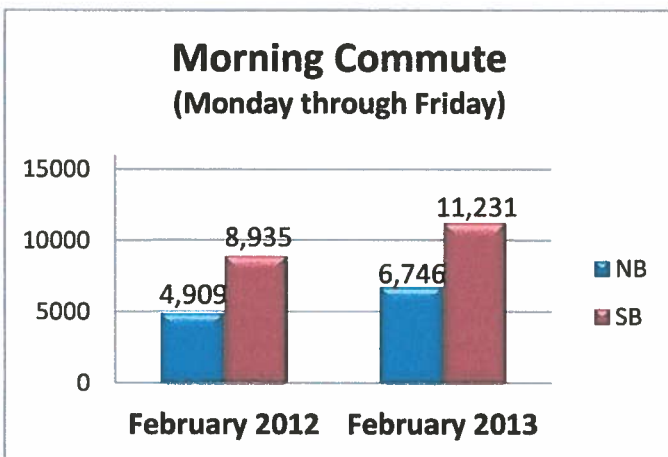
- **Right of Way:** Routine daily inspections are being performed by the contractor.
- **Signal/Communications:** No Issues
- **Stations:** DCTA contract operations (HTSI) continues to perform weekly safety inspections, which have not identified any major issues and any minor aesthetic issues have been quickly resolved (i.e. landscape maintenance, etc.).
- **Mechanical:** DCTA contract operations (HTSI) reported no mechanical issues in the month of February.



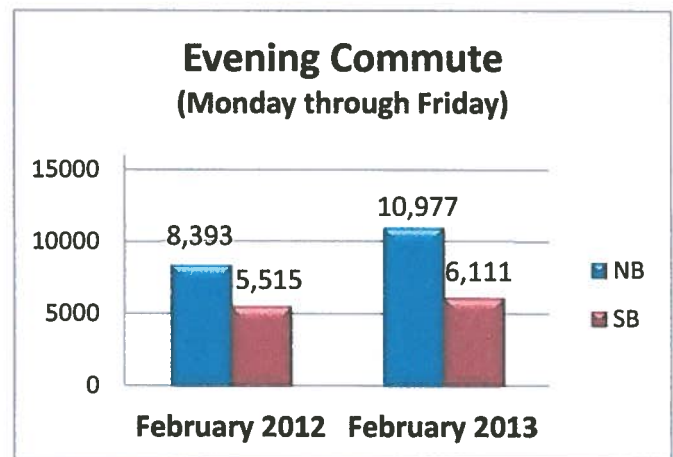
The A-train moved 43,334 passengers during the month of February, a 40% increase over February 2012.



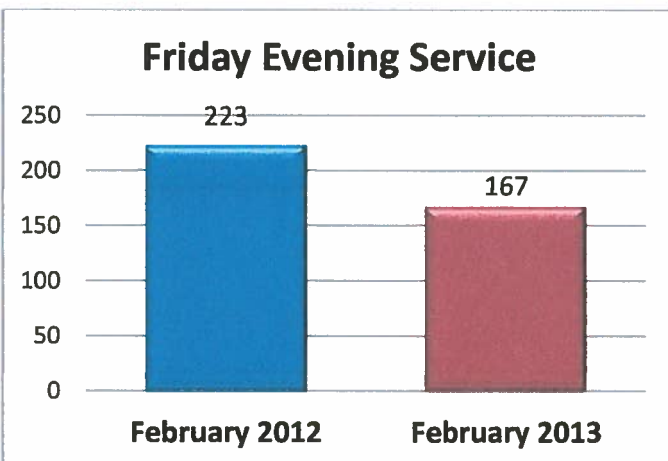
The daily average for A-train ridership during the month of February was 2,055 passengers, an increase of 48% over February 2012.



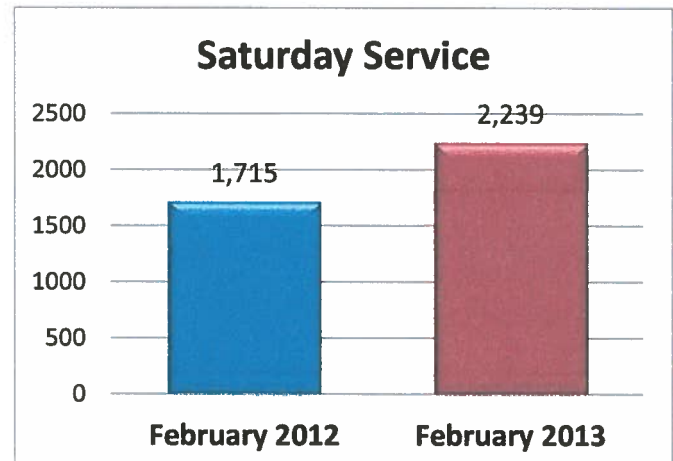
Morning commute ridership increased by 37% for northbound and 26% for southbound, compared to February 2012.



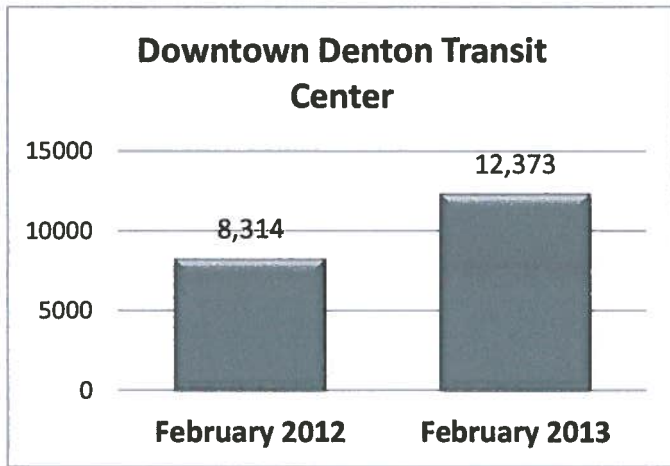
Evening commute ridership increased by 31% for northbound and 11% for southbound, compared to February 2012.



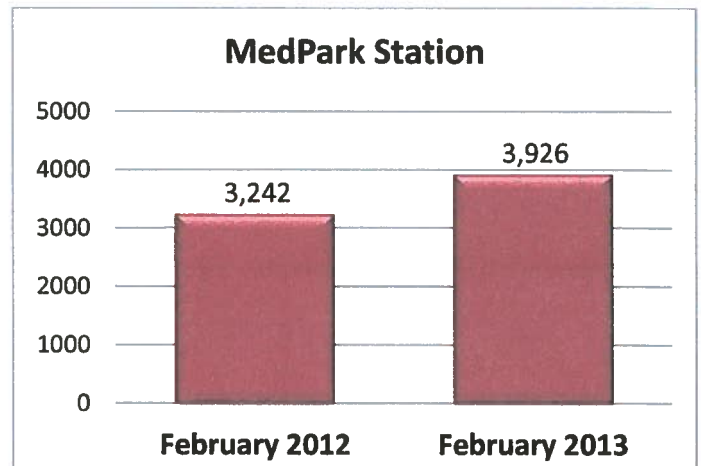
Friday evening service experienced a decrease of 25% in ridership for the month of February 2013, compared to February 2012.



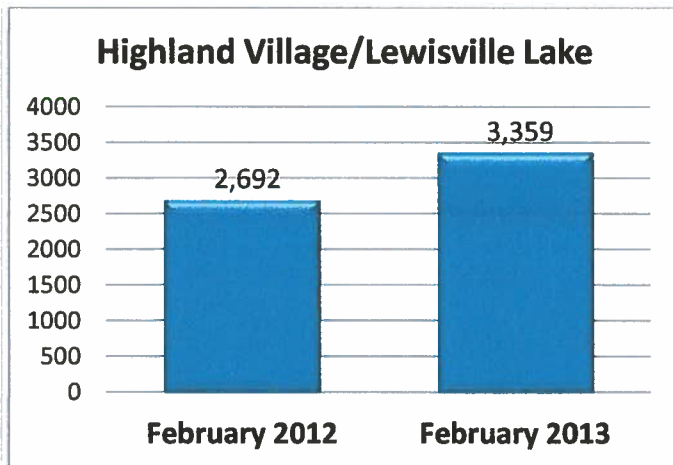
Saturday ridership increased by 31% for the month of February 2013, compared to the February 2012.



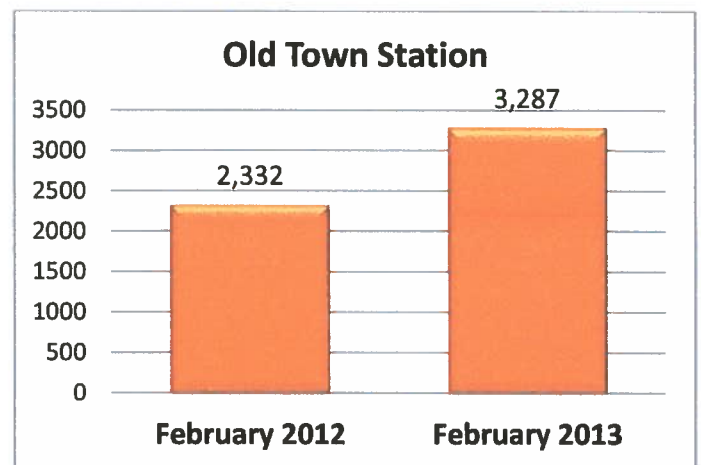
DDTC A-train ridership increased by 49%.



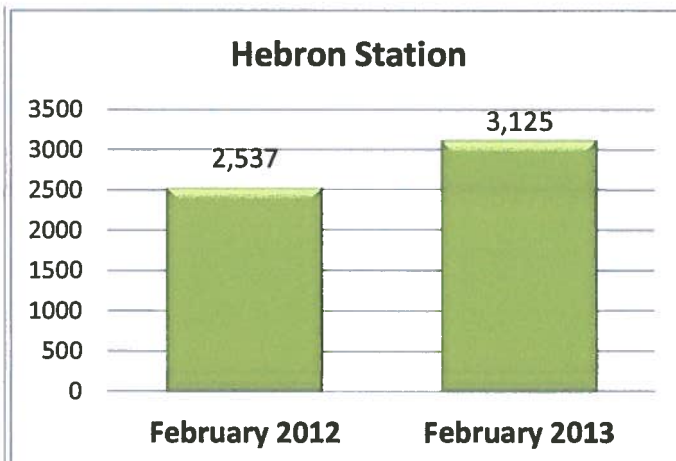
MedPark A-train ridership increased by 21%.



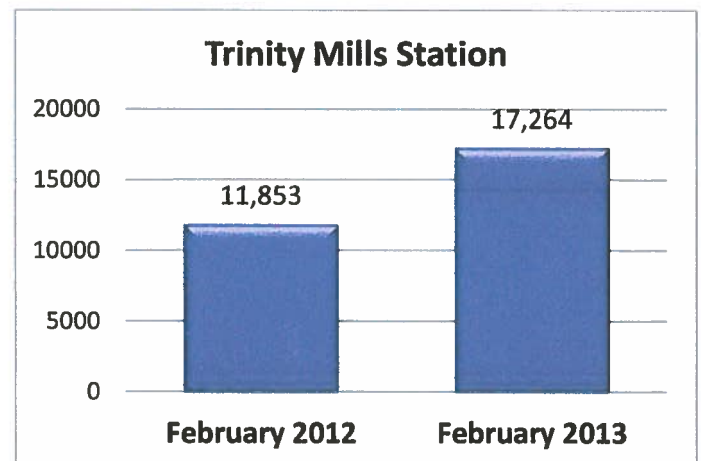
Highland Village/Lewisville Lake A-train ridership increased by 25%.



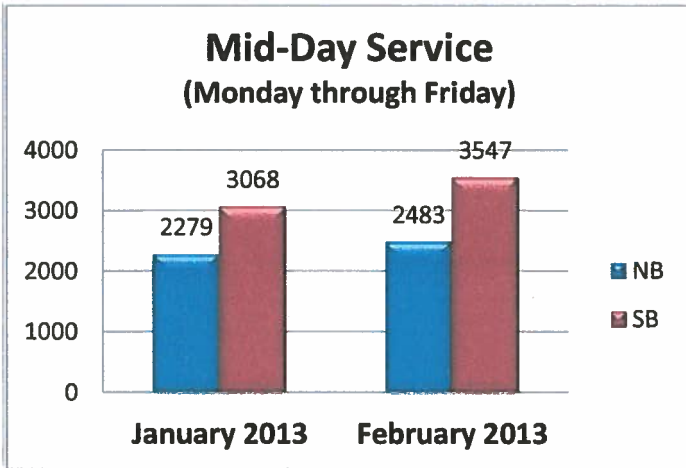
Old Town A-train ridership increased by 41%.



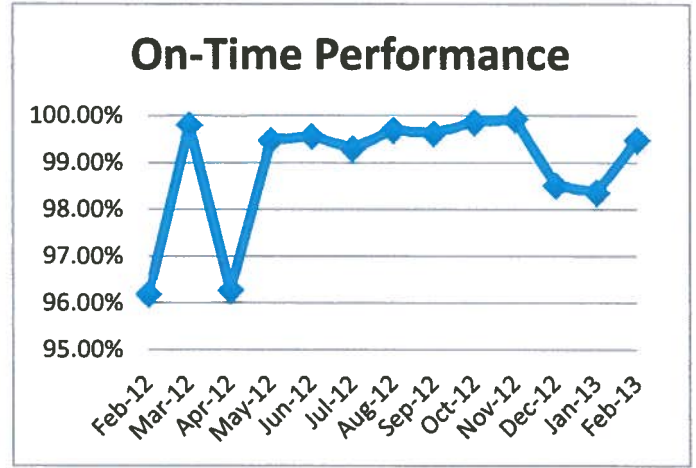
Hebron A-train ridership increased by 23%.



Trinity Mills A-train ridership increased by 46%.



Mid-Day Service ridership saw an increase of 9% for northbound and 16% for southbound in February 2013, compared to January 2013.



A-train On-Time Performance (OTP) is a direct reflection of service and equipment reliability.



# BUS OPERATIONS REPORT

Thursday, March 28, 2013

## ❖ OPERATIONS

- **Ridership:** Bus services carried 282,124 passengers for the month of February
- **On Time Performance:** Bus services achieved OTP of 98.5% for the month of February. OTP is determined by street supervisor observations. The Where's My Ride Project will provide much more accurate OTP calculations. Agencies deploying this type of technology generally see a significant decrease in OTP.
- **Bus Driver Appreciation Day:** Monday March 18<sup>th</sup> is Bus Driver Appreciation Day. TMDC and DCTA staff will be out in force to thank our drivers for a job well done.

## ❖ SAFETY/SECURITY

- Bus operations experienced 1.96 accidents per 100,000 miles in February.

## ❖ FLEET

- **ROAD CALLS:** Bus maintenance experienced 12,810 miles between road calls in February.

## ❖ PLANNING

- The next service change will occur on August 26, 2013.

# BUS OPERATIONS PERFORMANCE INDICATORS

## Ridership

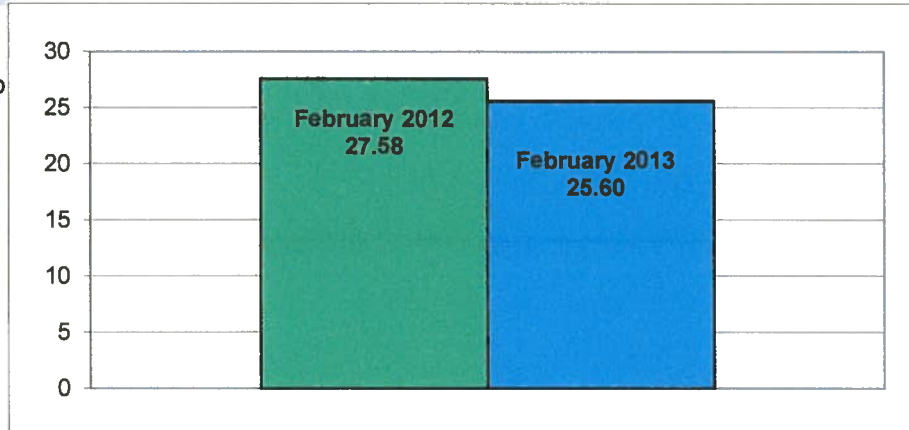
### Ridership

February 2012 & February 2013

### Performance Measures

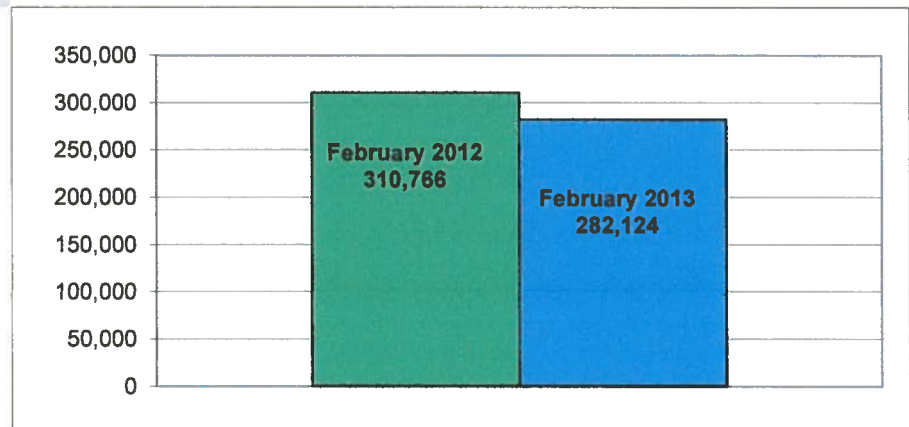
#### Passengers per Revenue Hour

Passengers per revenue hour decreased by 7%. This is solely attributable to the reduction of ridership on UNT.



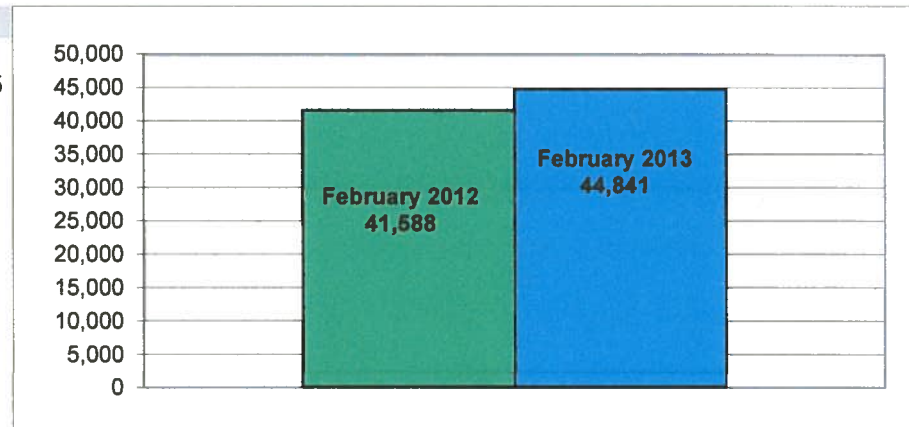
#### Bus System Ridership

Bus system ridership decreased by 9%.



#### Connect Ridership

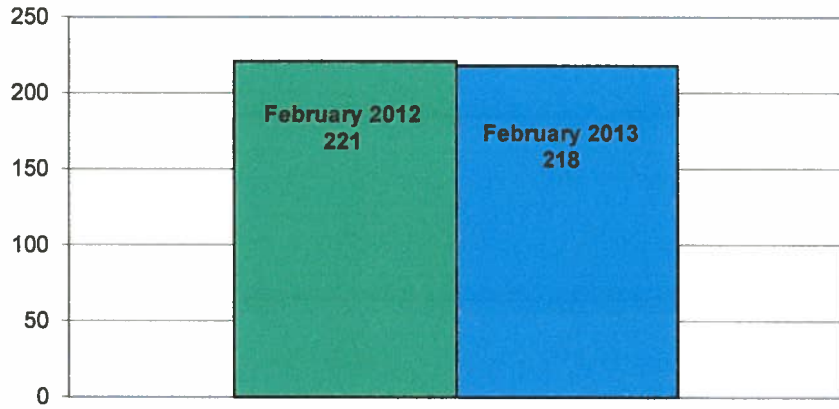
Connect ridership increased by 7% over February 2012. Routes 9, 4 and 5 showed the highest increase in ridership: 49%, 23% and 14% respectively. Route 22 in Lewisville showed an increase of 23%.





