

Mobility Committee Meeting Transcript – 08/05/2015

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>> We're going to get started with the mobility committee meeting. So we're going to call to order the mobility committee meeting at -- thanks. I think it's a few minutes after 3:00. So 3:05. 3:06. All right, we will start with approval of the minutes. We have a motion by councilmember Gallo. And approved and seconded by councilmember Zimmerman. All in favor, please raise your hands. Aye. Minutes approved. And next we'll go to citizen communications. And first we have glen. Is that -- Gannett? Thanks. >> I have a handout for you all. I spoke with y'all back in June about our requests go ahead and be another franchise based on being a green fleet. And that handout gives you an idea what our -- the tenets of our business are going tonight they're going to be highly receptive to drivers' needs N with regard to downtime, vacation time a lower weekly fee and we'll require the drivers, that are owner-operators bring in hybrids. Asking for 100 permits, 60 on the operators and 10% of that fleet would be -- 10% of the fuel fleet, 10 cars would be the vans and those vans are not hybrid because the technology is not there yet. But what we're kind of bumping heads with, we've talked to other organizations, mobility

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atx, downtown Austin neighborhood association, I think they're supportive and interested in our endeavor but we're kind of knocking heads with what's the next step with regard to the franchise application, whether the existing application done in 2006 has been changed somewhat with the ordinance but is that the application we need to present to the city. >> Kitchen: Okay. >> We need guidance from the committee with regard to the staff to know exactly where we need to go to get going. >> Kitchen: Okay. Have you met with -- okay. You have met with staff with regard to this? >> Well -- we have. We have. And so we're just -- the question becomes what is the absolute doctor what's the bare bones elementary for the application. >> Kitchen: Is there an application process and can you apply? >> Exactly, the co-opts, I'm not sure if that's not same thing, I'm at a loss where to go next. >> Kitchen: Anyone have a question or -- okay. Could it be -- could we do a follow-up meeting after this to -- to talk with Mr.-- is there anything you would like to say now or can we just follow up after with what the potential Mitt be. >> We'll be happy to [inaudible] >> Kitchen: Okay, all right, we will commit to that and thank you for coming today and -- >> Thank you. >> Kitchen: Okay, thank you. Next we have Joseph iley. >> Hopefully, I'll be speaking twice today. This one is also on Uber but if the on the recommendations. This is about Uber being

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properly enforced in downtown Austin in particular. I've seen time and time and time again where APD

does not do its job in making certain that Uber drivers are following the road rules of the downtown area. They're driving up and down streets in the wrong direction. I'm a pedicabber out there. I don't want to get run over by Uber drivers and if I do, when they don't have a passenger in their car, I'm not going to be covered properly. That's why I have a concern. I want APD to start enforcing the traffic laws. If they're going down the road the wrong way, give them a ticket. That's what they deserve. Secondly, they're blocking intersections in downtown Austin everywhere. At nighttime. I got pictures, I even got video to prove my point. Apd has to enforce the rules on everybody, including Uber. They're not immune. >> Kitchen: Thank you, Mr. Iley. That's all we have for citizen communications. So now we'll move on to item number 3. Councilmember Zimmerman, this is your item, would you like to lay it out? >> Zimmerman: Thank you, appreciate you putting it on the agenda. I think this will be a straightforward item. If we could have something from public works or APD talk to us how the signage works and what it costs. The feedback was that this particular constituent is not in full purpose annexation area. And those areas were not authorized to put up no engine brake sign or any other sign. So we are trying to get a complete answer for them and any recommendations for what might be done. The area in question is on rancho 620. We're the oasis and charge trail

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is a hill and when you go down the hill toward the dam, there's a large church -- episcopal church on the lake and a couple of homes on the bluff before you get to Quinn LAN -- quinnwill an road. That's the area in question. If you can fill us in. >> Certainly, Robert spiller, Austin transportation department. I'm going to ask the law department to come up and respond. The signs are not the everybody in terms of cost. It do with the jurisdictional boundaries and they're the best able to respond. The everybody is does the traffic engineer even with this motion have the authority to put up signs in a different jurisdiction than our own. >> Kitchen: The question is the driver is in an area that's not in our -- is not in the city of Austin. >> That's correct of it's in a limited purpose of the city. >> Kitchen: That's where the noise is coming from. >> 20 noise. And Mr. Zimmerman accurately described the situation. There's a long hill and large trucks do use air brakes. They're called forward forward motion retarders to slow down their vehicles. They do create noise. >> Kitchen: Okay. >> Good afternoon, I'm Angela from the city of Austin legal department and councilmember Zimmerman you're correct unfortunately, the city does not have the authority to regulate this activity in the limited purpose jurisdiction. The only possible thing council could do is to declare it a nuance under a separate code. A separate section of the local