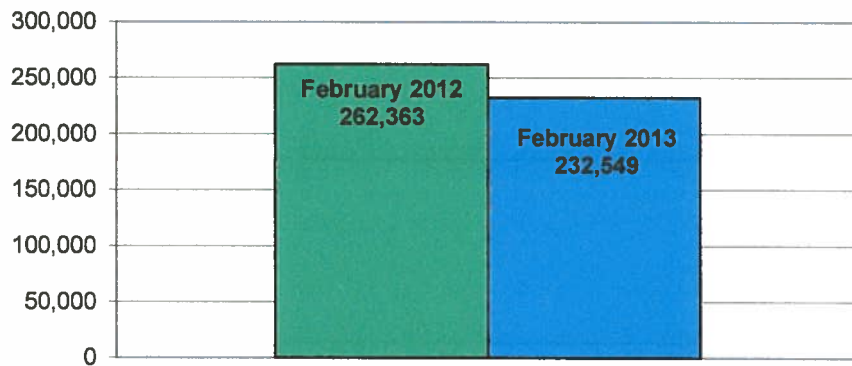
### **RSVP Ridership**

Ridership for RSVP stayed relatively flat compared to February 2012.



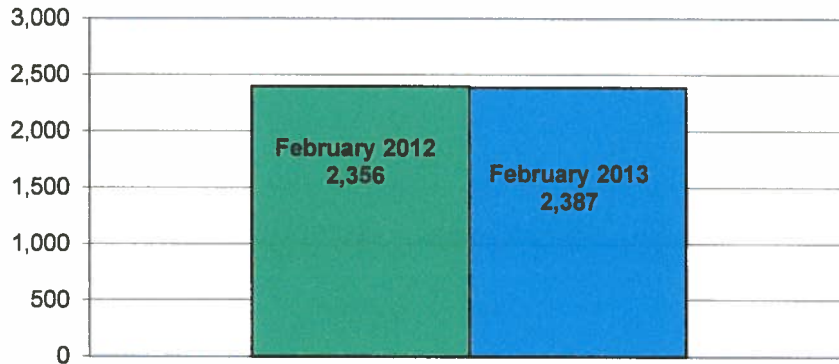
### **UNT Ridership**

UNT ridership showed a decrease of 11% compared to February 2012. The UNT service operated one less day in 2013 than in 2012 which accounts for the ridership decrease.



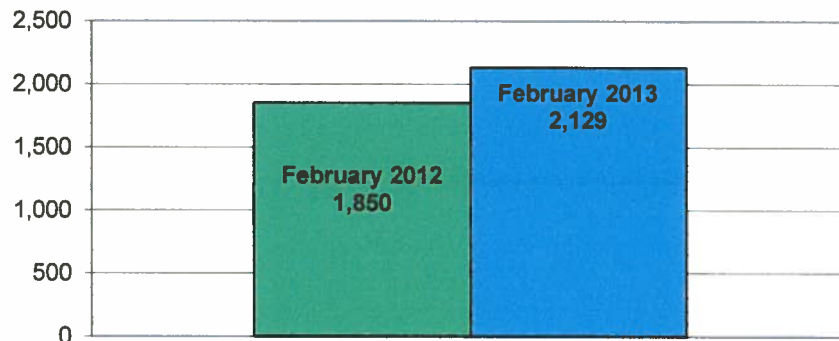
### **Access Ridership**

Access ridership showed a slight increase over February 2012.



### **NCTC Ridership**

NCTC ridership showed an increase of 17% over February 2012.



# Customer Satisfaction

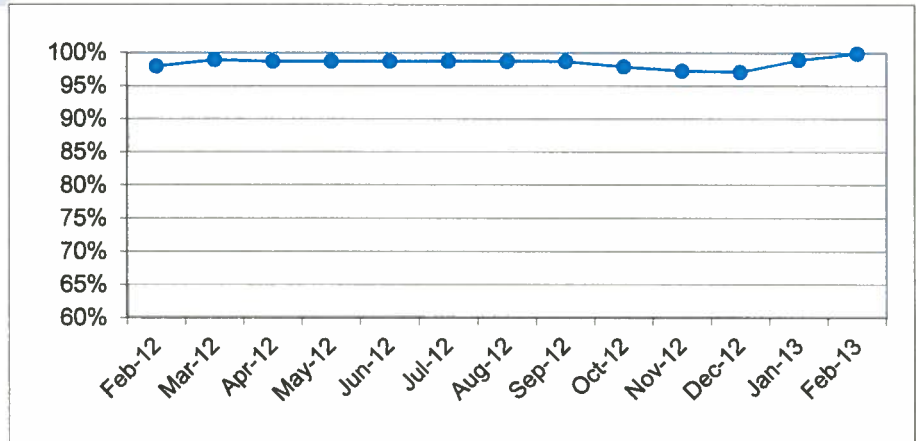
## Systemwide Performance

February 2012 & February 2013

### Systemwide On-Time Performance

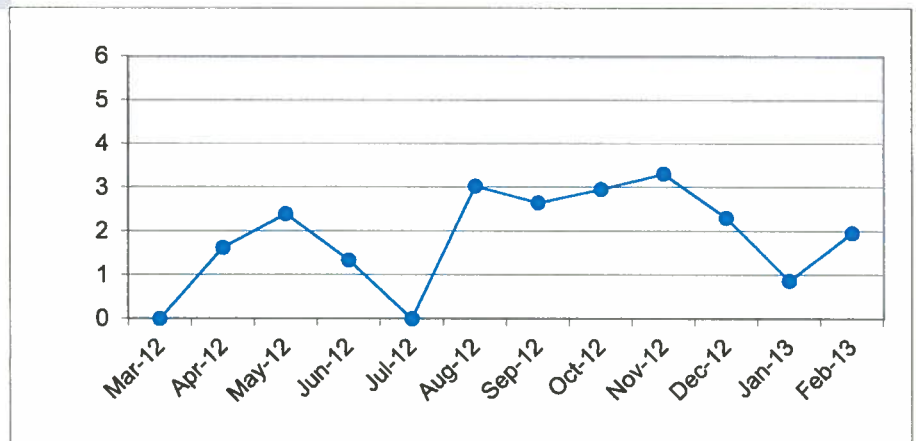
Systemside on-time performance continues to stay above the 95% metric.

## Performance Measures



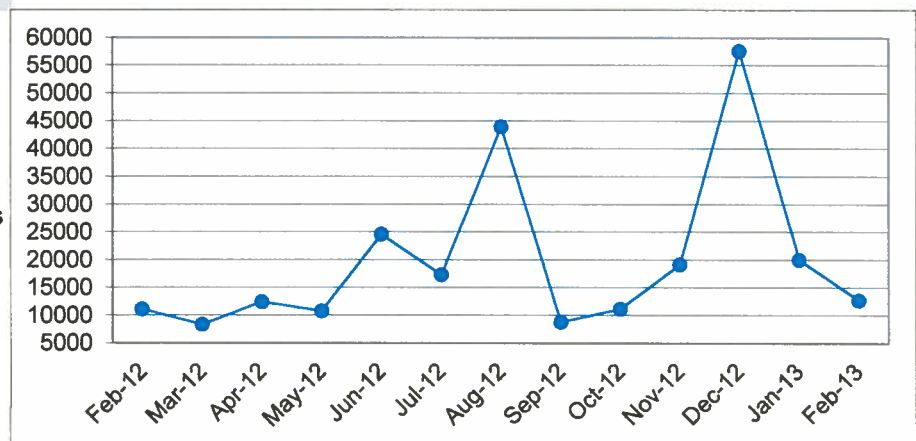
### Systemwide Accidents per 100k Miles

Accidents per 100,000 miles were just under 2.



### Miles Between Road Calls

Miles Between Road Calls decreased dramatically in the month of February due to an improved roadcall reporting process. TMDC staff is working to correct past reports in order to more accurately reflect fleet reliability. Staff anticipates providing updated statistics in the final board packet. Fleet reliability remains above the goal of 8,000 miles.



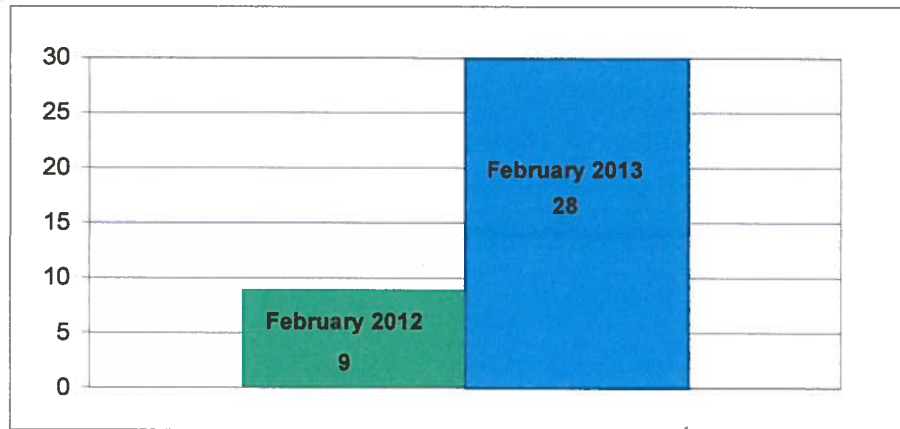
**Access**

February 2012 & February 2013

**Performance Measures**

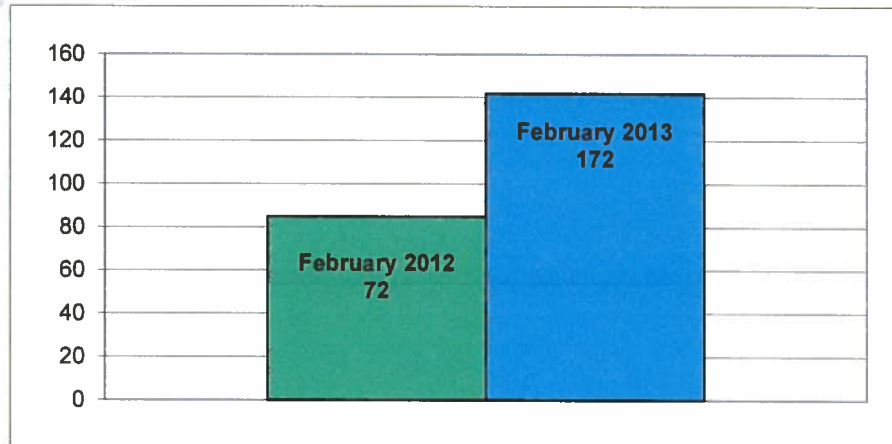
**Trip Denials**

Trip denials increased significantly as compared to February 2012. This is an expected occurrence and is due to capacity constraints and increased usage by ADA passengers.



**No-Shows**

No-shows for February 2013 increased significantly over February 2012. The increase is attributed to several Access passengers with a large number of no-shows for the month.





## **Board of Directors Memo**

**March 28, 2013**

### **Subject: WS2a State and Federal Legislative Update**

#### **WS 2(a)(i) State Legislative Update**

In January, the DCTA Board of Directors passed a state legislative intent to provide guidance to DCTA staff and legislative consultant on state legislative issues to advance and issues to monitor. An update is provided below:

#### **Actions to Advance**

##### **1. Updates/Revisions to Chapter 460**

DCTA's Omnibus Bill is Senate Bill 948 sponsored by Senator Jane Nelson and House Bill 2338 sponsored by Representative Parker and Representative Crownover. This bill has been referred to State Affairs in the Senate and Transportation in the House.

The chart provided in Attachment A compares the intent passed by the board with the language in the bill. DCTA is proposing two amendments to the bill to incorporate desired language that was not in the legislative counsel draft. The proposed amendments are included in the bill language with notation.

##### **2. Provide the ability to enter into Local Government Corporations, similar to DART and The T.**

An amendment to Chapter 431 of the Texas Transportation Code is included in the Omnibus Bill referenced above. DCTA has partnered with Chapter 451 entities to also pursue legislation to amend Chapter 431 to include entities created under both Chapter 460 (DCTA) and Chapter 451 (VIA, Cap Metro and Houston Metro). Senate Bill 276 is sponsored by Senator Watson has been passed out of the Senate. House Bill 2339 sponsored by Representative Crownover has been referred to House Transportation but has not been set for a hearing. A copy of the Senate bill is attached.

Note: Concerns have been raised by DCTA member cities regarding the bonding powers of an LGC. Modifications to DCTA Bylaws are being discussed to address these concerns.

##### **3. Limit risk for Class I railroads that allow passenger service to operate on system.**

DART, DCTA and The T have been working together to develop the appropriate intent and language for the bill. House Bill 3120 was filed by Linda Harper Brown. There is not a Senate Companion and has not been referred to committee. DART has worked with DCTA and the T to propose a bill substitute. Both the bill and the proposed substitute are attached.

#### **Other State Legislation to Monitor:**

SB 1333 Carona/HB 118 Larson – Cotton Belt Project

SB1461 Carona/HB3642 Harper-Brown – DART "Arlington" Bill

Included in this overview is a legislative summary provided by NCTCOG staff to the Regional Transportation Council and bill tracking provided by the Texas Transit Association. Any updates to the bills mentioned or additional bills to monitor will be provided at the meeting.

## **WS 2(a)(ii) Federal Legislative Update**

### **1. Capital Edge Report**

Capital Edge provides a regular report detailing federal actions issues. The March report is attached.

### **2. PTC NTSB Hearing**

On February 27, 2013, the National Traffic Safety Board held a hearing to review and discussion the industry's efforts to implement Positive Train Control and the available technology. Capital Edge monitored the hearings and took notes on our behalf.

### **3. APTA Legislative Conference**

The American Public Transportation Association hosted its annual legislative conference in Washington, D.C. March 9 – 12. Discussion centered around the results of the sequestration, the proposed continuing resolution, the move towards another reauthorization, and the regulatory environment including Positive Train Control, System Safety Oversight and Buy America.

### **4. Federal Priorities**

#### **Legislative Priorities Currently Supported by DCTA**

- Provide a near-term opportunity for passenger rail systems to delay the implementation of PTC to ensure manufacturing capacity is adequate and appropriate technology and spectrum are available.
- Provide discretionary grant opportunities or other funding mechanisms to offset the capital requirements associated with Positive Train Control.
- Continue to allow public transportation authorities and rail contract operators to negotiate and develop agreements based on qualifications and agency needs and legal requirements without the interference of the Surface Transportation Board. Additional insurance and minimum mandates and contract requirements such as railroad retirement, unemployment, and workman's compensation liability programs would arbitrarily increase insurance premiums without regard to risk, resulting in significant cost increases to the authorities.
- Allow for investments on 100% locally funded projects to be used as local match or leverage on federally funded transportation projects within the service area.
- Continue to provide agencies in an urbanized area over 200,000 with less than 100 vehicles the flexibility to utilize 5307 Formula Funds to pay for system operating costs and to capitalize a portion of fuel costs.
- Maintain funding of public transportation at current levels while a long-term dedicated funding solution can be identified to address the nation's multimodal infrastructure needs.
- Develop a well-funded, multimodal six year surface transportation bill that provides growth in the federal public transportation program to help transit systems meet the robust mobility needs of communities.
- Establish permanent parity between the transit benefit and the parking benefit, creating fair, long-term tax savings for participating transit riders and employers.

**Proposed Addition to Federal Priorities**

There is an effort to eliminate or limit the tax-exempt status of municipal bonds in order to raise revenues for the federal government. These actions would limit the financing tools available to public agencies. APTA is monitoring this issue. GFOA is also opposing this change and has provided comment noting this effort would degrade the ability of local governments to address critical capital project and infrastructure needs. This issue is also including in the federal priorities of many of our partnering cities and public agencies.

Staff has worked with Capital Edge on position language as outlined below:

- Oppose proposals to eliminate or limit the tax-exempt status of municipal bonds in order to raise revenues for the federal government. Tax-exempt debt is the primary tool that local governments and local government agencies use to finance major projects. The changes currently proposed to tax-exempt bond structure would increase by at least 2% (possibly more) the costs of borrowing for DCTA, thus decreasing our infrastructure investment and diverting money needed for other projects and operations.

**5. Next Steps**

DCTA is currently planning a trip to Washington, D.C. in late April to further discuss DCTA's legislative priorities with APTA, the administration, and the agency's delegation. Central to many of these meetings will be DCTA's efforts to receive "credit" for local investments in the A-train corridor.

**Recommendation**

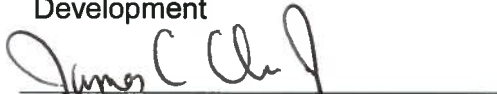
This item is for informational purposes only.

Final Review:



Dee Leggett,  
Vice President Program  
Development

Approval:



James C. Cline, Jr., P.E.  
President

**ATTACHMENT A**

Intent	Proposed Language Adopted by Board (ATTACHMENT B)	Bill/Amendment Language (SB948)	Notes
<p>Provides opportunities for board membership for entities under population threshold but also ensuring that those members are not dually represented by the small cities.</p>	<p>Amend 460.054(b)(3) and add (4)            (3) three members to be designated by the remaining municipalities with a population of more than 500 but less than 12,000 located in the county <u>but which are not eligible to appoint a member pursuant to Subdivision (4); and</u>  <u>(4) one member appointed by the governing body of each municipality other than a municipality eligible to make an appointment under Subdivision (1) that:</u>  <u>(i) imposes a sales and use tax authorized in accordance with Section 460.055; or</u>  <u>(ii) establishes a public transportation financing area and enters into an agreement with the authority to provide public transportation services in the public transportation area in accordance with Subchapter I.</u></p>	<p>Amend 460.054 (b)(3) and add (4)            (3) three members to be designated by the remaining municipalities with a population of more than 500 but less than 12,000 located in the county; <u>and</u>  <u>(4) one member appointed by the governing body of each municipality in the county with a population of more than 500 but less than 12,000 that:</u>  <u>(A) designates a public transportation financing area under Section 460.603; and</u>  <u>(B) enters into an agreement with the authority to provide public transportation services in the public transportation financing area under Subchapter I.</u>  <u>(C) has not otherwise appointed a member into the board.</u></p>	<p>Legislative Counsel inadvertently omitted some of the desired intent passed by the board. The first intent omitted was the provision for board representation for “small cities” that imposed a sales tax in accordance with Section 460.056. The second intent was to ensure that cities were not dually represented. The proposed amendment as highlighted prevents dual representation. However, an amendment to include sales tax will likely complicate the amendment process. At this time, it is recommended that sales tax be addressed in future legislative sessions.</p>
<p>This language is similar to language contained in Tex. Trans. Code §452.056(d) and provides a limitation of the liability of an independent contractor performing the functions of a coordinated county transportation authority to the same extent of the authority’s liability if the authority were, itself, performing the function. This section would not be retroactive.</p>	<p>Amend 460.105(3) with the addition of subsection (c)  <u>(c) A private operator who contracts with an authority under this chapter is not a public entity for purposes of any law of this state except that an independent contractor of the authority that performs a function of the authority is liable for damages only to the extent that the authority would be liable if the authority or entity itself were performing the function and only for a cause of action that accrues on or after September 1, 2013.</u></p>	<p>Amend 460.105(3) with the addition of subsection (c)  <u>(c) A private operator who contracts with an authority under this chapter is not a public entity for purposes of any law of this state except that an independent contractor of the authority that performs a function of the authority is liable for damages only to the extent that the authority would be liable if the authority or entity itself were performing the function.</u></p>	<p>Addresses the desired intent.</p>

<p>Presently, except for the members of the Interim Executive Committee appointed by a commissioners court under Sec. 460.054(b)(2), neither Sec. 460.054 nor Sec. 460.202 require establish any residency requirement for members of the Interim Executive Committee or Board of Directors. The amendments proposed above, coupled with the proposed new Subsection (e) in Sec. 460.054, will ensure that board members are residents of the county in which the authority is established or a city which is located in whole or in part within the county where the authority is created.</p>	<p><b>Amend 460.202 (a) and add (b)</b></p> <p>To be eligible for appointment to the board of directors, a person must:</p> <p><u>(a) have professional experience in the field of transportation, business, government, engineering, or law; and</u></p> <p><u>(b) be a resident of:</u></p> <p><u>(1) the county in which the authority is created; or</u></p> <p><u>(2) a municipality which is located in whole or in part within the county in which the authority is created.</u></p>	<p><b>Amend 460.202 (a) and add (b)</b></p> <p>To be eligible for appointment to the board of directors, a person must:</p> <p><u>(a) have professional experience in the field of transportation, business, government, engineering, or law; and</u></p> <p><u>(b) reside in the territory of the authority or in a municipality which is located in whole or in part within the territory of the authority.</u></p>	<p>This intent was omitted in the bill received from Legislative Counsel and will be amended in the House version. This language has been vetted by both bill sponsors.</p>
<p>Presently, DCTA has an agreement with Denton County to provide a deputy sheriff to serve as a fare enforcement officer on the A-train. Tex. Trans. Code §460.1092(a) states that “An authority may employ persons to serve as fare enforcement officers...” Technically, a deputy sheriff serving as a fare enforcement officer under an agreement with the county may not be considered as a person that is employed by DCTA.</p>	<p><b>460.1092: Amend Subsection (a) to read as follows:</b></p> <p>(a) An authority may employ <u>or contract for</u> persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by:</p>	<p><b>460.1092: Amend Subsection (a) to read as follows:</b></p> <p>(a) An authority may employ <u>or contract for</u> persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by:</p>	<p>Addresses the desired intent.</p>



<p>Clarifies the procurement provisions in Chapter 460 to ensure appropriate consistency with other state procurement procedures including those outlined in Chapter 2267, allowing for job order contracts and other procurement methods.</p> <p>Provides consistency with other public entities on the procurement provisions associated with the lease of DCTA property.</p>	<p>460.406: Amend subsections (a), (c)(8), and (d)(12) as follows:</p> <p>(a) Except as provided by Subsection (c), an authority may not award a contract for <u>the purchase of construction services, goods and/or services, or the personal property, other than real property,</u> except through the solicitation of competitive sealed bids or proposals ensuring full and open competition.</p> <p style="text-align: center;">* * *</p> <p>(c) The board of directors may authorize the negotiation of a contract without competitive sealed bids or proposals if:</p> <p style="text-align: center;">* * *</p> <p>(8) the contract is for the <u>lease, or purchase of an interest in land or a right-of-way;</u></p> <p style="text-align: center;">* * *</p> <p>(12) the contract is one <u>for a project authorized to be constructed by an authority pursuant to this chapter and</u> awarded for alternate project delivery <del>under</del> <u>using the procedures set forth in</u> Subchapters E, F, <del>and G,</del> <u>and I,</u> Chapter 2267, Government Code.</p>	<p>460.406: Amend subsections (a), (c)(8), and (d)(12) as follows:</p> <p>(c) The board of directors may authorize the negotiation of a contract without competitive sealed bids or proposals if:</p> <p>(8) the contract is for the <u>lease or purchase of an interest in land [or a right-of-way];</u></p> <p>(11) the contract is for the purchase of electricity; <del>[or]</del></p> <p>(12) the contract is one <u>for an authority project and</u> awarded for alternate project delivery <u>using the procedures</u> under Subchapters E, F, <del>[and] G,</del> <u>and I,</u> Chapter 2267, Government Code, <u>as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011; or</u></p> <p>(13) the contract is for <u>fare enforcement officer services under Section 460.1092.</u></p>	<p>Addresses the intent and the desired clarifications.</p>
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<p>This amendment would authorize DCTA, either by itself or other authorized local governments, to create a local government corporation under Chapter 431, Subchapter D of the Texas Transportation Code.</p>	<p>Amend Sec. 431.003.            (3) "Local government" means:                (A) a municipality;                (B) a county; or                (C) for purposes of Subchapter D, a navigation district, hospital district, or hospital authority, <del>or</del> a regional transportation authority as described by Section 452.001, <u>or a coordinated county transportation authority as described by Section 460.001.</u></p>	<p>Amend Sec. 431.003.            (3) "Local government" means:                (A) a municipality;                (B) a county; or                (C) for purposes of Subchapter D:                    (i) <del>;</del> a navigation district, hospital district, or hospital authority;                    (ii) <del>;</del> a regional transportation authority <u>governed by Chapter 452; or</u>                    (iii) <u>a coordinated county transportation authority governed by Chapter 460</u> <del>[as described by Section 452.001].</del></p>	<p>Addresses the desired intent.</p>
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**Tex Trans Code §460.054: Amend to read as follows:**

Sec. 460.054. MEMBERSHIP OF INTERIM EXECUTIVE COMMITTEE. (a) After adopting a resolution or order under Section 460.053, the commissioners court and certain municipalities, as provided by this section, shall appoint an interim executive committee for the authority.

(b) The interim executive committee is composed of:

(1) one member appointed by the governing body of each municipality with a population of 12,000 or more that is located in the county;

(2) three members appointed by the commissioners court, two of whom must reside in the unincorporated area of the county; and

(3) three members to be designated by the remaining municipalities with a population of more than 500 but less than 12,000 located in the county but which are not eligible to appoint a member pursuant to Subdivision (4); and

(4) one member appointed by the governing body of each municipality other than a municipality eligible to make an appointment under Subdivision (1) that:

(i) imposes a sales and use tax authorized in accordance with Section 460.055; or

(ii) establishes a public transportation financing area and enters into an agreement with the authority to provide public transportation services in the public transportation area in accordance with Subchapter I.

(c) The members described by Subsection (b)(3) shall be designated as follows:

(1) each municipality with a population of more than 500 but less than 12,000 located in the county shall nominate one person using a nomination form sent to the governing body of the municipality by mail;

(2) the county judge shall add the names on the nomination forms that are received before the 31st day after the date of the mailing of the nomination forms;

(3) each municipality with a population of more than 500 but less than 12,000 located in the county is entitled to cast one vote;

(4) only ballots returned to the county judge on or before a predetermined date shall be counted;

(5) the county judge shall designate the three persons with the highest plurality vote as members of the interim executive committee; and

(6) if three members are not designated by this process, the county judge shall name the balance of the members of the interim executive committee described by Subsection (b)(3).

(d) The county judge may fill a vacancy in a position described by Subsection (b)(3) by naming a person nominated under Subsection (c) for the unexpired term.

(e) All appointments made pursuant to this section are subject to the eligibility requirements set forth in Section 460.202.

*The amendments to Subsection (b) would ensure that any municipality that has adopted the sales and use tax or that is paying the tax increment, regardless of population, would have a designated member of the board representing that municipality. The change to Subsection (b)(3), coupled with the language added by the new Subsection (b)(4) is intended to prevent any municipality from being able to designate more than one representative on the board as a matter of right. The addition of the new Subsection (e) will ensure that members of the interim executive committee are residents of either (a) the county where the authority is created or (b) a municipality that is located in whole or in part within the county where the authority is created by referencing the language regarding eligibility in the amended Section 460.202 as proposed below.*

**Tex. Trans. Code §460.105: Add a new Subsection (c) to read as follows:**

(c) A private operator who contracts with an authority under this chapter is not a public entity for purposes of any law of this state except that an independent contractor of the authority that performs a function of the authority is liable for damages only to the extent that the authority would be liable if the authority or entity itself were performing the function and only for a cause of action that accrues on or after September 1, 2013.

*This language is similar to language contained in Tex. Trans. Code §452.056(d) and provides a limitation of the liability of an independent contractor performing the functions of a coordinated county transportation authority to the same extent of the authority's liability if the authority were, itself, performing the function. This section would not be retroactive.*

**Tex. Trans. Code §460.1092: Amend Subsection (a) to read as follows:**

(a) An authority may employ or contract for persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by:

(1) requesting and inspecting evidence showing payment of the appropriate fare from a person using the public transportation system; and

(2) issuing a citation to a person described by Section 460.1091(d).

*Presently, DCTA has an agreement with Denton County to provide a deputy sheriff to serve as a fare enforcement officer on the A-train. Tex. Trans. Code §460.1092(a) states that "An authority may employ persons to serve as fare enforcement officers..." Technically, a deputy sheriff serving as a fare enforcement officer under an agreement with the county may not be considered as a person that is employed by DCTA. The purpose of this proposed amendment is to ensure that DCTA can contract with people or entities for fare enforcement as opposed to being required to be employed by DCTA.*

**Tex. Trans. Code §460.202: Amend to read as follows:**

§ 460.202. Eligibility

To be eligible for appointment to the board of directors, a person must:

(a) have professional experience in the field of transportation, business, government, engineering, or law; and

(b) be a resident of:

(1) the county in which the authority is created; or

(2) a municipality which is located in whole or in part within the county in which the authority is created.

*Presently, except for the members of the Interim Executive Committee appointed by a commissioners court under Sec. 460.054(b)(2), neither Sec. 460.054 nor Sec. 460.202 require establish any residency requirement for members of the Interim Executive Committee or Board of Directors. The amendments proposed above, coupled with the proposed new Subsection (e) in Sec. 460.054, will ensure that board members are residents of the county in which the authority is established or a city which is located in whole or in part within the county where the authority is created.*

**Tex. Trans. Code §460.406: Amend subsections (a), (c)(8), and (d)(12) as follows:**

(a) Except as provided by Subsection (c), an authority may not award a contract for the purchase of construction services, goods and/or services, or the personal property, other than real property, except through the solicitation of competitive sealed bids or proposals ensuring full and open competition.

\* \* \*

(c) The board of directors may authorize the negotiation of a contract without competitive sealed bids or proposals if:

\* \* \*

(8) the contract is for the lease, or purchase of an interest in land or a right-of-way;

\* \* \*

(12) the contract is one for a project authorized to be constructed by an authority pursuant to this chapter and awarded for alternate project delivery under using the procedures set forth in Subchapters E, F, and G, and I, Chapter 2267, Government Code.

*The amendment to subsection (a) cleans up the language and makes it more consistent with language used in other statutes relating to purchasing requirements.*

*The amendment to subsection (c)(8) would make it more clear that DCTA would not be required to take bids on the lease of an interest in land. The amendment to (c)(8) also makes it more clear that the exception applies to any interest in land. The inclusion of “lease” in (c)(8) will ensure that DCTA is on par with other local governments regarding contracts to lease property. The deletion of the phrase “or a right-of-way” does not change anything, since a “right-of-way” is an interest in land.*

*The amendment to subsection (c)(12) is intended to add some clarity to the confusion caused by Tex. Govt. Code §2267.010 which states that Chapter 2267 of the Texas Government Code does not apply to coordinated county transportation authorities. The proposed amendment would allow a contract to be exempt from the standard sealed bid or sealed proposal process as long as it followed the procedures set forth in the cited subchapters. The addition of the phrase “for a project authorized to be constructed by an authority pursuant to this chapter” is intended to make it clear that DCTA would not be limited by any project definitions/limitations in the referenced subchapters of Chapter 2267, Government Code. The addition of Subchapter I of Chapter 2267 would allow DCTA to take advantage of the job order contract method of procurement for certain routine maintenance and repair services that are described in that subchapter.*

**Tex. Trans. Code §431.003: Amend subsection (3) to read as follows:**

Sec. 431.003. DEFINITIONS. In this chapter:

\* \* \*

(3) "Local government" means:

(A) a municipality;

(B) a county; or

(C) for purposes of Subchapter D, a navigation district, hospital district, or hospital authority, ~~or~~ a regional transportation authority as described by Section 452.001, or a coordinated county transportation authority as described by Section 460.001.

*This amendment would authorize DCTA, either by itself or other authorized local governments, to create a local government corporation under Chapter 431, Subchapter D of the Texas Transportation Code.*

**Tex Trans Code §460.054: Amend to read as follows:**

Sec. 460.054. MEMBERSHIP OF INTERIM EXECUTIVE COMMITTEE. (a) After adopting a resolution or order under Section 460.053, the commissioners court and certain municipalities, as provided by this section, shall appoint an interim executive committee for the authority.

(b) The interim executive committee is composed of:

(1) one member appointed by the governing body of each municipality with a population of 12,000 or more that is located in the county;

(2) three members appointed by the commissioners court, two of whom must reside in the unincorporated area of the county; and

(3) three members to be designated by the remaining municipalities with a population of more than 500 but less than 12,000 located in the county but which are not eligible to appoint a member pursuant to Subdivision (4); and

(4) one member appointed by the governing body of each municipality other than a municipality eligible to make an appointment under Subdivision (1) that:

(i) imposes a sales and use tax authorized in accordance with Section 460.055; or

(ii) establishes a public transportation financing area and enters into an agreement with the authority to provide public transportation services in the public transportation area in accordance with Subchapter I.

(c) The members described by Subsection (b)(3) shall be designated as follows:



(1) each municipality with a population of more than 500 but less than 12,000 located in the county shall nominate one person using a nomination form sent to the governing body of the municipality by mail;

(2) the county judge shall add the names on the nomination forms that are received before the 31st day after the date of the mailing of the nomination forms;

(3) each municipality with a population of more than 500 but less than 12,000 located in the county is entitled to cast one vote;

(4) only ballots returned to the county judge on or before a predetermined date shall be counted;

(5) the county judge shall designate the three persons with the highest plurality vote as members of the interim executive committee; and

(6) if three members are not designated by this process, the county judge shall name the balance of the members of the interim executive committee described by Subsection (b)(3).

(d) The county judge may fill a vacancy in a position described by Subsection (b)(3) by naming a person nominated under Subsection (c) for the unexpired term.

(e) All appointments made pursuant to this section are subject to the eligibility requirements set forth in Section 460.202.

*The amendments to Subsection (b) would ensure that any municipality that has adopted the sales and use tax or that is paying the tax increment, regardless of population, would have a designated member of the board representing that municipality. The change to Subsection (b)(3), coupled with the language added by the new Subsection (b)(4) is intended to prevent any municipality from being able to designate more than one representative on the board as a matter of right. The addition of the new Subsection (e) will ensure that members of the interim executive committee are residents of either (a) the county where the authority is created or (b) a municipality that is located in whole or in part within the county where the authority is created by referencing the language regarding eligibility in the amended Section 460.202 as proposed below.*

**Tex. Trans. Code §460.105: Add a new Subsection (c) to read as follows:**

(c) A private operator who contracts with an authority under this chapter is not a public entity for purposes of any law of this state except that an independent contractor of the authority that performs a function of the authority is liable for damages only to the extent that the authority would be liable if the authority or entity itself were performing the function and only for a cause of action that accrues on or after September 1, 2013.

*This language is similar to language contained in Tex. Trans. Code §452.056(d) and provides a limitation of the liability of an independent contractor performing the functions of a coordinated county transportation authority to the same extent of the authority's liability if the authority were, itself, performing the function. This section would not be retroactive.*

**Tex. Trans. Code §460.1092: Amend Subsection (a) to read as follows:**

(a) An authority may employ or contract for persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by:

(1) requesting and inspecting evidence showing payment of the appropriate fare from a person using the public transportation system; and

(2) issuing a citation to a person described by Section 460.1091(d).

*Presently, DCTA has an agreement with Denton County to provide a deputy sheriff to serve as a fare enforcement officer on the A-train. Tex. Trans. Code §460.1092(a) states that "An authority may employ persons to serve as fare enforcement officers..." Technically, a deputy sheriff serving as a fare enforcement officer under an agreement with the county may not be considered as a person that is employed by DCTA. The purpose of this proposed amendment is to ensure that DCTA can contract with people or entities for fare enforcement as opposed to being required to be employed by DCTA.*

**Tex. Trans. Code §460.202: Amend to read as follows:**

§ 460.202. Eligibility

To be eligible for appointment to the board of directors, a person must:

(a) have professional experience in the field of transportation, business, government, engineering, or law; and

(b) be a resident of:

(1) the county in which the authority is created; or

(2) a municipality which is located in whole or in part within the county in which the authority is created.

*Presently, except for the members of the Interim Executive Committee appointed by a commissioners court under Sec. 460.054(b)(2), neither Sec. 460.054 nor Sec. 460.202 require establish any residency requirement for members of the Interim Executive Committee or Board of Directors. The amendments proposed above, coupled with the proposed new Subsection (e) in Sec. 460.054, will ensure that board members are residents of the county in which the authority is established or a city which is located in whole or in part within the county where the authority is created.*

**Tex. Trans. Code §460.406: Amend subsections (a), (c)(8), and (d)(12) as follows:**

(a) Except as provided by Subsection (c), an authority may not award a contract for the purchase of construction services, goods and/or services, or the personal property, other than real property, except through the solicitation of competitive sealed bids or proposals ensuring full and open competition.

\* \* \*

(c) The board of directors may authorize the negotiation of a contract without competitive sealed bids or proposals if:

\* \* \*

(8) the contract is for the lease, or purchase of an interest in land or a right-of-way;

\* \* \*

(12) the contract is one for a project authorized to be constructed by an authority pursuant to this chapter and awarded for alternate project delivery under using the procedures set forth in Subchapters E, F, and G, and I, Chapter 2267, Government Code.

*The amendment to subsection (a) cleans up the language and makes it more consistent with language used in other statutes relating to purchasing requirements.*

*The amendment to subsection (c)(8) would make it more clear that DCTA would not be required to take bids on the lease of an interest in land. The amendment to (c)(8) also makes it more clear that the exception applies to any interest in land. The inclusion of “lease” in (c)(8) will ensure that DCTA is on par with other local governments regarding contracts to lease property. The deletion of the phrase “or a right-of-way” does not change anything, since a “right-of-way” is an interest in land.*

*The amendment to subsection (c)(12) is intended to add some clarity to the confusion caused by Tex. Govt. Code §2267.010 which states that Chapter 2267 of the Texas Government Code does not apply to coordinated county transportation authorities. The proposed amendment would allow a contract to be exempt from the standard sealed bid or sealed proposal process as long as it followed the procedures set forth in the cited subchapters. The addition of the phrase “for a project authorized to be constructed by an authority pursuant to this chapter” is intended to make it clear that DCTA would not be limited by any project definitions/limitations in the referenced subchapters of Chapter 2267, Government Code. The addition of Subchapter I of Chapter 2267 would allow DCTA to take advantage of the job order contract method of procurement for certain routine maintenance and repair services that are described in that subchapter.*

**Tex. Trans. Code §431.003: Amend subsection (3) to read as follows:**

Sec. 431.003. DEFINITIONS. In this chapter:

\* \* \*

(3) "Local government" means:

(A) a municipality;

(B) a county; or

(C) for purposes of Subchapter D, a navigation district, hospital district, or hospital authority, ~~or~~ a regional transportation authority as described by Section 452.001, or a coordinated county transportation authority as described by Section 460.001.

*This amendment would authorize DCTA, either by itself or other authorized local governments, to create a local government corporation under Chapter 431, Subchapter D of the Texas Transportation Code.*

By: Nelson

S.B. No. 948

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to management of a coordinated county transportation  
3 authority.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 431.003(3), Transportation Code, is  
6 amended to read as follows:

7 (3) "Local government" means:

8 (A) a municipality;

9 (B) a county; or

10 (C) for purposes of Subchapter D:

11 (i) [7] a navigation district, hospital  
12 district, or hospital authority;

13 (ii) [7-01] a regional transportation  
14 authority governed by Chapter 452; or

15 (iii) a coordinated county transportation  
16 authority governed by Chapter 460 ~~[as described by Section~~  
17 ~~452.001]~~.

18 SECTION 2. Section 460.054(b), Transportation Code, is  
19 amended to read as follows:

20 (b) The interim executive committee is composed of:

21 (1) one member appointed by the governing body of each  
22 municipality with a population of 12,000 or more that is located in  
23 the county;

24 (2) three members appointed by the commissioners

1 court, two of whom must reside in the unincorporated area of the  
2 county; ~~and~~

3 (3) three members to be designated by the remaining  
4 municipalities with a population of more than 500 but less than  
5 12,000 located in the county; and

6 (4) one member appointed by the governing body of each  
7 municipality in the county with a population of more than 500 but  
8 less than 12,000 that:

9 (A) designates a public transportation financing  
10 area under Section 460.603; and

11 (B) enters into an agreement with the authority  
12 to provide public transportation services in the public  
13 transportation financing area under Subchapter I.

14 SECTION 3. Section 460.105, Transportation Code, is amended  
15 by adding Subsection (c) to read as follows:

16 (c) A private operator who contracts with an authority under  
17 this chapter is not a public entity for purposes of any law of this  
18 state except that an independent contractor of the authority that  
19 performs a function of the authority is liable for damages only to  
20 the extent that the authority would be liable if the authority or  
21 entity itself were performing the function.