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government code did you but even then it only extends 5,000 feet outside of the city limits and that requires a finding from council that the activity is, in fact, a nuisance within the city limits and affirmatively extend that 5,000 feet. Again, it's only 5,000 feet and an per thing to remember as well the city cannot erect or regulate on the -- on state-controlled roadways as one described apparently -- as the one described apparently is. That's my analysis. >> Zimmerman: 620 is txdot jurisdiction. No engine brake signs can be put on a txdot road under the code. >> Under the statute. They can't be. However, if within the city limits there are signs reflecting our ordinances on roadway, such as Lamar, on 35, what have you but we have to ask txdot's permission to do that. We can't erect or regulaten our own. We have to enter in an agreement with txdot and they have to agree to it. And a sign such as this, we can't even erect it. Txdot would be the one to erect and maintain. Any signs on their roadways. >> Zimmerman: Going back to 5,000 feet, that's a mile, that's a good distance and that might work. Does the corporate city limit come up to the comanche road? >> I don't know, I'd have to defer to transportation on that. >> Zimmerman: Do you have an example of an resolution where we have done

this nuisance Oregon. Any example by prior councils? >> No. No, sir. >> Zimmerman: How would we know about going about that? Could you have direct -- >> I came -- I found that when I was looking for a solution for this particular problem and I researched other judgeses that have done this and -- other jurisdictions that have done

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this. And that's what you have to do, under the local government code, you're safe, you have to declare a nuisance. By ordinance and that it applies in the corporate city limit appearance affirmatively extend the 5,000 feet out. >> Zimmerman: Terrific. We look forward to -- >> I can help your office draft that. >> Zimmerman: Thank you very much. >> Kitchen: Would you like to table this and move forward? >> I was going to say on the on the right side, as your going out, district 10, those neighborhoods are in the city limits. The 5,000 from that area to the right would be -- it could be -- I don't know how far up. To slander give, probably. Vandergriff probably. >> Kitchen: We'll table this and work on another approach and we'll bring it back to the next meeting. Okay? Next item only our agenda is item number -- well, yeah. We had one speaker for item three but I'm assuming since we're tabling it -- where David is. Would you - - David, would you like to be on the record on number three? >> [Inaudible] >> Kitchen: Okay. [Laughter] We have on the record that David king wants to -- on the record that he supports the solution that councilmember Zimmerman is trying to find. Okay, so going on item number 4 now, which is -- our staff briefing and discussion on accessible access Austin's proposed city wide sidewalk initiative. >> Good afternoon, and thank you for the opportunity to come and talk to the committee. My name is Howard from the public works director of the city of Austin and what I would like to do for next couple of minutes is to talk about the initiative to update the

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connectivity of our sidewalk network. As we know sidewalks are a prominent issue for discussion throughout our community. So we're here to provide an update where we are and the funding necessary to make great inroads on the Ada transition plan provide the increased connectivity over the next five years. I'll remind you that fiscal year 15-16 was the last fundedier for which we have sidewalk monies and beyond that, there are no more bond funds. Bringing this early so we can start a conversation how to make sure we can provide continuity of the program until there's another major funding effort and we're talk about how to improve the connectivity over the next five years. Here's our agenda. Access Austin is a way to brand a program. We had a lot of success with the 2006 program and branding. And as part of that effort, we've developed output parameters, how much product but improvements and connectivity and other aspects of spending bond money so I want it touch on that as well and wrap this up with a discussion what we're doing to push this forward as we have a year in hand to address funding shortages we can take affirmative actions. In general, the pedestrian mow mayor-elect assets consist of sidewalks and then there are urban trails. Urban trails address as a separate item but they're hard-surfaced trails that promote mayor-elect, generally funded out of transportation funding and a result of the collaborative effort on the transportation department, watershed and parks department and the Austin police department and public works and I'm sure you'll be interested, as we tack about that separately but we want to focus on the sidewalk network. So currently, we're operating

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under the parameters of the 2009 sidewalk master plan. That plan addressed and did an estimate of the missing sidewalks, 124 million. It would take about 90 years to complete the network and that's most

most likely unacceptable. We have a lot of gaps in the existing sidewalk network to negatively impact a lot of things. Including the safe walks to school. And programs and transit and we have \$180 million of non-ada compliance and that does not include the department of tea requirements when we do overlay that constitutes an advancement we have to do Ada sidewalk improvements and the capital funds will be used for the programs by the end of the fiscal year. The 2009 master plan is available on the public works website. What's included, what we want to stress, it did not include any benchmarking against pier cities and we'll address that with the update worry undertaking. It was an asset -- it was not an asset assessment tool and the \$184 million was a soft money. We'll bring that to council by the end of the year and probably bring the pier city study sooner than that. We have approached our sidewalks as one of the main categories of assets that we manage in the pucks department. All of those sidewalks are rated open a system of very low to very high and the missing sidewalks were \$824 million. The way we prioritize there's a pedestrian score which addresses those destinations pedestrians want to get to and there's a