22 SECTION 4. Section 460.1092(a), Transportation Code, is  
23 amended to read as follows:

24 (a) An authority may employ or contract for persons to serve  
25 as fare enforcement officers to enforce the payment of fares for use  
26 of the public transportation system by:

27 (1) requesting and inspecting evidence showing

1 payment of the appropriate fare from a person using the public  
2 transportation system; and

3 (2) issuing a citation to a person described by  
4 Section 460.1091(d).

5 SECTION 5. Section 460.2015(a), Transportation Code, is  
6 amended to read as follows:

7 (a) The board of directors of an authority confirmed under  
8 Subchapter B may increase the population amount stated by Section  
9 460.054(b)(1) in increments of up to 5,000. If the board increases  
10 that population amount, the board shall also increase each  
11 population amount stated by Sections 460.054(b)(3), (b)(4), and (c)  
12 [~~460.054(e)~~] by the same amount.

13 SECTION 6. Section 460.406(c), Transportation Code, is  
14 amended to read as follows:

15 (c) The board of directors may authorize the negotiation of  
16 a contract without competitive sealed bids or proposals if:

17 (1) the aggregate amount involved in the contract is  
18 \$50,000 or less;

19 (2) the contract is for construction for which not  
20 more than one bid or proposal is received;

21 (3) the contract is for services or property for which  
22 there is only one source or for which it is otherwise impracticable  
23 to obtain competition;

24 (4) the contract is to respond to an emergency for  
25 which the public exigency does not permit the delay incident to the  
26 competitive process;

27 (5) the contract is for personal or professional

1 services or services for which competitive bidding is precluded by  
2 law;

3 (6) the contract, without regard to form and which may  
4 include bonds, notes, loan agreements, or other obligations, is for  
5 the purpose of borrowing money or is a part of a transaction  
6 relating to the borrowing of money, including:

7 (A) a credit support agreement, such as a line or  
8 letter of credit or other debt guaranty;

9 (B) a bond, note, debt sale or purchase, trustee,  
10 paying agent, remarketing agent, indexing agent, or similar  
11 agreement;

12 (C) an agreement with a securities dealer,  
13 broker, or underwriter; and

14 (D) any other contract or agreement considered by  
15 the board of directors to be appropriate or necessary in support of  
16 the authority's financing activities;

17 (7) the contract is for work that is performed and paid  
18 for by the day as the work progresses;

19 (8) the contract is for the lease or purchase of an  
20 interest in land [~~or a right-of-way~~];

21 (9) the contract is for the purchase of personal  
22 property sold:

23 (A) at an auction by a state licensed auctioneer;

24 (B) at a going out of business sale held in  
25 compliance with Subchapter F, Chapter 17, Business & Commerce Code;  
26 or

27 (C) by a political subdivision of this state, a



1 state agency, or an entity of the federal government;

2 (10) the contract is for services performed by blind  
3 or severely disabled persons;

4 (11) the contract is for the purchase of electricity;  
5 ~~or~~

6 (12) the contract is one for an authority project and  
7 awarded for alternate project delivery using the procedures under  
8 Subchapters E, F, ~~and~~ G, and I, Chapter 2267, Government Code, as  
9 added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature,  
10 Regular Session, 2011; or

11 (13) the contract is for fare enforcement officer  
12 services under Section 460.1092.

13 SECTION 7. Section 460.105(c), Transportation Code, as  
14 added by this Act, applies only to a cause of action that accrues on  
15 or after the effective date of this Act. A cause of action that  
16 accrues before the effective date of this Act is governed by the law  
17 in effect immediately before that date, and that law is continued in  
18 effect for that purpose.

19 SECTION 8. This Act takes effect September 1, 2013.

By: Watson, Nelson

S.B. No. 276

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of certain transportation authorities to  
3 create a local government corporation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 431.003(3), Transportation Code, is  
6 amended to read as follows:

7 (3) "Local government" means:  
8 (A) a municipality;  
9 (B) a county; or  
10 (C) for purposes of Subchapter D:  
11 (i) [7] a navigation district, hospital  
12 district, or hospital authority;  
13 (ii) [7-01] a regional transportation  
14 authority governed by Chapter 452;  
15 (iii) a rapid transit authority governed by  
16 Chapter 451; or  
17 (iv) a coordinated county transportation  
18 authority governed by Chapter 460 ~~[as described by Section~~  
19 ~~452.001].~~

20 SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2013.

By: Harper-Brown

H.B. No. 3120

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to limiting the liability of certain transportation  
3 authorities and railroads for certain incidents involving the  
4 provision of public passenger rail services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 452, Transportation Code,  
7 is amended by adding Section 452.0601 to read as follows:

8 Sec. 452.0601. LIABILITY LIMITED FOR RAIL INCIDENTS. (a)  
9 The aggregate liability of an authority and a railroad that enter  
10 into an agreement to provide public passenger rail services, and  
11 the governing boards, directors, officers, employees, and agents of  
12 the authority and railroad, may not exceed \$125 million for all  
13 claims for damages arising from a single incident involving the  
14 provision of public passenger rail services under the agreement.

15 (b) Subsection (a) does not affect the amount of damages  
16 that may be recovered under Subchapter D, Chapter 112, or the  
17 Federal Employers' Liability Act (45 U.S.C. Section 51 et seq.).

18 (c) This section does not affect any immunity, limitation on  
19 damages, limitation on actions, or other limitation of liability or  
20 protection applicable under other law to an authority or other  
21 provider of public passenger rail services.

22 (d) The limitation of liability provided by this section  
23 does not apply to damages arising from the wilful misconduct or  
24 gross negligence of the railroad.

1       (e) The limitation of liability provided by this section  
2 applies to an incident involving the National Railroad Passenger  
3 Corporation using facilities of an authority under an agreement  
4 with the authority.

5       SECTION 2. Subchapter C, Chapter 460, Transportation Code,  
6 is amended by adding Section 460.1041 to read as follows:

7       Sec. 460.1041. LIABILITY LIMITED FOR RAIL INCIDENTS. (a)  
8 The aggregate liability of an authority and a railroad that enter  
9 into an agreement to provide public passenger rail services, and  
10 the governing boards, directors, officers, employees, and agents of  
11 the authority and railroad, may not exceed \$125 million for all  
12 claims for damages arising from a single incident involving the  
13 provision of public passenger rail services under the agreement.

14       (b) Subsection (a) does not affect the amount of damages  
15 that may be recovered under Subchapter D, Chapter 112, or the  
16 Federal Employers' Liability Act (45 U.S.C. Section 51 et seq.).

17       (c) This section does not affect any immunity, limitation on  
18 damages, limitation on actions, or other limitation of liability or  
19 protections applicable under other law to an authority or other  
20 provider of public passenger rail services.

21       (d) The limitation of liability provided by this section  
22 does not apply to damages arising from the wilful misconduct or  
23 gross negligence of the railroad.

24       (e) The limitation of liability provided by this section  
25 applies to an incident involving the National Railroad Passenger  
26 Corporation using facilities of an authority under an agreement  
27 with the authority.

1           SECTION 3. The change in law made by this Act applies only  
2 to a cause of action that accrues on or after the effective date of  
3 this Act.

4           SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2013.

Proposed Substitute  
for HB 3120

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for \_\_\_\_\_ .B. No. \_\_\_\_\_:

By: \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to limiting the liability of certain transportation  
3 authorities and railroads for certain incidents involving the  
4 provision of public passenger rail services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 452, Transportation Code,  
7 is amended by adding Section 452.0601 to read as follows:

8 Sec. 452.0601. LIABILITY LIMITED FOR RAIL INCIDENTS AND  
9 ACCIDENTS. (a) The aggregate liability of a railroad that  
10 enters into an agreement with an authority that enables the  
11 authority to provide public passenger rail services on railroad  
12 facilities and the governing boards, directors, officers,  
13 employees, contractors and agents of the railroad, may not  
14 exceed \$125 million for all claims for damages arising from a  
15 single incident or accident involving the provision of public  
16 passenger rail services under the agreement.

17 (b) Subsection (a) does not affect the amount of damages  
18 that may be recovered under Subchapter D, Chapter 112, or the  
19 Federal Employers' Liability Act (45 U.S.C Section 51 et seq.).

20 (c) This section does not affect any immunity, limitation  
21 on damages, limitations on actions or other limitation of

1 liability or protection applicable under law to an authority,  
2 it's contractors or other provider of public passenger rail  
3 services.

4 (d) The limitation of liability provided by this section  
5 applies to an incidents and accidents involving the National  
6 Railroad Passenger Corporation using facilities of an authority  
7 under an agreement with the authority.

8 SECTION 2. Subchapter C, Chapter 460, Transportation Code,  
9 is amended by adding Section 460.1041 to read as follows:

10 Sec. 460.1041. LIABILITY LIMITED FOR RAIL INCIDENTS AND  
11 ACCIDENTS. (a) The aggregate liability of a railroad that  
12 enters into an agreement with an authority that enables the  
13 authority to provide public passenger rail services on railroad  
14 facilities and the governing boards, directors, officers,  
15 employees, contractors and agents of the railroad, may not  
16 exceed \$125 million for all claims for damages arising from a  
17 single incident or accident involving the provision of public  
18 passenger rail services under the agreement.

19 (b) Subsection (a) does not affect the amount of damages  
20 that may be recovered under Subchapter D, Chapter 112, or the  
21 Federal Employers' Liability Act (45 U.S.C Section 51 et seq.).

22 (c) This section does not affect any immunity, limitation  
23 on damages, limitations on actions or other limitation of  
24 liability or protection applicable under law to an authority,  
25 it's contractors or other provider of public passenger rail  
26 services.

1        (d) The limitation of liability provided by this section  
2 applies to an incidents and accidents involving the National  
3 Railroad Passenger Corporation using facilities of an authority  
4 under an agreement with the authority.

5        SECTION 3. The change in law made by this Act applies only  
6 to a cause of action that accrues on or after the effective date  
7 of this Act.

8        SECTION 4. This Act takes effect immediately if it  
9 receives a vote of two-thirds of all the members elected to each  
10 house, as provided by Section 39, Article III, Texas  
11 Constitution. If this Act does not receive the vote necessary  
12 for immediate effect, this Act takes effect September 1, 2013.





## Legislative Update

Transportation and air quality in the North Central Texas region are impacted by legislative decisions at the State and federal levels.

NCTCOG staff regularly update policy and technical committee members, transportation partners and others interested in monitoring legislative initiatives related to the Regional Transportation Council (RTC) legislative priorities.

Below is a summary of recent legislative news and action.

## RELATED LINKS

### State

Texas Legislature Online

### Federal

Thomas: U.S. Congress on the Internet

## FRIDAY, MARCH 15, 2013

From Washington D.C. | From Austin, Texas | Monitored Bills | Highlighted Bills | Hearings | Rulemaking

### FROM WASHINGTON D.C.

The sequestration has now been in effect for 15 days and US Department of Transportation funding runs out on March 27. The Senate continues to debate amendments to Fiscal Year 2013 appropriations legislation that would keep the federal government open past March 27. The Senate Continuing Resolution (CR) meets the MAP-21 authorization levels for highways and public transportation, but capital investment grants (New Starts and Small Starts) are funded at the 2012 levels. These still remain subject to the sequestration that drop levels slightly below MAP-21 authorized amounts. As a reminder, last week the House passed their version that reduces reduced highway and transit authorizations below the 2012 enacted levels.

This week the House and Senate also released separate budget plans for Fiscal Year 2014 appropriations, but Congress must first take care of the current year appropriations bill before they will take up the next fiscal year budget. The House plan highlights transportation as one area that could be cut, specifically mentioning high-speed rail. The House Rules Committee is expected to consider its budget on Monday. On the flip side, the Senate's Fiscal Year 2014 budget plan aims to help fix the nation's infrastructure issues. The Senate Budget committee approved the proposed budget Thursday, but there are currently no plans for the full Senate to take up the measure any time soon.

### FROM AUSTIN, TEXAS

The Senate Finance Committee unanimously passed Wednesday the committee substitute for Senate Bill 1 (CSSB 1), the Senate's updated version of the state budget. There was no additional funding included for the AirCheckTexas program at the committee level, but it is still a work in progress. The Texas Emissions Reduction Plan (TERP) did receive additional funding in the updated budget. The new proposed budget has TERP receiving \$90,759,951 in each fiscal year of the 2014-15 biennium out of TERP Account No. 5071. This is up from \$65,163,876 in each fiscal year in the original version. The full Senate is expected to consider the budget next Wednesday. The text of CSSB 1 can be found here. [PDF]

### MONITORED BILLS

The Texas Legislature link includes all bills being tracked in both the House and Senate. For more information, please contact Rebekah Hernandez.

- Texas Legislature [PDF]

### HIGHLIGHTED BILLS — TEXAS LEGISLATURE

Over 6,000 bills have been filed this legislative session, and almost one-third of these bills were filed just within the past week. The most recent Regional Transportation Council Legislative Program with corresponding legislation can be found here. [PDF] As staff continues to analyze legislation, bills may be clarified, added or removed from the list.

### RECENT COMMITTEE HEARINGS

**US House of Representatives****March 14, 2013: Transportation and Infrastructure Subcommittee on Highways and Transit**

- The Subcommittee met to discuss the implementation of reforms and requirements included in the Moving Ahead for Progress in the 21st Century Act (MAP-21). Testimony was given by Victor M. Mendez, Federal Highway Administration Administrator, Peter M. Rogoff, Federal Transit Administration Administrator, Administrator Anne S. Ferro, Federal Motor Carrier Administration and Administrator David L. Strickland, National Highway Traffic Safety Administration. They discussed the progress in implementing MAP-21 provisions and how they are preparing for the next surface transportation reauthorization. Conversation also turned to future transportation funding and the ongoing sequestration.

**Texas Senate****March 13, 2013: Finance**

- SB 1 (Williams) General appropriations bill – Voted favorably as substituted .

**Texas House of Representatives****March 11, 2013: Appropriations Subcommittee on Budget Transparency and Reform**

- HB 1336 (Keffer) Relating to funding for state and county roads affected in areas of increased energy production. – left pending

**March 11, 2013: Ways and Means**

- HB 430 (Riddle) Relating to an exemption from the motor vehicle use tax for certain motor vehicles brought into this state by certain military personnel. – left pending
- HB 1288 (Hilderbran) Relating to a credit or a refund for diesel fuel taxes paid on diesel fuel used in this state by auxiliary power units or power take-off equipment. – left pending

**March 12, 2013: Transportation**

- HB 307 (Farias) Relating to safety equipment requirements for certain cyclists. – Voted favorably as substituted.
- HB 377 (Burnam) Relating to the designation of a portion of Interstate Highway 35W as the Cesar Chavez Memorial Freeway. – left pending
- HB 567 (Smith) Relating to the definition of an authorized emergency vehicle. – Voted favorably as substituted
- HB 1134 (Darby) Relating to performance and payment security for certain comprehensive development agreements. – left pending
- HB 1274 (Crowover) Relating to the authority of certain transportation authorities to create a local government corporation. – left pending
- HB 1290 (Phillips) Relating to the authority for local governments to jointly administer transportation reinvestment zones. – Voted favorably as substituted

**March 5, 2013: Transportation**

- HB 63 (Craddick) Texting and driving – Voted favorably as substituted
- HB 77 (Guillen) Verification of insurance with wireless device – Left pending
- HB 118 (Larson) Voting requirements for metropolitan planning organization policy board member (only relates to San Antonio) – Left pending
- HB 307 (Farias) Cyclist safety equipment – Left pending
- HB 1290 (Phillips) Local governments to jointly administer a transportation reinvestment zone (TRZ) – Left pending

**March 13, 2013: Special Purpose Districts**

- HB 563 (Guillen) Relating to shale transportation districts, authorizing the issuance of bonds. – left pending
- HJR 63 (Guillen) Proposing a constitutional amendment dedicating a portion of the state's oil and gas tax revenue to construction, reconstruction, acquisition, and expansion of roads in counties in which a shale formation is located. – left pending

## UPCOMING COMMITTEE HEARINGS

### *US House of Representatives*

#### **March 18, 2013: House Rules**

- Establishing the budget for the United States Government for fiscal year 2014 and setting forth appropriate budgetary levels for fiscal years 2015 through 2023.

### *Texas Senate*

#### **March 19, 2013: Criminal Justice**

- SB 275 (Watson) Relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

#### **March 20, 2013: Transportation**

- SB 487 (Davis) Relating to all-terrain vehicles and recreational off-highway vehicles.
- SB 638 (Paxton) Relating to performance and payment security for certain comprehensive development agreements.
- SB 971 (Williams) Relating to projects for which a transportation reinvestment zone may be created.
- SB 1110 (Nichols) Relating to the purposes and designation of a transportation reinvestment zone.

### *Texas House of Representatives*

#### **March 18, 2013: Technology**

- HB 335 (Stickland) Relating to the posting of required notice on a political subdivision's Internet website.

#### **March 18, 2013: Ways and Means**

- HB 2148 (Hilderbran) Relating to the motor fuel tax on compressed natural gas and liquefied natural gas.

#### **March 19, 2013: Transportation**

- HB 474 (Munoz) Relating to an optional procedure for the issuance of a permit by a certain regional mobility authority for the movement of oversize or overweight vehicles.
- HB 562 (Gonzalez) Relating to the suspension of toll collection during a declared state of disaster.
- HB 719 (Gonzalez) Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.
- HB 848 (Lucio III) Relating to the impoundment of a motor vehicle involved in an accident if operated without financial responsibility.
- HB 1198 (Raymond) Relating to authorizing an optional county fee for vehicle registration in certain counties. Only relates to the Rio Grande Valley area.
- HB 1380 (Martinez) Relating to passing certain vehicles on a highway; providing a penalty. TxDOT vehicle to Move Over Law.
- HB 1485 (Lavender) Relating to money allocated under the federal-aid highway program.
- HB 1534 (Leach) Relating to the designation of a segment of U.S. Highway 75 in Collin County as the Sam Johnson Highway.

- HB 1716 (Pickett) Relating to the purposes and designation of a transportation reinvestment zone.
- HB 1964 (Harper-Brown) Relating to the authority of the Texas Department of Transportation to participate in certain federal transportation programs.

#### **March 19, 2013: Environmental Regulation**

- HB 114 (Raymond) Relating to voluntary emissions inspections in border counties.
- HB 147 (Burkett) Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.
- HB 378 (Burnam) Relating to the development of a climate adaptation plan by certain entities.
- HB 788 (Smith) Relating to regulation of greenhouse gas emissions by the Texas Commission on Environmental Quality.
- HB 1714 (Smith) Relating to the discontinuance of the Texas Commission on Environmental Quality's compliance history program.

#### **March 20, 2013: Energy Resources**

- HB 448 (Dukes) Relating to a requirement that the operator of an oil or gas well on which a hydraulic fracturing treatment is to be performed mail a list of the chemicals to be used in the treatment to persons residing near the well.
- HB 1094 (Keffer) Relating to authorizing assessments for water and energy improvements in districts designated by municipalities and counties.

#### **March 21, 2013: Defense and Veteran's Affairs**

- HB 1348 (Menendez) Relating to the taxation of certain tangible personal property located inside a defense base development authority.
- HB 1832 (Miller) Relating to granting certain local governments general zoning authority around certain military facilities.
- HB 2387 (Menendez) Relating to the taxation of certain tangible personal property located inside a defense base development authority.

#### **March 21, 2013: Appropriations**

- HB 1 (Pitts) General Appropriations Bill
- HB 1025 (Pitts) Relating to making supplemental appropriations and reductions in appropriations and giving direction and adjustment authority regarding appropriations.

## **RULEMAKING**

### ***Department of Transportation: Service Level Environmental Impact Statement for the Texas Oklahoma Passenger Rail Study Corridor, South Texas to Oklahoma City***

**Agency:** Federal Railroad Administration (FRA)

**Action:** Notice of Intent to Prepare an Environmental Impact Statement (EIS).

**Summary:** FRA is issuing this notice to advise the public that it will prepare a Service Level/Tier 1 EIS with the Texas Department of Transportation (TxDOT) to study potential new and/or improved high-speed intercity passenger rail service along an 850-mile corridor extending from Oklahoma City, Oklahoma, to the south Texas cities of Laredo and Brownsville.

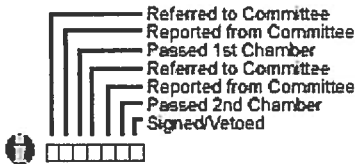
You can read the entire notice here. [PDF]



**Texas Transit Association  
Bill Status Report**

03-20-2013 - 15:03:50

**A** - Action in the date range **R** - Link to Related Information ( ) - Priority



**TTA Fiscal/Budget**

HB 10 Pitts, Jim(R) Williams, Tommy(R) Relating to making emergency supplemental appropriations and providing direction and transfer authority regarding certain appropriations.

**Track Name(s):** TTA High Priority, TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-13-13 G Earliest effective date

HB 88 Callegari, Bill(R) Relating to the constitutional limit on the rate of growth of appropriations.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House Appropriations

HB 98 Perry, Charles(R) Relating to zero-based budgeting for certain entities funded by this state.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House Appropriations

HB 228 Perry, Charles(R) Relating to the maximum rate of growth of appropriations.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 02-07-13 H Introduced and referred to committee on House Appropriations

HB 237

King, Phil(R)

Relating to the limitation on the rate of growth in appropriations from state tax revenues.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 02-07-13 H Introduced and referred to committee on House Appropriations

HB 568

White, James(R)

Relating to the creation of a select committee to evaluate the effects of reduction in or elimination of federal funding on the state budget due to federal fiscal policy.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 02-13-13 H Introduced and referred to committee on House Appropriations

HB 782

Phillips, Larry(R)

Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

**Companions:** SB 287 Nichols, Robert (Identical)  
3-18-13 S Sent to subcommittee  
Senate Finance

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 02-20-13 H Introduced and referred to committee on House Appropriations

HB 783

Sanford, Scott(R)

Relating to the constitutional limit on the rate of growth of appropriations and the use of surplus state revenues.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 02-18-13 H Introduced and referred to committee on House Appropriations

HJR 23

Callegari, Bill(R)

Proposing a constitutional amendment concerning the limitation on the rate of growth of state appropriations.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House Appropriations

HJR 68

Phillips, Larry(R)

Proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale of motor vehicles to the state highway fund.

**Companions:** SJR 20 Nichols, Robert (Identical)  
3-18-13 S Sent to subcommittee  
Senate Finance

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-18-13 S Sent to subcommittee Senate Finance

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SJR 25 Paxton, Ken(R) Proposing a constitutional amendment prescribing the purposes for which revenue from motor vehicle registration fees, certain motor vehicle-related taxes, and certain revenues received from the federal government may be used.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-18-13 S Sent to subcommittee Senate Finance

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SJR 26 Estes, Craig(R) Proposing a constitutional amendment to prohibit using revenues, other money, or account or fund balances dedicated by law for nondedicated general governmental purposes.

**Companions:** HJR 89 Harless, Patricia (Identical)  
2-25-13 H Introduced and referred to committee on House Appropriations

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-18-13 S Sent to subcommittee Senate Finance

#### TTA High Priority

HB 1 Pitts, Jim(R) General Appropriations Bill.

**Track Name(s):** TTA High Priority, Beth Alert Track

**Bill History:** 03-21-13 H Meeting set for 8:30 a.m., E1.030 House Appropriations

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HB 10 Pitts, Jim(R) Williams, Tommy(R) Relating to making emergency supplemental appropriations and providing direction and transfer authority regarding certain appropriations.

**Track Name(s):** TTA High Priority, TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-13-13 G Earliest effective date

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HB 311 Guillen, Ryan(D) Relating to the exemption of rural transit districts from motor fuel taxes.

**Track Name(s):** TTA High Priority, Beth Alert Track

**Bill History:** 02-11-13 H Introduced and referred to committee on House Ways and Means

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HB 486 Dukes, Dawinna(D) Relating to outsourcing a service performed by a

**Bill History:** 02-18-13 H Introduced and referred to committee on House Appropriations

SB 287 Nichols, Robert(R) Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

**Companions:** HB 782 Phillips, Larry (Identical)  
2-20-13 H Introduced and referred to committee on House Appropriations

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-18-13 S Sent to subcommittee Senate Finance

SB 309 Paxton, Ken(R) Relating to the state highway fund.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-18-13 S Sent to subcommittee Senate Finance

SJR 10 Patrick, Dan(R) Proposing a constitutional amendment concerning the limitation on the rate of growth in appropriations and the use of unencumbered surplus state revenues.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 01-29-13 S Introduced and referred to committee on Senate Finance

SJR 20 Nichols, Robert(R) Proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale of motor vehicles to the state highway fund.

**Companions:** HJR 68 Phillips, Larry (Identical)  
2-18-13 H Introduced and referred to committee on House Appropriations

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-18-13 S Sent to subcommittee Senate Finance

SJR 23 Estes, Craig(R) Proposing a constitutional amendment to prohibit using revenues, other money, or account or fund balances dedicated by law for nondedicated general governmental purposes.

**Track Name(s):** TTA Fiscal/Budget, Beth Alert Track

**Bill History:** 03-18-13 S Sent to subcommittee Senate Finance

SJR 24 Watson, Kirk(D) Proposing a constitutional amendment prohibiting the diversion of and concerning the use of statutorily dedicated revenues.



health and human services agency to a private commercial contractor.

**Track Name(s):** TTA High Priority, Beth Alert Track

**Bill History:** 02-13-13 H Introduced and referred to committee on House Human Services

HB 1145 Kolkhorst, Lois(R) Relating to the provision and delivery of certain health and human services in this state, including the provision of those services through the Medicaid program.

**Companions:** SB 8 Nelson, Jane (Identical)  
2-26-13 S Recommended for Local/Uncontested Calendar

**Track Name(s):** TTA High Priority, TTA Medicaid, Beth Alert Track

**Bill History:** 02-25-13 H Introduced and referred to committee on House Public Health

HB 1545 Allen, Alma(D) Relating to the eligibility of persons with disabilities to use certain public transportation services.

**Track Name(s):** TTA High Priority, Beth Alert Track

**Bill History:** 02-25-13 H Introduced and referred to committee on House Transportation

HJR 22 Pickett, Joe(D) Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.

**Track Name(s):** TTA High Priority, Beth Alert Track

**Bill History:** 02-06-13 H Introduced and referred to committee on House Ways and Means

HJR 29 Larson, Lyle(R) Proposing a constitutional amendment to limit the purposes for which revenues from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenues received from the federal government may be used.

**Track Name(s):** TTA High Priority, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House Appropriations

SB 1 Williams, Tommy(R) General Appropriations Bill.

**Track Name(s):** TTA High Priority, Beth Alert Track

**Bill History:** 03-20-13 S Laid out for consideration in the Senate at 12:03pm

SB 8  
■ ■

Nelson, Jane(R)

Relating to the provision and delivery of certain health and human services in this state.

**Companions:** HB 1145 Kolkhorst, Lois (Identical)  
2-25-13 H Introduced and referred to committee on House Public Health

**Track Name(s):** TTA High Priority, Beth Alert Track

**Bill History:** 02-26-13 S Recommended for Local/Uncontested Calendar

SB 56  
■ ■

Nelson, Jane(R)

Relating to the provision and delivery of certain health care services in this state, including the provision of those services through the Medicaid program.

**Track Name(s):** TTA High Priority, TTA Medicaid, Beth Alert Track

**Bill History:** 03-20-13 S Recommended for Local/Uncontested Calendar

SB 276  
■ ■ ■

Watson, Kirk(D)

Relating to the authority of certain transportation authorities to create a local government corporation.

**Companions:** HB 1274 Crownover, Myra (Identical)  
3-12-13 H Committee action pending House Transportation

**Track Name(s):** TTA High Priority, TTA- Metros, Beth Alert Track

**Bill History:** 03-19-13 H Received in the House - Not referred

#### TTA Medicaid

HB 59  
■

Burnam, Lon(D)

Relating to participation by political subdivisions in federal healthcare programs.

**Track Name(s):** TTA Medicaid, Beth Alert Track

**Bill History:** 02-13-13 H Introduced and referred to committee on House Public Health

HB 1145  
■

Kolkhorst, Lois(R)

Relating to the provision and delivery of certain health and human services in this state, including the provision of those services through the Medicaid program.

**Companions:** SB 8 Nelson, Jane (Identical)  
2-26-13 S Recommended for Local/Uncontested Calendar

**Track Name(s):** TTA High Priority, TTA Medicaid, Beth Alert Track

**Bill History:** 02-25-13 H Introduced and referred to committee on House Public Health

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HB 2162 Eiland, Craig(D) Relating to health benefit plan coverage for certain nonemergency transportation services.

**Track Name(s):** TTA Medicaid, Beth Alert Track

**Bill History:** 03-14-13 H Introduced and referred to committee on House Insurance

---

HB 2681 Guillen, Ryan(D) Relating to a pilot project to determine the most efficient transportation service delivery model for the Medicaid medical transportation program.

**Track Name(s):** TTA Medicaid, Beth Alert Track

**Bill History:** 03-06-13 H Filed

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SB 29 Zaffirini, Judith(D) Relating to certain Medicaid home and community-based services waiver programs.

**Track Name(s):** TTA Medicaid, Beth Alert Track

**Bill History:** 01-28-13 S Introduced and referred to committee on Senate Health and Human Services

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SB 41 Zaffirini, Judith(D) Relating to the administration and provision of consumer-directed services under certain health and human services programs.

**Track Name(s):** TTA Medicaid, Beth Alert Track

**Bill History:** 01-28-13 S Introduced and referred to committee on Senate Health and Human Services

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SB 56 Nelson, Jane(R) Relating to the provision and delivery of certain health care services in this state, including the provision of those services through the Medicaid program.

**Track Name(s):** TTA High Priority, TTA Medicaid, Beth Alert Track

**Bill History:** 03-20-13 S Recommended for Local/Uncontested Calendar

---

SJR 8 Ellis, Rodney(D) Proposing a constitutional amendment requiring the state to expand eligibility for the Medicaid program to certain persons.

**Companions:** HJR 91 Coleman, Garnet (Identical)  
3- 5-13 H Introduced and referred to committee on House Appropriations

**Track Name(s):** TTA Medicaid, Beth Alert Track

**Bill History:** 01-29-13 S Introduced and referred to committee on Senate Health and Human Services

**TTA Miscellaneous**

HB 74 Fletcher, Allen(R) Relating to the exception to disclosure under the public information law of certain personal information contained in a citation issued for a violation of a state traffic law or local traffic ordinance.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-07-13 H Rereferred to Committee on House Criminal Jurisprudence

---

HB 84 McClendon, Ruth Jones(D) Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House Transportation

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HB 106 Larson, Lyle(R) Relating to the permissible uses of the state highway fund.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House Appropriations

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HB 119 Larson, Lyle(R) Relating to citizenship information reported by persons who receive local or state money to provide services to individuals in this state.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House State Affairs

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HB 185 Dutton, Harold(D) Relating to liability of a governmental unit for personal injury and death caused by the governmental unit's negligence.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-06-13 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

---

HB 369 Martinez, Armando(D) Relating to the transportation of certain mental health patients.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-06-13 H Committee action pending House Public Health

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HB 474 Munoz, Sergio(D) Relating to an optional procedure for the issuance of a permit by a certain regional mobility authority for the movement of oversize or overweight vehicles.

**Companions:** SB 477 Hinojosa, Chuy (Identical)  
2-13-13 S Introduced and referred to committee on Senate Transportation

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-19-13 H Committee action pending House Transportation

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HB 477 Harper-Brown, Linda(R) Relating to the authority of a county to advertise on leased vehicles.

**Companions:** SB 1341 Taylor, Larry (Identical)  
3-13-13 S Introduced and referred to committee on Senate Intergovernmental Relations

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-21-13 H Meeting set for 10:30 A.M. OR ADJ., E2.016 House County Affairs

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HB 489 Menendez, Jose(D) Relating to the use of assistance animals that provide assistance to persons with disabilities; providing criminal penalties.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-28-13 H Committee action pending House Defense and Veteran's Affairs

---

HB 793 Lozano, Jose(R) Relating to the creation of the offense of unlawful transport of an undocumented person.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-27-13 H Committee action pending House State Affairs

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HB 1102 Harper-Brown, Linda(R) Relating to the accommodation of pedestrians, bicyclists, persons with disabilities, children, senior citizens, users of public transportation, movers of commercial goods, and motorists on streets and highways.

**Companions:** SB 565 Ellis, Rodney (Identical)  
2-20-13 S Introduced and referred to committee on Senate Transportation

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-19-13 H Introduced and referred to committee on House Transportation

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HB 1105 Harper-Brown, Linda(R) Relating to the allocation of certain motor fuel tax revenue to the state highway fund.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-19-13 H Introduced and referred to committee on House Appropriations

HB 1290 Phillips, Larry(R) Relating to the authority for local governments to jointly administer transportation reinvestment zones.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-12-13 H Reported from committee as substituted House Transportation

HB 1716 Pickett, Joe(D) Relating to the purposes and designation of a transportation reinvestment zone.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-19-13 H Committee action pending House Transportation

HB 1917 Rodriguez, Eddie(D) Relating to alcoholic beverage advertising on the outside of certain vehicles.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-19-13 H Committee action pending Licensing and Administrative Procedures

HB 1985 McClendon, Ruth Jones(D) Relating to the use of the state highway fund for rail relocation and improvement.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-05-13 H Introduced and referred to committee on House Transportation

HB 2339 Parker, Tan(R) Relating to management of a coordinated county transportation authority.

**Companions:** SB 948 Nelson, Jane (Identical)  
3-12-13 S Introduced and referred to committee on Senate State Affairs

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-11-13 H Introduced and referred to committee on House Transportation

HB 2423 Martinez, Armando(D) Relating to the creation of regional transit authorities.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-11-13 H Introduced and referred to committee on House Special Purpose Districts

HB 3031 Fletcher, Allen(R) Relating to fare enforcement officers in certain transit authorities.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-18-13 H Introduced and referred to committee on House Transportation

HB 3120 Harper-Brown, Linda(R) Relating to limiting the liability of certain transportation authorities and railroads for certain incidents involving the provision of public passenger rail services.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-07-13 H Filed

HJR 30 Larson, Lyle(R) Proposing a constitutional amendment to allow the voters of certain counties to adopt a charter that restructures and empowers the county government.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-07-13 H Committee action pending House County Affairs

HJR 38 Strama, Mark(D) Proposing a constitutional amendment establishing the Texas Redistricting Commission to redistrict the Texas Legislature and Texas congressional districts and revising procedures for redistricting.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-06-13 H Introduced and referred to committee on House Redistricting

SB 565 Ellis, Rodney(D) Relating to the accommodation of pedestrians, bicyclists, persons with disabilities, children, senior citizens, users of public transportation, movers of commercial goods, and motorists on streets and highways.

**Companions:** HB 1102 Harper-Brown, Linda (Identical)  
2-19-13 H Introduced and referred to committee on House Transportation

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 02-20-13 S Introduced and referred to committee on Senate Transportation

SB 948 Nelson, Jane(R) Relating to management of a coordinated county transportation authority.

**Companions:** HB 2339 Parker, Tan (Identical)  
3-11-13 H Introduced and referred to  
committee on House Transportation

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-12-13 S Introduced and referred to committee  
on Senate State Affairs

SB 1333 Carona, John(R) Relating to the creation of the Cotton Belt Rail  
Improvement District.

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-13-13 S Introduced and referred to committee  
on Senate Intergovernmental Relations

SB 1341 Taylor, Larry(R) Relating to the authority of a county to advertise  
on leased vehicles.

**Companions:** HB 477 Harper-Brown, Linda (Identical)  
3-21-13 H Meeting set for 10:30 A.M.  
OR ADJ., E2.016, House County Affairs

**Track Name(s):** TTA Miscellaneous, Beth Alert Track

**Bill History:** 03-13-13 S Introduced and referred to committee  
on Senate Intergovernmental Relations

#### TTA Safety

HB 27 Martinez Fischer, Trey(D) Relating to the creation of an offense for certain  
prohibited uses of a wireless communication device  
while operating a motor vehicle.

**Track Name(s):** TTA Safety, Beth Alert Track

**Bill History:** 02-26-13 H Not heard in committee House  
Transportation

HB 41 Menendez, Jose(D) Relating to the use of a wireless communication  
device while operating a motor vehicle; providing  
for penalties.

**Track Name(s):** TTA Safety, Beth Alert Track

**Bill History:** 02-26-13 H Committee action pending House  
Transportation

HB 63 Craddick, Tom(R) Relating to the creation of an offense for use of a  
handheld wireless communication device for text-  
based communication while operating a motor  
vehicle.

**Companions:** SB 28 Zaffirini, Judith (Identical)  
1-28-13 S Introduced and referred to



## committee on Senate Transportation

**Track Name(s):** TTA Safety, Beth Alert Track

**Bill History:** 03-07-13 H Reported from committee as substituted House Transportation

HB 69

Lucio III, Eddie(D)

Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

**Track Name(s):** TTA Safety, Beth Alert Track

**Bill History:** 02-04-13 H Introduced and referred to committee on House Transportation

HB 108

Harless, Patricia(R)

Relating to the creation of an offense for use of a handheld wireless communication device for text-based communication while operating a motor vehicle.

**Track Name(s):** TTA Safety, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House Transportation

SB 28

Zaffirini, Judith(D)

Relating to the creation of an offense for use of a handheld wireless communication device for text-based communication while operating a motor vehicle.

**Companions:** HB 63 Craddick, Tom (Identical)  
3- 7-13 H Reported from committee as substituted House Transportation

**Track Name(s):** TTA Safety, Beth Alert Track

**Bill History:** 01-28-13 S Introduced and referred to committee on Senate Transportation

#### TTA TXDOT

HB 116

Larson, Lyle(R)

Relating to the sunset review of regional mobility authorities.

**Track Name(s):** TTA TXDOT, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee on House Transportation

HB 117

Larson, Lyle(R)

Relating to the composition of the Texas Transportation Commission and the selection of members of that commission.

**Track Name(s):** TTA TXDOT, Beth Alert Track

**Bill History:** 02-05-13 H Introduced and referred to committee

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HB 118      Larson, Lyle(R)      Relating to voting eligibility requirements for members of a metropolitan planning organization policy board.

**Track Name(s):** TTA TXDOT, Beth Alert Track

**Bill History:** 03-05-13 H Committee action pending House Transportation

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HB 121      Larson, Lyle(R)      Relating to requiring that members of the governing board of certain metropolitan rapid transit authorities be elected.

**Track Name(s):** TTA TXDOT, Beth Alert Track

**Bill History:** 03-05-13 H Committee action pending House Transportation

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HB 1363      Callegari, Bill(R)      Relating to certain required reports and other documents prepared by state agencies and institutions of higher education.

**Companions:** SB 59      Nelson, Jane      (Identical)  
3-18-13 S Recommended for  
Local/Uncontested Calendar

**Track Name(s):** TTA TXDOT, Beth Alert Track

**Bill History:** 03-18-13 H Committee action pending House Government Efficiency and Reform

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SB 59      Nelson, Jane(R)      Relating to certain required reports and other documents prepared by state agencies and institutions of higher education.

**Companions:** HB 1363      Callegari, Bill      (Identical)  
3-18-13 H Committee action pending  
House Government Efficiency and  
Reform

**Track Name(s):** TTA TXDOT, Beth Alert Track

**Bill History:** 03-18-13 S Recommended for Local/Uncontested Calendar

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SB 466      Hinojosa, Chuy(D)      Relating to the authority of the Texas Department of Transportation to participate in certain federal transportation programs.

**Companions:** HB 1964      Harper-Brown, Linda      (Identical)  
3-19-13 H Committee action pending  
House Transportation

**Track Name(s):** TTA TXDOT, Beth Alert Track

**Bill History:** 03-14-13 H Received in the House - Not referred

**TTA- Metros**

HB 1274      Crownover, Myra(R)      Relating to the authority of certain transportation authorities to create a local government corporation.

**Companions:** SB 276      Watson, Kirk      (Identical)  
3-19-13 H Received in the House - Not referred

**Track Name(s):** TTA- Metros, Beth Alert Track

**Bill History:** 03-12-13 H Committee action pending House Transportation

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HB 2148      Hilderbran, Harvey(R)      Relating to the motor fuel tax on compressed natural gas and liquefied natural gas.

**Companions:** SB 1648      Williams, Tommy      (Identical)  
3- 8-13 S Filed

**Track Name(s):** TTA- Metros, Beth Alert Track

**Bill History:** 03-18-13 H Committee action pending House Ways and Means

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HB 3448      Gutierrez, Roland(D)      Relating to the service of a presiding officer of certain metropolitan rapid transit authorities.

**Track Name(s):** TTA- Metros, Beth Alert Track

**Bill History:** 03-08-13 H Filed

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SB 276      Watson, Kirk(D)      Relating to the authority of certain transportation authorities to create a local government corporation.

**Companions:** HB 1274      Crownover, Myra      (Identical)  
3-12-13 H Committee action pending House Transportation

**Track Name(s):** TTA High Priority, TTA- Metros, Beth Alert Track

**Bill History:** 03-19-13 H Received in the House - Not referred

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SB 1648      Williams, Tommy(R)      Relating to the motor fuel tax on compressed natural gas and liquefied natural gas.

**Companions:** HB 2148      Hilderbran, Harvey      (Identical)  
3-18-13 H Committee action pending House Ways and Means

**Track Name(s):** TTA- Metros, Beth Alert Track

**Bill History:** 03-08-13 S Filed



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## CONGRESS LOOKS TO COMPLETE FY13 BUDGET

### BUDGET

House and Senate unveil competing Budget Resolutions. The House Budget Committee and the Senate Budget Committee each approved a Budget Resolution this week by party line votes. The competing measures outline starkly divergent views of the future of the federal government and illustrate the difficult task facing those seeking common ground on a broad blueprint for tax and spending policy.

The Budget Resolution is a blueprint that does not require the President's signature. Instead, it sets broad revenue and spending goals for the coming decade and sometimes includes instructions to individual committees to craft legislation to meet those goals. The Budget Resolution's most important role is to set the cap on discretionary spending for the coming fiscal year. In general, the Appropriations Committees are bound by the cap set by the Budget Resolution.

The divided control on Capitol Hill and the competing budget visions of each party has meant that Congress have led to the failure of Congress to enact a Budget Resolution in recent years. Indeed, the Senate Budget Committee, bowing to the futility of getting a budget blueprint through the Senate much less to reaching a compromise with the House, has declined to even pursue a Budget Resolution in recent years. In addition, passage of the Budget Control Act of 2011, which set binding discretionary spending caps through FY 2021 (and set sequestration in motion), has made the most important task of the Budget Committees somewhat superfluous.

However, the Budget Resolutions unveiled this week present a clear contrast between the two parties and are a good indication of the policies each side would enact if voters gave

them complete control of the federal government.

### House Budget Resolution

The House Budget Resolution calls for elimination of the budget deficit in FY 2023. The savings would come entirely from \$4.6 trillion in spending reductions, largely achieved through sweeping changes to federal spending, particularly to entitlement programs such as Medicaid and Medicare.

Specifically, the House plan calls for:

- Repeal of the Affordable Care Act,
- Gradual transformation of Medicare into a voucher program, with means-tested premiums for high-income seniors and
- Reduction in the federal contribution to Medicaid (including Medicaid expansion outlined in the Affordable Care Act) and turning it into a state block grant combined with the State Children's Health Insurance Program.

Discretionary spending would bear some of the burden of spending cuts in the House blueprint. It would set discretionary spending caps that would slow the growth of discretionary spending to less than one percent per year through FY 2013, going \$249 billion beyond the \$1.2 trillion in savings outlined by sequestrations. For FY 2014, the House Budget Resolution would maintain the sequestration-level discretionary spending cap of \$966 billion. However, it would keep FY 2014 Defense discretionary spending at the pre-sequestration level of \$552 billion and make up the difference by lowering the non-Defense discretionary spending cap by another \$55 billion to \$414 billion.

On taxes, the House measure would maintain revenues at current levels, but calls for a major overhaul of the tax code. Specifically,

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**Washington Report**

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it calls for two tax brackets of 10 percent and 25 percent, with revenue losses from the eliminated high-income tax brackets offset by the elimination of unspecified tax credits and deductions.

#### Senate Budget Resolution

The Senate Budget Resolution calls for \$1.85 trillion in deficit reduction through FY 2023 divided equally between new revenue and spending reductions. It would not eliminate the budget deficit, but would bring it down to \$566 billion, which Senate Democrats argue would keep any debt increases below the rate of inflation.

In broad categories, spending reductions in the Senate blueprint include:

- \$275 billion from health care,
- \$240 billion from Defense discretionary,
- \$142 billion from non-Defense discretionary,
- \$76 billion from mandatory spending such as farm subsidies and
- \$242 billion in savings from reduced interest payments.

The plan also calls for \$100 billion in stimulus spending in FY 2014, with \$50 billion directed to President Obama's "Fix It First" proposal and the remainder directed to school infrastructure, port and waterway improvements and capitalizing an infrastructure bank. For FY 2014, the Senate blueprint would maintain the sequestration level discretionary spending cap of \$966 billion, with \$497 billion for Defense discretionary and \$469 billion for non-Defense discretionary spending.

On revenue, the Senate Budget Resolution calls for \$975 billion in new revenue from the elimination of what it calls tax breaks and loopholes that disproportionately benefit the wealthy. (For local governments, a concern is that this language includes the tax exemption for municipal bonds; see related story.)

## FINANCE

### Budget Resolutions question value of municipal bond tax exemption.

Advocates of maintaining the tax exemption for municipal bonds received bad news and good news from Capitol Hill this week.

Despite their widely divergent views of future federal budgets, the Budget Resolutions unveiled in the House and Senate broadly call for the elimination of tax credits and deductions, including the tax exemption for municipal bonds. Language in the Senate blueprint was particularly discouraging for advocates of municipal bonds, mistakenly arguing that the tax exemption only benefits wealthy Americans and that direct grants or direct subsidy bonds such as Build America Bonds are a more efficient way for the federal government to assist local government infrastructure investments.

Advocates of municipal bonds counter that:

- Everyone, regardless of income, benefits from the core infrastructure investments financed by municipal bonds,
- The tax exemption for municipal bonds lowers local government borrowing costs and that higher borrowing costs would lead to higher local taxes and utility rates that would impact low- and moderate-income households,
- Federal grants for infrastructure investment have dwindled over the past decade, during which time federal mandates, particularly for water and sewer, have increased significantly and
- Direct subsidy bonds are a good complement to tax exempt bonds but underwriting and marketing costs combined with the uncertainty of federal support (subsidy payments for Build America Bonds are being sequestered) make them a poor substitute for traditional tax exempt bonds.

On a brighter note, Representatives Lee Terry (R-NE) and Richard Neal (D-MA) introduced a resolution (H Res 112) this week celebrating the 200<sup>th</sup> anniversary of the first municipal bond and the 110<sup>th</sup> anniversary of the tax exemption for

municipal bonds. Municipal bond advocates should encourage their House members to cosponsor the Terry-Neal Resolution.

## APPROPRIATIONS

Senate to debate FY 2013 spending measure. The Senate Appropriations Committee this week released its version of a FY 2013 spending bill and the Senate is expected to debate the measure next week. The government has been running in FY 2013 under a Continuing Resolution (CR) that has been funding federal agencies at or near their FY 2012 levels from October 1, 2012 through March 27, 2013.

Last week, the House approved its version of a final FY 2013 spending bill that would also largely fund programs at their FY 2012 levels. The House bill would give the Obama Administration some flexibility when implementing the budget sequester at the Defense Department but not other agencies. As a result, most domestic discretionary programs would experience five percent reductions from their FY 2012 levels as outlined by the sequester.

The Senate bill includes some specific recommendations for spending in FY 2013, but also for the most part funds programs at their FY 2012 levels and does not provide any mechanism for avoiding the sequester. Among the areas of note that were provided specific increases over FY 2012 levels were the Head Start program (+\$33.5 million), the Child Care and Development Block Grant (+\$50 million), and highway and transit programs (which were increased to reflect authorization levels of the 2012 MAP-21 law).

The Senate bill also prohibits the implementation of a proposal by the Obama Administration to turn most Department of Homeland Security (DHS) grant programs for states and local governments into a single block grant. And, while it funds those programs at the same levels as FY 2012, it also provides an additional \$188 million for the programs to be spent at the discretion of the DHS Secretary.

Senate leaders are trying to reach

agreements with Senators on the number of amendments to the Senate spending bill so that they can complete it next week and leave town for a 2-week recess without the threat of a government shutdown.

However, many Members are looking to use the measure as a way to add spending to specific programs to avoid the sequester. For example, Senator Jerry Moran (R-KS) has an amendment to shift \$50 million in funding between accounts at the Federal Aviation Administration in order to prevent the agency from closing air traffic control towers at 173 smaller airports.

A summary of the Senate FY 29013 appropriations bill can be found here: <http://1.usa.gov/13XJKD9>

## JOB TRAINING

House approves job training reauthorization; local organizations have concerns. The House today approved legislation (HR 803) that would reauthorize the 1998 Workforce Development Act, which governs federal job training programs.

The goal of the bill is to consolidate the dozens of federal job training programs that exist across several agencies into a single state block grant. Programs that would be eliminated under HR 803 include programs designed specifically to assist youth, Native Americans, migrant and seasonal workers, and veterans. Last week, during committee consideration of the bill, Democrats walked out of the markup out of frustration that the bill was nearly identical to a measure from last year that they strongly opposed.

The U.S. Conference of Mayors, National League of Cities, and National Association of Counties wrote to House leadership this week prior to the House vote outlining some significant concerns with HR 803. They include opposition to language that would:

- Allow states to designate members of local Workforce Investment Boards without any input from local stakeholders
- Allow states to eliminate funding for programs that provide services for specific populations, as well as divert funds for non-job training purposes

- Eliminate programs specifically designed for low-income youth employment

The letter from the local government organizations can be accessed here: <http://bit.ly/ZFdv4N>

A summary of the bill from the House Education and Labor Committee: <http://1.usa.gov/YEvEBN>

The Senate has not considered WIA reauthorization yet this year, but its version is expected to differ significantly from the House bill, which may once again result in a stalemate on the issue.

## PUBLIC SAFETY

Committee approves two gun control measures; passage in the Senate is uncertain. After hours of tough debate, the Senate Judiciary Committee passed on a party line vote two gun control bills, the Assault Weapons Ban of 2013 (S 150) and the Protecting Responsible Gun Sellers Act of 2013 (S 374), which would extend background checks on gun purchases.

S 374 would include provisions to extend federal background checks to extend federal background checks to private sales of firearms, with only transfers to family members being exempt. Currently, background checks are only required for sales handled through federally licensed dealers.

Gun-control advocates argue that the lack of universal coverage reduces the effectiveness of the background check law because it may motivate people prohibited from buying guns to acquire them from a private seller. However, gun-rights advocates view the expansion of background checks as too restrictive and warn that it may lead to confiscation from law-abiding gun owners. The bill would also encourage states and local governments to report more criminal and mental health records to the National Instant Criminal Background System.

While the bill was approved on a party-line vote, a bipartisan group of Senators continue to negotiate changes in the committee passed bill in an attempt to garner more bipartisan support when it is considered by the full Senate.

The assault weapons ban (S 150) was also approved without Republican support. The bill would reinstate a federal ban on assault weapons and large ammunition magazines that expired in 2004. While President Obama asked for “swift passage” of the bill after the committee vote, its chances of approval are slim, as Republicans are likely to prevent the measure from receiving the 60 votes needed to break and expected filibuster.

A more detailed summary of S 150 can be found in the *January 25 Washington Report*. Groups endorsing the bill include the National League of Cities, U.S. Conference of Mayors and the Major Cities Chiefs Association.

Four gun control measures approved by the Judiciary Committee are expected to be considered on the floor sometime next month, after the congressional recess.

## TRANSPORTATION

Senate Appropriations bill would fund highways and transit at MAP-21 levels. The version of a final FY 2013 spending bill to be considered in the Senate next week would provide modest increases to federal highway and transit programs by funding them at the level authorized in the 2012 MAP-21 law. The competing version approved by the House last week did not recognize the MAP-21 levels of funding.

Federal highway programs would receive a \$555 million increase in FY 2013 under the Senate bill, while transit programs would get an additional \$117 million.

It was anticipated that the Senate would vote on their CR this week, however several amendments have been field, and the list of amendments that may be offered is still being finalized. Votes are expected next week.

Getting a lot of attention is an amendment field by Sen. Jerry Moran (R-KS) to provide \$50 million to keep 173 contract air traffic control towers open by cutting that amount from Federal Aviation Administration facilities and research accounts. The

towers recently became victims of the March 1 sequester.

#### FY 2014 Budget

This week, both the House and Senate Budget Committees released their FY 2014 budget plans (see related story above). While the blueprint does not provide specific recommendations for transportation, the House version does take aim at DOT, reporting that “while no federal department is free of inefficiency, the Department of Transportation in particular offered a number of areas where spending could be cut back responsibly.”

House Budget Committee Chairman Paul Ryan (R-WI) goes on to say that “the mechanisms of federal highway and transit spending have become distorted, leading to imprudent, irresponsible, and often downright wasteful spending,” and that transportation projects’ “capacity as job creators has been vastly oversold.”

The Senate budget resolution holds regular transportation funding slightly below current levels over the next ten years. However, the plan recommends the \$50 billion infrastructure package proposed by the President in his State of the Union address last month, as well as a \$10 billion infrastructure bank.

#### **GRANTS & NOTICES**

View grant application deadlines on our Grants Calendar [here](#). The password is *capitalede*.

#### **Department of Housing and Urban Development**

HUD announced the recipients of 2012 Continuum of Care Program awards.  
Press Release: <http://1.usa.gov/ZFq2Fi>  
Recipients: <http://1.usa.gov/10XjkRs>

#### **Department of Justice**

The Bureau of Justice Assistance (BJA) seeks applicants for awards of up to \$750,000 through the FY 2013 Smart Probation; Reducing Prison Populations, Saving Money and Creating Safer Communities Program grants. The goal of the program is to develop or enhance probation programs that effectively address offenders’ needs and reduce recidivism. BJA anticipates making up to eight awards. Applications are due May 9:  
<http://1.usa.gov/10IhgN7>

BJA announces the availability of funding through the FY 2013 Encouraging Innovation: Filed Initiated Programs grant program. Applicants may apply for funding in two areas: proposals to test a strategy and the local level, document implementation and develop national replication, and proposals to develop targeted and national or regional strategies addressing a critical need or gap in the field. BJA will make awards of up to \$400,000 and interested applicants must submit a Concept Paper no later than April 12:  
<http://1.usa.gov/Wq2K8X>

#### **Ray C. Anderson Foundation**

The Ray C. Anderson Foundation solicits letters of inquiry for projects through its Gray Notes Grants program. Awards of up to \$25,000 will be made for environmental conservation, preservation and restoration initiatives; urban agricultural programs; clean water and air projects, and programs to develop environmentally sound urban development planning practices among local government, industry and business groups. Letters of Inquiry are accepted on a rolling basis for awards made in June and December:  
<http://bit.ly/YufyYv>

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# Positive Train Control: Is It On Track?

NTSB Forum 2/27/2013

## Panel 2: Current Status of Positive Train Control Regulatory Implementation

Forum archived webcast: <http://bit.ly/fzFiOW>

**Technical Panel:** Mark Jones (RPH) - Chair, Ruben Payan (RPH), Tim DePaepe (RPH)

**Objective:** This panel will explore the regulatory implementation of Positive Train Control, including current the current status of implementation of PTC regulation and challenges to implementation of PTC regulation.

### Panelists:

- Frank Lonegro, Association of American Railroads - [Presentation from Frank Lonegro](#)
- Richard Arsenault, Federal Communications Commission - [Presentation from Richard Arsenault](#)
- Mark Hartong, PhD, Federal Railroad Administration - [Presentation from Mark Hartong, PhD](#)
- Dave Blackmore, Federal Railroad Administration – No presentation
- Tom Schnautz, PTC-220 - [Presentation from Tom Schnautz](#)
- Lou Sanders, American Public Transportation Association - [Presentation from Lou Sanders](#)

### Technical Panel Question and Answer:

Archived webcast: <http://bit.ly/YbkhhH> (minutes 84:42- 99:07)

- In FRA's 2012 report to congress, the agency indicated that most railroads will not be able to meet the 2015 PTC implementation deadline; who are the exceptions?  
Blackmore, FRA: A number of the national rail lines such as Amtrak are on pace to meet the deadline as are Metrolink in southern California, Alaska Rail and BNSF
- The report also indicates a number of lines are on pace to achieve "partial deployment" by 2015, how do you define "partial deployment"?  
Hartong, FRA: These lines will have fully implemented PTC on segments of their track, but not covering the railroad in its entirety.
- The FRA report references spectrum demand studies done by railroads which indicate that there are sufficient radio channels available for freight but that spectrum may not be available along high density lines. What studies are being referenced?  
Hartong, FRA: PTC- 220 has prepared a city-by-city report documenting spectrum requirements and availability compared against their holdings which outlines what they can lease in each market.

- A survey by APTA cited in the 2012 FRA Report, indicated that only three of 20 commuter railroads had been able to acquire enough spectrum for interoperable communication. Are there any updates, or has that number changed?  
Hartong, FRA: At present, no updated number can be provided as a number of railroads are in various stages of the negotiation process to obtain spectrum.  
Sanders, APTA: The number has increased, but many commuter rails are encountering licensing and insurance issues in the market; however, budgetary constraints are the most significant obstacle.
  
- Has FRA taken any action to assist commuter lines obtain spectrum?  
Hartong, FRA: The agency has not purchased spectrum on behalf of any commuter rail lines, but has tried to coordinate sales by bringing spectrum holders and buyers together
  
- In their report to congress, FRA requests permission to approve “alternative safety technologies” – elaborate  
Blackmore, FRA: FRA is currently testing a number of safety systems such as:
  - Dark Territory Systems
  - Point Monitoring Systems
  - Broken Rail Detection Systems
 Such systems use “unconventional signal logic” and have generally proven effective and could be used “in parallel” to PTC or in areas outside PTC requirement.
  
- If given the authority to allow for the use of alternative safety systems, how would it be granted to railroads? Through a waiver process?  
Blackmore, FRA: Waivers would be used and agencies would have to provide evidence justifying use of the alternative system.
  
- Has the FRA received any safety plans?  
Hartong, FRA: FRA has yet to receive a complete safety plan, but the agency has received a portions of plans from a number of railroads and conducted preliminary review to identify any major issues that would preclude their plan from certification once formally submitted, in an effort to expedite the formal review process.
  
- How long is the formal review process expected to take?  
Hartong, FRA: Review process duration depends on the amount of public engagement; submission of extensive public comments or calls for public hearings would prolong the process. However, at its most rapid, a plan could be reviewed in 90 to 120 days from filing to certification.
  
- What sanctions would FRA place on a rail line if their operations were found to be non-compliant with their safety plan?  
Hartong, FRA: FRA would treat PTC issues as they would any other signal system; graduated reprimands beginning with warnings, then fines and possibly

orders from administrator would be issued in accordance with the infraction. FRA would conduct an evaluation comparing the operation to the safety plan to determine the exact nature of the compliance issue, as they do for systems currently in use.

- What was the Association of American Railroads' (AAR) role in the development of guidelines for industry standards that apply to PTC regulations?  
Lonegro, AAR: AAR's role should be viewed in the context of industry governance. Though not technically an AAR committee, the Interoperable Train Committee (ITC), which was formed by four major Class I railroads in late 2008, had undertaken lots of functionally oriented studies to identify protocols and standards necessary for interoperable communication required for PTC. Currently ITC is developing 34 protocols, which it will then deliver to AAR for their review and publication. At present, ITC has delivered 30 standards/protocols to AAR, of which 18 have been published for comment.
- Does AAR have any involvement in issues related to spectrum?  
Lonegro, AAR: Spectrum is an industry level issue as opposed to policy. PTC-220 is comprised of seven Class I railroads and AAR has helped them to interface with FCC in regard to policy on their behalf but has not had any significant involvement.
- Has AAR worked with any commuter lines on issues related to spectrum?  
Lonegro, AAR: Through their work with others in the industry, such as APTA, AAR has had some interaction with commuter and short line rail lines, and is now working to implement an annual symposium between various rail and stakeholders to exchange information and ideas.
- Has AAR been involved with interoperability issues?  
Lonegro, AAR: AAR has been involved in efforts to develop methods to coordinate the vintage of technology used across the industry, to ensure all rail lines are using the same model/version of PTC technology. AAR also anticipates helping to develop methods to enforce synchronized technology updates.
- Does APTA assist commuter agencies with spectrum acquisition?  
Sanders, APTA: APTA published a report outlining the spectrum needs of various commuter agencies, specifically addressing economic obstacles, which it presented to the FCC. Going forward, FCC is to partner with select commuter agencies to assist in surmounting their particular challenges.
- What has APTA identified as the largest challenge facing commuter agencies?  
Sanders, APTA: FUNDING is the principle issue, however complex local procurement restrictions for some municipal agencies also pose a significant problem for many agencies.

- Since submitting the aforementioned report, has APTA continued to work with FCC?  
Sanders, APTA: APTA and FCC have had several subsequent meetings regarding spectrum which have been fairly unfruitful.
- Do the member railroads of PTC-220 have sufficient spectrum for their operations?  
Schnautz, PTC-220: PTC-220, a spectrum holding company, currently holds enough spectrum to service its membership comprised of the seven Class I rail lines. However, its supply may be insufficient to service congested metro areas where commuter and freight lines overlap (eg Chicago).
- Are any smaller non-Class I or commuter rail agencies members of PTC-220? If not, has PTC-220 approached these groups about procuring spectrum?  
Schnautz, PTC: PTC-220 is governed by committees of volunteers from its member rail lines; non-member lease holders are not active in leadership. However, PTC-220 communicates regularly with non-member lease holders and other commuter rail agencies through “various venues” including making presentations at national symposiums hosted by other organizations such as AAR and participating in other “information sharings.”
- What are the biggest obstacles facing properties unable to secure spectrum?  
Schnautz, PTC-220: PTC-220 is sympathetic to smaller organizations; however, while expensive, spectrum is generally available so agencies simply must go out and purchase it.
- What entities outside of PTC-220 hold spectrum?  
Arsenault, FCC: In addition to PTC-220 there are three other entities holding significant amounts of 220 Hz spectrum in various markets, for example Spectrum Bridge, is a broker representing a number of licensees with large spectrum holdings in the Philadelphia and Dallas Market. Skybridge is a licensee with a large amount of available spectrum as is the National Rural Telecommunications Cooperative (NRTC). FCC is happy to facilitate communication between any agencies that wish to approach these groups.
- Is there any course of action FCC recommends for agencies in need of spectrum?  
Arsenault, FCC: FCC has offered to facilitate sales but it is critical that commuter rails assess their spectrum needs prior to entering the secondary market.
- Do you expect short line and commuter rail to be ready to implement PTC by the 2015 deadline?  
Blackmore, FRA: By en large, most agencies will not make the deadline; technical and financial issues aside, many must comply with prolonged local procurement process requirements that will make it impossible for them to secure, test and implement all the need material in time.

## Regulatory Panel (NTSB Board) Question and Answer:

Archived Webcast: <http://bit.ly/YbkhhH> (minutes 250:05- 286:05)

- The FRA's report to congress mentions many significant hurdles facing small commuter operators in acquiring spectrum, such as prolonged budgeting cycles and limited availability. What additional steps can struggling commuter agencies take to secure spectrum?  
Arsenault, FCC: Agencies should know their exact requirements and be proactive in securing sufficient spectrum. Agencies must have the "internal will" to acquire spectrum; Congress did not ask the FCC to provide it and there is no indication that a spectrum auction would be successful. Select agencies have acquired spectrum, others are in negotiations, and agencies simply must be more assertive.
- What do you mean by "internal will"? These agencies know they *must* have spectrum, so what more do they need to do?  
Arsenault, FCC: Agencies must develop "competency" to acquire spectrum in a competitive market. Seek Washington council if need be, but spectrum is not going to be "handed out."
- What is the industry doing to assist rail roads in meeting milestones?  
Lonegro, AAR: Unfortunately the milestones are moving targets. Specification setting must be done sequentially; the process usually begins with the industry tapping an ITC subcommittees to develop a draft which must then must be voted upon and approved by railroads. This process involves multiple revisions, consequently, timelines for specification publishing is subject to alteration based on need.
- Is the FRA worried that the industry lacks a cogent plan to move forward?  
Hartong, FRA: The industry has a plan; they are doing engineering and as they try to engineer and detail specifications to the degree of specificity necessary to program software they're encountering setbacks. This is unfortunate, but it is the nature of the engineering process and they do seem to be making the best faith effort to move forward as quickly as possible.
- While spectrum seems to be the predominate issue, the back office server component also seems to be on a critical path. What exactly is its role within the PTC system and the status of its production?  
Hartong, FRA: The back office server must be able to identify the location of every locomotive in operation in order to route traffic information to any particular locomotive that can they be relayed to any other back office server. Developing software capable of reliably performing this task has proven difficult, in part because the back office server must also be able to identify when a signal has not been properly sent and then produce a warning signal. Each railroad will have a unique interface with their back office server; they will each need to have technology that can translate distinct signals from every device in their operating

system into a common language that can transit understandable messages to every other railroad's back office server. This is the basis of interoperability, which is an essential requirement for functional PTC. Once spectrum issues are completely resolved, people will most likely turn their attention to the challenges of the back office server.

- If you could streamline the approval and regulatory process in any way, what would it be?

Longro, AAR: Re-source the process and reduce the time frame. It takes a lot of time and effort to review safety plans and there are only a finite number of people with the technical, regulatory and railroad knowledge to do so capably; this is a major constraint. Furthermore some of the regulatory time frames, public comment periods for example, are unnecessarily extensive; interested parties will be watching for information and submit comments quickly. If FRA could review safety plans in pieces, addressing simplest components first so they can be approved and proceed while more difficult regulation is considered it would expedite the process. Furthermore, if FRA could curtail comment periods and hold more informal, in person meetings rather than long "letter writing campaigns" they might be able to more efficiently address some statutes and regulatory concerns.

- What could the FRA do to streamline implementation?

Blackmore, FRA: Increased communication between all parties engages more people in the regulatory process, ensuring all requisite parties are at the same stage. Also, allowing various railroads to communicate in the development of safety plans allows them to develop "standard operating procedures" which FRA can then approve rather than having to evaluate the proposed process in every safety plan. FRA is also trying to be more vigilant about tacking the approval process to prevent a bottle at one level and moving safety plans through each regulatory office as quickly as possible.

- What could FCC do to streamline the PTC implementation process?

Arsenault, FCC: Recommend that all parties "come to the table." There are lots of major spectrum markets that are ready and able to provide spectrum, agencies just need to come forward and initiate the process.

- Has a situation arisen in which a small commuter rail has been completely deprived of spectrum?

Arsenault, FCC: Spectrum is available in every market, price is the prohibitive factor.

- What are the top three challenges to implementation commuter rails face?

Sanders, APTA:

- 1.) Issues related to spectrum, specifically understanding the precise requirements, costs and the ability to enter markets given procurement rates in public sector

- 2.) Funding – many commuter railroads with limited capital dollars available must defer state of good repair issues to fund PTC implementation
- 3.) Scarcity of qualified staff
- 4.) Emerging challenges of operating a viable back office system.

- Does PTC-220 hold enough spectrum to support both freight and commuter rail nationwide?

Schnautz, PTC-220: PTC-220's current holdings would most likely cover the majority of freight and commuter rail needs *outside* of congested metropolitan areas. In major urban markets, the company needs to coordinate with other spectrum holders and is in the process of reviewing the exact needs of certain markets (i.e. Chicago, New Orleans, St. Louis etc.) to determine what, if any steps must be taken to procure of secure requisite spectrum.

- PTC-220 is increasingly become the “spectrum host” in the industry -Does PTC -220 have a monopoly on spectrum? What steps are being taken to ensure that non-members are able to secure spectrum at reasonable rates?

Schnautz, PTC- 220: PTC-220's seven members represent the vast majority of PTC deployment nationwide, so naturally when PTC-220 initially secured spectrum it did so in quantities sufficient to support its members. The company employs a cost-based recovery model used to set rates for non-members looking to buy in. The model does factor in some of the company's carrying cost, but as other spectrum brokers compete with PTC-220 in certain markets, they must keep their rates competitive.

- What are the industry's reliability expectations for the PTC system and how does it anticipate addressing en-route failures?

Lonegro, AAR: ITC is studying reliability by conducting test hardware failure rates at present, as the final software is not yet available. Issues related to reliability would result in a decrease or delay of capacity; however procedure to address en-route failures of the system are still subject to a final rulemaking.



## Board of Directors Memo

March 28, 2013

**Subject: August 2013 Service Changes**

### Background

DCTA has committed to review system performance and recommend service changes, if necessary, twice a year in August and January.

Staff will be holding Open Houses in Lewisville, Highland Village and Denton and a Twitter Online Chat to gather feedback from the community regarding specific service considerations for August 2013. The Open Houses will also include discussions of DCTA's long term service plans, rail safety awareness, annual program of projects, current capital projects and Title VI policies.

The Open Houses will be held:

- April 11: 6:30 p.m. - 7:30 p.m.: Highland Village Council Chamber
- April 11: 8:00 p.m. – 9:00 p.m.: Twitter Online Chat (@RideDCTA & #DCTAPubMtg)
- April 20: 10:00 a.m. – 11:30 a.m.: Lewisville Municipal Annex
- April 20: 1:00 p.m. – 2:30 p.m. : Downtown Denton Transit Center

Staff will brief the Board on specific August 2013 service considerations at the Executive Committee meeting on Wednesday, March 20, 2013 and at the Board Meeting on Thursday, March 28, 2013.

### Recommendation

This item is for informational purposes only.

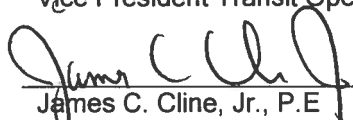
Final Review:




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Jared Varner,  
Vice President Transit Operations

Approval:




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James C. Cline, Jr., P.E.  
President





Denton County Transportation Authority  
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For Immediate Release – March 26, 2012

**DCTA Community Open House Events Announced**

With ridership continuing to rise, DCTA staff is looking ahead to August and planning ways to further improve services and the passenger experience. DCTA will host a series of community open house events to share agency plans, discuss current capital projects and collect feedback from the community.

DCTA has planned three community open house events which will offer an opportunity to discuss August 2013 service modifications, share the agency's long term service plans, distribute rail safety awareness material and share information regarding the agency's annual program of projects, current capital projects and Title VI policies. In conjunction with these open houses, DCTA will also host a job and procurement fair to outline various employment and business opportunities. A Twitter chat session has also been scheduled as an option for those who are unable to attend one of the events.

"DCTA's service plan and service modifications are based on community feedback as well as the agency's operational and financial constraints," explained Dee Leggett, vice president of program development. "We hope to engage the community with an open format during these events, providing community members the opportunity to have one-on-one discussions with staff."

Those who live, work or go to school in Denton County are invited to participate in the open house events and the Twitter online chat, continue the discussion and provide additional feedback for consideration during the planning of the August 2013 service changes. Persons with hearing or sight interpretive service needs are asked to contact DCTA at least two business days in advance of the meeting at 972-221-4600 or [dctainfo@dcta.net](mailto:dctainfo@dcta.net).

**April 11th 6:30 p.m. – 7:30 p.m.**  
 Highland Village Council Chamber  
 1000 Highland Village Rd., Highland Village

**April 20<sup>th</sup> 10:00 a.m. – 11:30 a.m.**  
 Lewisville Municipal Annex  
 1197 W. Main St., Lewisville  
*Accessible via Connect Route 23*

**April 11<sup>th</sup> 8:00 p.m. – 9:00 p.m.**  
 Twitter Online Chat  
 Follow @RideDCTA & #DCTAPubMtg

**April 20<sup>th</sup> 1:00 p.m. – 2:30 p.m.**  
 Downtown Denton Transit Center  
 604 E. Hickory St., Denton  
*Accessible via A-train & Denton Connect*

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**ABOUT DCTA**

Formed in 2002 and funded in 2003, the Denton County Transportation Authority has been focused on an aggressive service implementation strategy to address the mobility needs of Denton County residents. The central element of their Service Plan is the A-train, which connects with DART's Green Line at Trinity Mills in Carrollton and provides service to five stations within Denton County. In addition to the A-train, the DCTA provides bus service in the cities of Lewisville,

Denton and Highland Village. The Agency carries 3 million passengers annually system-wide. For more information about the A-train and DCTA, visit [RideDCTA.net](http://RideDCTA.net).

# 2013 Satisfaction Survey

## OVERVIEW:

Since 2007, DCTA has conducted regular customer surveys to gather feedback on service delivery. While some surveys are more comprehensive in nature, all surveys ask a basic series of questions to gauge customer service performance and customer satisfaction. The results of the 2013 survey are outlined below. Where possible, the 2013 survey results are compared to previous years. 2007 and 2008 surveys only included fixed route and express bus services.

## COLLECTION PROCESS:

The 2013 Satisfaction Survey was distributed in both English and Spanish on DCTA services and promoted electronically via social media and the DCTA website. Responses could be submitted electronically or by returning a completed survey to the DDTC, DCTA operations personnel or via mail/fax. 444 surveys were collected. 440 were completed in English and 4 were completed in Spanish.

## RESPONSES:

### 1. Which service(s) do you use most frequently? Check all that apply.

	2011	2013
<b>A-train</b>	<b>72%</b>	<b>82%</b>
<b>Connect/RSVP</b>	<b>35%</b>	<b>43%</b>
<b>Access</b>	<b>4%</b>	<b>2%</b>
<b>Campus Shuttles</b>	<b>15%</b>	<b>26%</b>
<b>DART</b>	<b>31%</b>	<b>49%</b>

Finding: Responses from the last two surveys have heavily skewed toward A-train riders. Based on 2013 results, we are seeing more A-train/Connect riders and more A-train/DART riders. Based on these results and a review of the open-ended comments, transit connections and optimized transfer times are of increasing importance to our customers. A more concerted effort will be made in the next annual survey to better engage the university communities. UNT Shuttle represents a majority of DCTA ridership and is underrepresented in this survey.

### 2. How would you describe DCTA's services in terms of:

	<i>Reliability</i>				<i>Affordability</i>			
	2007	2008	2011	2013	2007	2008	2011	2013
<b>Excellent</b>	<b>56%</b>	<b>24%</b>	<b>35%</b>	<b>58%</b>	<b>57%</b>	<b>42%</b>	<b>35%</b>	<b>36%</b>
<b>Good</b>	<b>39%</b>	<b>46%</b>	<b>39%</b>	<b>32%</b>	<b>30%</b>	<b>43%</b>	<b>35%</b>	<b>36%</b>
<b>Average</b>	<b>4%</b>	<b>17%</b>	<b>17%</b>	<b>6%</b>	<b>11%</b>	<b>10%</b>	<b>23%</b>	<b>23%</b>
<b>Poor</b>	<b>0%</b>	<b>7%</b>	<b>7%</b>	<b>2%</b>	<b>2%</b>	<b>1%</b>	<b>6%</b>	<b>4%</b>
<b>Very Poor</b>	<b>1%</b>	<b>2%</b>	<b>2%</b>	<b>2%</b>	<b>0%</b>	<b>0%</b>	<b>2%</b>	<b>2%</b>

	<i>Comfort</i>				<i>Staff</i>			
	2007	2008	2011	2013	2007	2008	2011	2013
<b>Excellent</b>	<b>54%</b>	<b>34%</b>	<b>41%</b>	<b>63%</b>	<b>90%</b>	<b>49%</b>	<b>61%</b>	<b>72%</b>
<b>Good</b>	<b>40%</b>	<b>48%</b>	<b>40%</b>	<b>30%</b>	<b>9%</b>	<b>41%</b>	<b>28%</b>	<b>22%</b>
<b>Average</b>	<b>5%</b>	<b>12%</b>	<b>17%</b>	<b>7%</b>	<b>1%</b>	<b>6%</b>	<b>9%</b>	<b>5%</b>
<b>Poor</b>	<b>1%</b>	<b>1%</b>	<b>2%</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>2%</b>	<b>1%</b>
<b>Very Poor</b>	<b>0%</b>	<b>2%</b>	<b>0%</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

	<i>Convenience/Service Hours</i>				<i>Safety</i>			
	2007	2008	2011	2013	2007	2008	2011	2013
<b>Excellent</b>	<b>10%</b>	<b>NA</b>	<b>27%</b>	<b>34%</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>71%</b>
<b>Good</b>	<b>48%</b>	<b>NA</b>	<b>31%</b>	<b>35%</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>24%</b>

<b>Average</b>	<b>33%</b>	<b>NA</b>	<b>25%</b>	<b>20%</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>4%</b>
<b>Poor</b>	<b>9%</b>	<b>NA</b>	<b>12%</b>	<b>7%</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>1%</b>
<b>Very Poor</b>	<b>1%</b>	<b>NA</b>	<b>6%</b>	<b>3%</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>1%</b>

Finding: DCTA's Good to Excellent rating increased in all categories. In 2011, Reliability was impacted by bus on-time performance. A review of Connect passenger responses in the 2013 demonstrates marked improvement. In 2011, reliability's Good to Excellent rating was 66% for bus customers with Poor to Very Poor receiving 12%. In 2013, Good to Excellent rating increased to 82% for bus customers with Poor to Very Poor decreasing to 6%. The increase in Comfort is likely a result of new buses and the full integration of the Stadler fleet. This is the first year that passengers have been asked to rate Safety.

**3. Please check the mobile devices and device operating platforms that you regularly use. You may select more than one.**

**Mobile Device**

"Non-smart" Phone	16%	Tablet/E-reader	30%
"Non-smart" Phone (Web-enabled)	9%	Laptop/Netbook	36%
Smart Phone	78%	Personal Digital Assistant	2%

**Platform**

Apple	49%	Windows	32%
Android	47%	Other	1%

Finding: While 118 chose to not answer the question, we can assume based on the responses that a majority of DCTA customers use smart phones. DCTA implementation of mobile technology is a smart direction for passenger information.

**DEMOGRAPHICS:**

<b>Gender:</b>	Male	52.3%
	Female	47.7%

**Which age category best describes you?**

Under 18	2%	35-44	17%	65+	4%
18-24	23%	45-54	17%	No response	.5%
25-34	20%	55-64	18%		

**Which category best describes your ethnic or racial background? Please check all that apply.**

White	62%	American Indian or Alaska Native	.7%
Hispanic	15%	Other	4.5%
Black/African American	17%	No Response	3.6%
Native Hawaiian/Pacific Islander	.2%		

**What is the primary language spoken in your home?**

English	92%
Spanish	5%
Other	3%

**OPEN ENDED COMMENTS:**

<b>AMENITY REQUEST</b>
Install Wi-Fi, willing to pay
Is Wi-Fi a possibility? Maybe for an extra charge or a personal access code? my girlfriend paid 50 dollars through UTSW for a one year pass
need a bathroom of some kind at all a-train stops
need Wi-Fi
On board Wi-Fi would be cool.
Please add bike rack.
Please add Wi-Fi to the A train
Suggestion: Plugs for cell phone chargers!
Tables like the TRE would be nice
The bus transfer shelter at MedPark could be expanded. Right now if it rains only 4 people can fit with school bags.
There are no bathrooms located within a mile of any A-train stop. Very inconvenient for those of us who get off and walk to work.
Need restrooms at some stops on green line. Would like to see more police on trains.
Wi-Fi on board trains (even for a small fee) might be something people are interested in.
<b>SERVICE COMMENT</b>
A-train is great. DART needs work - poor equipment.
It would be excellent if an annual pass could be payroll deducted through UNT - big and all at once. To use DCTA on a regular basis, you've really got to want it for ethical, environmental, or financial reasons - for 99% of the population it is not worth the hassle & unreliability. Those with tight schedules or a lot of responsibility and commitments can't be flexible with missed bus-train connections, infrequent routes. For example, taking the train vs. driving adds about an hour to my day. Why can't the A-train and connect buses communicate with each other? I realize they're owned & managed by 2 different companies but they're both representative of DCTA.
DART train is dirty
DCTA bus operators and train operators are the best
DCTA has wonderful employees - always courteous and helpful.
DCTA is just friggin' awesome!
DCTA is much better than DART. I enjoy DCTA, tolerate DART
Excellent reliability except No 6 - the time in the book, on the sheet, and when they show up is different! - Excellent staff especially those on Route 5, this period, they are courteous and friendly.
Greeted every morning and afternoon. I ride DART and TRE - A-train has the BEST customer service.
I RIDE THE A TRAIN AND CONNECT W/GREEN LINE TO DALLAS. LOVE THE RIDE AND CONVENIENCE!
I love the A-train. I wish I could say this about DART's train.
I love the A-Train...it is a great service and has made me reconsider my views on public transportation.
I'm glad DCTA changed it to where a local pass will now work.
My bus driver (Dan) is caring and greets me with a smile. It's very assuring!
Patrick the bus driver in Lewisville was great.
R drinks allowed? Recording only mentions food.
Route 5 drivers are the best!!!
Staff - Susan is awesome!
Staff rated excellent with note: Extraordinary - awesome staff and I ride 5:30 a.m. and 4:35 train.
thank you for being wheel chair friendly
The A-train staff are excellent!!
The schedule is much better with the new schedule. We are no longer waiting an hour or two for a bus

<b>SERVICE COMPLAINT</b>
A-train reliability is good, connect is poor. Please require bus drivers to adhere to stop times posted online. Sometimes they run early and do not wait for scheduled departure time.
Bus reliability and affordability is very poor as is the staff and convenience.
bus reliability and convenience is poor and bus safety is very poor; Bus, no security at stops, poorly lit - as a woman who rides early in morning - fear for safety because of wait time between bus pick up and train
Bus reliability is poor; affordability for bus is very poor as is its convenience.
Connect and UNT are poor for reliability and staff is good while DCTA Administration staff is poor.
Connect is poor in reliability and convenience
Convenience rated and notes as very poor for Saturdays.
DCTA is always smelly. Route 1 is never on time.
don't like new seats
Fares seem to be twice as expensive than those of DART and lead me to travel the distance to the nearest DART station instead of using DCTA services to do so. Might suggest lowering prices a bit or opening discounted day/hour passes to college students as well.
I am an ADA Certified passenger. I would like to explain the low rating on the first page. The routes I use, 2, 3, 4, 6 & 8 are mostly unsafe because the stops are at places where there isn't any sidewalk or flat uneven surfaces. Sometimes, the bus stops where I can't board or step-off with my cane. Maybe our stops could be selected with this in mind. Perhaps with DCTA's influence, the city would install more sidewalks. It would help tremendously, if DCTA would erect more benches at their stops. I've been riding since 2006 and I've realized this bit of wisdom a long time ago. It doesn't seem apparent to you so I'd like to share it with you now: You lose passengers who would normally become dependent on public transportation every time you change the path of a route. You keep changing back and forth to the same "old" paths and not creating any additional new paths. You keep changing the established "shopping" routes/schedules when that should have been established a long time ago. You don't have decent coverage for shoppers on weekends: The mall, shopping centers, grocery stores, restaurants and the theaters, etc. You are losing customers, DCTA does this every time they have a meeting to fix something that isn't broken and neglecting the obvious to everyone who rides DCTA. Who are you asking, tax payers who don't ride or passengers and those who are even more resourceful, your drivers.
I HAVE FOUND THE TRAINS TO BE TOO WARM; AND HAVE TO TAKE OFF COAT; WHEN RIDING THIS WINTER. (AND US OLD FOLKS ARE USUALLY TOO COLD) DART TRAINS ARE NOT TOO HOT.
I rated affordability as poor because I find it very expensive as I only ride 3 stops a day. Sometimes gaps between services are too big. A-train staff much better than DART staff.
I think you should determine how many riders speak only Spanish. Because all the announcements are in two languages, it seems like there are announcements going almost all the time. If there is a need for that, great, but if there are only a few riders who speak only Spanish, having every announcement in both Spanish and English isn't needed.
Please keep better care of ticket machines - they mess up often - thank you
a-train and connect need more coordination
I pay \$3.00 dollar for a pick ride some time they come and they have left me with no ride and went I call they said it book and said I call two day ago and they said ok what time last year it came too about 22 time they didn't come
I try to write or listen to audio books (w/ear buds) on the A-train and DART bus. The automated announcements make it difficult because they are WAY TOO LOUD!! (my only complaint)
I work down town Dallas and used to use the bus service, I have found that the time involved and expense of paying for a regional pass for the DCTA/Dart service makes using the train too time consuming and expensive to justify using the service. This is something that DCTA needs to review if it expects to be a functional means of transportation for the Denton county residents. Tks much
It would be beneficial if the bus was actually on time all the time.
Leaves too early according to naval observatory master clock time. Please lower the volume of the announcement of depart/arrival notice she is too loud and the beep of the doors opening is ear piercing.
Make student discounts (one semester) same price online that is offer at the Denton Station. I bought student pass online and paid \$175 - over paid by \$90 - not fair
Need to stop the smoking around the station stops.
Need to stop the smoking.

On Friday, Jan. 18, 2013, I was riding the DART Green Line from downtown Dallas to Trinity Mills, scheduled to arrive at 2:04 pm. I was planning to take the 2:06 pm A train to Denton. The Green line did not arrive until 2:09 pm. The A train did not wait. So I was stuck there until 3:45 pm. Why don't the conductors communicate with each other? If you want to attract riders to the A train, you have to do a better job. I would like for someone to call me
Please have train and bus personnel enforce the "no smoking" at the train stops and covered bus stops. When it rained and I was waiting for a bus at the DDTC, 3 bus drivers walked right by with someone smoking under the cover and said nothing.
Recent price hikes are making it cheaper for me to drive, reliability and on time performance hampered by DART's poor on time and reliability, not DCTA's fault. Your employees are excellent! Love the new trains!
Route 1 schedule is horrible; too much wait time at HUB between routes connecting.
Schedule says depart @ 10am train actually departs earlier. Pick a time and depart @ that time not 30 seconds before. when its say they tell us to watch our step on the platforms
Seats on A-train are very uncomfortable.
Sometimes the time between DART arriving at trinity mills and a-train leaving seems too long.
The fare is too expensive for regional riding, when you just go to trinity mills.
Too many smokers on Dart train platforms especially downtown Carrollton 8:15-8:35 am.
UNT shuttle needs improvement
<b>SERVICE REQUEST</b>
Please consider adding another 7:30 bus from DCTA to UNT.
Why isn't there a connect/UNT shuttle that will return to DDTC to catch the 5:34 train? Also, the connection time between Rte. 7 arrival is too tight for the 5:12 train. In general, keep in mind that many leave their office at 5:00 and need time to walk to the bus stop, so a 5:03 pick up is too early.
Route 6 doesn't come around often enough. 1h 25 is too long a gap between buses. I find it hard to believe there isn't enough demand on that route to warrant the bus running more often especially when the Super Wal-Mart is no that route. Please fix this route please. It can take up to 4 hours for me to do my groceries because I spend so much time at the station and at Wal-Mart waiting for the bus.
Affordability rated poor with note: From Wal-Mart to the mall with no routing automatic route change. Convenience rated very poor with note: Back street bus stop locations - and Saturday's end time 6:30; come on man! - Other note: Go back to buses changing routes; first Route 23, then 22, then 21; otherwise you're getting me nowhere, then I don't ride much!!!
As a shift worker, Sunday service would be great.
A-train routes needed on Saturday mornings for those who work on weekends.
Better service and train hours at night. I wait over two hours some nights for a train from trinity mills to connect to Denton. I get to trinity mills between 645pm and 715pm. The only train that comes is going out of service and I have to wait until 806 for a train. And I'm not the only one standing there. I find it a bit ridiculous that there isn't another train between those times when getting off of work at six is a norm.
Connections between DART and DCTA during midday could be better. Need more for people not working but have appointments.
DART cars are dirty. Make an earlier SB run in the a.m. Need to put signs up in train "keep feet off of seats".
DCTA is WAAAAAYYYYYYYY too focused on just Dallas commuters and needs to also address the need for direct access to Fort Worth -- perhaps through the same commuter buses which they are no longer using for the Dallas route since the A-train went online
DCTA services are overall very good for such a young transit agency and in my opinion a much better ROI for member cities compared to DART. For now, DCTA should beef up bus routes in number and frequency in the 3 member cities. A second rail line to Fort Worth should be a long term goal, but near term, extending the A train down to Belt Line Rd. and interface with the Cotton Belt line should take precedence. If Trail/cotton belt deal can be worked out, DCTA should seek to lease time on the tracks to provide Denton-DFW airport service direct.
For the price needs to run more during rush hour and one at least every hour.
Great job teaming up with the AAC, however it would be great if the service was available that late every Friday and Saturday. Until then we will just drive to the DART station in Carrollton and ride DART with realistic operating hours.
Great services! It would be great to have more bus routes (university or other) that could go out to more remote areas of Denton such as the other side of I-35 (other side of McCormick exit).
Hope that the D.C.T.A will offer more trains to run on Saturdays so we don't have to wait a whole hour to wait on

one.
I don't understand why DCTA doesn't have a train between 716am and 8am in this busy rush hour going from trinity mills to Denton. They should add a train at 720 and 740am to accommodate people coming from Dallas and want to go to their work in Denton in the rush hour of the morning.
I have been to several meetings and asked about different train times. Spec. the A-Train weekday route from Trinity Mills headed towards Denton. The DART pulls in at 5:14. The A-Train leaves at 5:12 (sometimes earlier). I do not understand why this gap cannot be fixed. It would get me home almost a half hour sooner and for a 2 hour commute that is a lot. Every time I ask about it I was told we are making changes in January. Now, the changes have been made and still this gap is not fixed. This does not make me or other riders happy. There are at least 50 of us waiting for the next train which gets there but doesn't leave for almost another 20 minutes. Also, your Saturday schedule is horrible. You send out flyers, ads, etc. telling people to take the A-Train to different events, yet you almost cannot get to Fort Worth until the afternoon so it isn't worth going. If you leave on the earliest A-Train out of Denton headed to Fort Worth on a Saturday you end up waiting an entire hour for the TRE at Victory Station. Not very convenient for those with small children. You can finagle around and head all the way to west end (NOT a station a single woman with small children feels safe) then get on the blue line and get to Union Station but there is still about a half hour wait then. It is all the same time it's just whether you choose riding to different spots or staying at one station for an hour with no shelter or bathroom. The evening time gaps are just as bad. I seriously think you need to take a hard look at your schedule and compare to the other train schedules to make it a little more convenient.
I have to use a wheelchair to access the community. I probably would not be able to attend UNT if it wasn't for the A-train. I wish Route 9 would run during the day and not just in the morning and afternoon.
I have travelled DCTA connect for 18 months; this semester has been terrible in reliability and on time performance. Also, consideration should be made for Sunday operations. What is long range for connecting from the A-train to DFW Airport?
I like DCTA, I feel like there bus stops needs to be put in better spots, example a bus stop in front of the Driver License Place, and more widespread routes. I think a cab like service should be created, the cabs in these area are not good at all
I love the fact that the trains are so clean and you actually use the heat; DART hasn't had heat on all winter. I have found the staff to be super courteous and friendly. The only reason I marked good on "convenience" is the fact that the trains don't run frequently between 11:30 and 3:45. If an emergency arises, I'm stuck downtown.
I loved using DCTA to commute to work this past fall but I'm very unhappy with the bus for 2013 changes. I can now no longer use it and the bus 5 get me to work 10 minutes late. Also there is still no connectivity from TWU to the 5:32pm a-train which was promised in the fall town hall meeting. I purchased a yearly pass, but now I ride less frequently due to lack of convenience. I'm also not getting my money's worth on my annual pass.
I need to be able to get back to Dallas after 10:00 p.m. Monday - Friday.
I think that access needs to go to nctc in Corinth. I can't get to school without my parents because access does not go to nctc Corinth
I wish deeply that there was Sunday service.
I wish the bus routes were in sync with the a-train no reason to have to wait thirty minutes for some routes
I work full time and take late classes at UNT. It costs me \$50 to get a cab home after class. Please add A-train service during the week leaving at 10-1030 pm. Having an affordable way home would be a big help.
I would like a way to go from Denton to Richardson / Plano area easier.
I would like to see a Sunday service because I work in Dallas. I have to stay overnight at motel in order to get to work - also need early morning Saturday schedule.
I would recommend running additional connector trains at Trinity Mills during peak times. The morning isn't particularly an issue, but in the evening, I'd recommend every 15 min rather than every 22. Maybe that's already been considered but rejected due to economics and logistics, which is certainly understandable. Overall, the A-train is extremely well-run, employees are accessible and very friendly, Trains are very clean, comfortable, and reliable. Excellent job!
improve services on 4pm from trinity mills to victory station/ TRE
It was a huge mistake to stop the train on the night of the Holiday lighting festival (wonderland express). There were many people there that had no idea they would have to catch the bus to the DART station to get back to Dallas. People won't regularly ride the train if they are worried that the train might not be running.
it would be better if the a-train offered more times and if the connect shuttle would come on time so you don't miss the train
It would be nice if there were Sunday service and more frequent service during the week. Sometimes I have to drive to Frankford Station to catch the Green Line because the A-train isn't leaving soon enough.



Just one earlier departure from downtown Denton on Saturdays would be great. Other than that. Love the A train and the recent changes in the schedule.
Later weekday schedule, later weekday schedule, later weekday schedule!!! For people who get off of work after 8:00 who don't work in Denton, we are STRANDED after 8:00pm!! The bus schedules and train schedule should be more coordinated. The current schedules don't make much sense.
Looking forward to added departure and arrival times of the A Train. Mid-day service will be great.
Many areas of Denton are not served by DCTA and including many popular destinations, for example the Natatorium, the Cinemark. More frequent and more reliable service is both desperately needed. The A train needs to be extended north. Bus routes are needed up and down Sherman Dr Denton, all the way across University from Loop 288 to I-35, and a circulator that covers the entire Loop 288.
Mid-day service is scheduled poorly for my use.
Midday service!
More mid-day service! When it's time to change your appearance of the A-Train make it look more modern, your colors are OK (Could change if you like) but the design does NOT make the modern train look sleek and modern. Looks like a moving "Billboard".
need added daytime services
Need bus and station to run at or past 10pm.
Later trains Monday to Thursday please. Annual pass very pricey.
Please add more times between 11am and 3pm!!!
Please consider making the UNT shuttle number 9 change so that it leaves DDTC as soon as all UNT student and faculty get on board. Too often the bus either isn't waiting when the a-train pulls into DDTC or we all get on the bus and then the bus sits there for several minutes until the appointed time to leave. I suggest the schedule be changed so that the number nine bus leaves 1-2 mins after the a-train arrives. I further suggest that the bus turn west towards campus rather than the giant hop by turning east on sycamore( away from the direction of the destination) yes I'm very aware of the horrible condition or the railroad crossings on sycamore but if DCTA used this route maybe someone would put pressure on those responsible to repair the road.
Please exert pressure on whoever is responsible to smooth the RR crossings on Sycamore. They are awful for cars; worse for bikes. After #1 accomplished, the UNT shuttle can finally turn West towards campus as it leaves the DDTC!
Plugs in train would be nice. also would be great if it could go to fort worth as well as Dallas
That 2 hour gap where no train is running in the afternoon is a problem. I usually have to drive to Trinity Mills so I don't have to wait for the A train.
The 7, 8 connect buses are now connecting to A-train and #9 bus could be scheduled better to connect to A-train.
The A train especially is absurdly expensive and doesn't run enough to really be a viable option on most of the instances I have wanted to take it.
The connect schedule is not good in the afternoon. It doesn't match well with a-train schedule and bus service is not reliable. Today at 3:53 route 7 bus never came. I waited from 3:45 to 4:05 and missed two trains.
The connect transfer times on routes 7,8,9 in Denton from the UNT area to the Denton Transit center are so inconvenient that I will not be buying a pass this year or using the A-Train. There is a bus that arrives at the Transit center at 5:37. The A-train leaves at 5:34. In order to catch the 5:34 train, passengers must arrive at the transit center 30 minutes early, and find a bus that will pick them up an hour or more before the train departs. It's nonsense. Getting home to the HV Station is not consistent because buses are often late, and in general, the schedule is certainly not convenient at all. It's a shame because I live so close to the HV station & work at UNT.
The morning bus schedule needs improvement when connecting to TWU. I ride the A-train and get to central around 7:45 and have to wait until 8:01 for a bus to go to TWU. It makes staff and faculty late as well as students for their 8 am classes.
The time is not convenient. Particularly on southbound. There should be a train between 9:39 and 11:30. Mostly student in my chemistry ends at 10 and have no class after and want to go home.
The train has excellent service. I do feel that Denton bus service needs improvement. Buses should run more often during peak hours.
Train needs to run at least every 30 minutes or so during mid-day
Train service needs to end at the college and not just stop in downtown Denton.
We need more Routes IN LEWISVILLE
Weekend schedules are horrible. Trains don't run early or often enough because when I work shows at the Dallas Conv. Ctr. I have to be there at 0645 and with no 0504 train from Denton, I have to drive 33 miles each way to

<p>catch the train in Carrollton. With the escalating gas prices and only a part time job, this is tough. Also, I have to work these shows until 1900 or 1930, which makes it almost impossible to catch the last A-train at 2010. How about one more A-train at 2100 or later? The DART trains run til 0100.</p>
<p>Wish a-train had Sunday services. You couldn't ask for better staff! Always smiling and willing to help.</p>
<p>Would like to see some type of service offered in near future for Anderson's, Peterbilt, and UNT properties on Airport Rd.</p>
<p>would love more frequent arrival/departure times</p>
<p>Would love to see earlier Saturday A-train departures from Downtown. Even with the added schedule changes, one can't get to Dallas until almost noon on Saturday. Also late Connect service in Denton would be great. A "drunk bus." Maybe just one run from downtown to get people home from the bars so they don't get in their cars?</p>
<p>Ya'll need a "A" train departure from Carrollton at 0900 and from Denton at 1200n. (Trinity Mills)</p>
<p>All routes should consider in their schedules a minimum of 10 minutes between so that the bus is not missed and then have to wait almost an hour.</p>



## Board of Directors Memo

March 28, 2013

**Subject: WS2d Title VI Policy**

### Background

DCTA provides services and operates programs without regard to race, color, and national origin in compliance with Title VI. Every three years, the Federal Transit Administration reviews the agency's Title VI programs and policies to ensure that DCTA's service provision, practices and/or projects do not discriminate or disproportionately impact Title VI populations. DCTA's program results for 2009-2012 are due to FTA in June.

FTA released new guidance on implementation of Title VI by transit agencies last year. This new guidance will result in changes to existing policies and require the adoption of new policies that will be brought forward for discussion in April and May.

The policies that will need to be revised include the Public Involvement Policy, the Limited English Proficiency Program, Major Service Change Policy and the Title VI policy. New policies are being created to determine and measure disparate impact and disproportionate burden.

### Recommendation

This item is for informational purposes only.

Final Review:

Dee Leggett,  
Vice President Program Development

Approval:

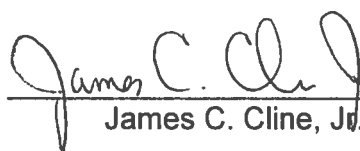
James C. Cline, Jr., P.E.  
President

**Board of Directors Memo****March 22, 2013****Subject: RM 2a DISCUSSION: Revision to DCTA Board of Directors Bylaws – Specific approval requirements for participation in a Local Government Corporation**

In accordance with the approved legislative intent, DCTA is pursuing the ability to utilize Local Government Corporations (LGCs) as a tool in our operations and expansion. SB 276 is has been passed by the Senate, and has been forwarded to the House (HB 1274) for consideration.

A concern discussed at the retreat was the absence in the DCTA Bylaws of a specific reference to the approval of actions related to LGCs in the section of the Bylaws requiring a 2/3 majority of the Financially Participating Members (Section 10). I have previously circulated draft language. At a meeting on March 21, 2013, I was requested by the City Managers of Lewisville, Highland Village, and Denton to consider an option requiring a unanimous vote of the Financially Participating Members for the actions associated with LGCs. This would affect LGC actions only. I will present a draft of this language at the meeting. While I urge caution in requiring unanimity for Board actions as it might impact the decision-making process in the future, I do not think this is a significant enough concern to offset the request and the resulting increased comfort level with our financial partners.

Please feel free to contact me if you have any questions.



James C. Cline, Jr.

### DCTA Community Outreach Meetings (Spring/Summer 2013)

<b>Community</b>	<b>Meetings</b>
Denton	3/12 – Council Mobility Committee; 3/19 – Council Leg. Briefing; 3/21 – Mayor/CM Bylaws Discussion
Lewisville	3/21 – CM Bylaws Discussion
Highland Village	3/21 – Mayor/CM Bylaws Discussion
Denton County	
Frisco	
Corinth	
Flower Mound	
The Colony	
Small Cities	