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pedestrian safety score that addresses incidents between pedestrians and vehicles as well as traffic volume on the street and fiscal availability talks about whether there's money to do the project. We add point to the prioritization if the sidewalk is in a neighborhood plan out of respect that the city went through to develop the neighborhood plans and the special consideration plan is something that we've discussed jointly and we can have additional pinpoints and our priority has been transit connections and safe routes to school. We have 2360 existing miles and we're about -- you'll see that it's fairly consistent with cities that are really large geographically and have a lower population density per square mile of it's much less than pier cities in size that are more urban in nature. Very low to high and what's interesting as you look at the map, most of the high priorities are in the urban core, the older part of the city and extending out to the newer parts, the priorities are lower because sidewalks were built with newer developments. How we prioritize sidewalks, this is a process that we'll bring back to you with much greater detail as we talk about funds but we first respond to safety and regulatory requirements and then look at the prioritization rating based upon the sidewalk master plan tool and the condition assessment. We try and address safe routes to school and transit assessability and want to accord with other work. Deliver services as efficiently as we can and from year to year focus in different Joe graphic

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parts of the city. And we want it make sure we do work in conjunction with ongoing operations plan as well as scheduled capital projects. This slide provides a six-year work history. Some interesting aspects to it. We spend \$47 million which comes out to about \$8 million a year which is not a lot. That leads to the 90-year-plus delivery schedule. We've addressed areas really in the urban core particularly in the area of central east Austin, our city manager gave us a directive to address areas of the city that were historically underserved and we put a lot of effort in districts 1, 3 and 4. The note on the bottom, this does not include the sidewalks we do under the reconstruction program. The city code requires that we spend up to 20% of reconstruction dollars on sidewalks. Those are not included in this discussion. I talked before that we want to move toward more of an asset condition based process. We currently have all of our pavements rated a through F and our bridges rated a through F. We'd like to do the same with sidewalks so when we come to you and prioritize work we have a rational basis it proceed with that. This summer, we're starting a pilot to evaluate our sidewalks on a variety of conditions. And those are on the next slide. You see we want to rate everything a through F based on the parameters on the left-hand side of the chart. Cross slope, running slope and condition of the sidewalk and then openings

and grates and that will help us get the sidewalks on a grading system we can use to better compare and then we can have them on the same asset base we have our

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other assets we manage. On the maintenance side, the map displays all of the driveways and existing sidewalks we maintain. The sidewalks are maintained on the of the operations budget which we fund everyier and the focus is on the repair of sidewalks, and gutters and as I said before, the new department of justice highway requirements require Ada accessible with enhancements which are generally overlays and that's impacted our overall ability to do street maintenance. Where does the money go if we look at safe routes to school and transit connections and high and very how priority. What we'd like to do as part the upcoming bond cycle, look for \$260 million and I'll show you the basis for the estimate on the next slide and we need to continue with the Ada transition plan and the five-year estimate is \$53 million and maintenance and repair is part of our annual operating budget. The estimate is based upon completing sidewalks on both sides of the street within a quarter mile of all identified schools and all bus stops. And then also to provide some segments that provide connections so we can have safe routes and by hock can at the map, you can see -- looking at the map, we do fill in the network fairly significantly. I mentioned we want it measure not just how much product on the ground but we want it talk about outcomes. On an operational basis, how many feet of sidewalk on a year-to-year basis, the cost, honing it takes to deliver it. But taking a step forward and looking at whether or not we're building in the right places we want it welcome at increases in bus ridership, how many children walk it school, reduce the number of pedestrian incidents and like a goal of 80% of or

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pastes tore satisfactory, we would like 80% of our sidewalks to be rated at B or better, which means they'll be generally fully accessible. We're going to finish the sidewalk master plan and continue to work with the Austin school district on safe routes to school. We want to seek alternative sources of funding and define our cost estimates and come back to you for funding programs and other sources. There will have to be a discussion how we fill in the gap short term until there's a programmatic level to address the problem. So happy to entertain questions. >> Kitchen: Questions? Who wants to go first? Go ahead. There seems to be a common myth of development and it not paying for sidewalk. Can you speak to that. When you develop a degrees degrees. A condominiumian, are they required to provide the sidewalks around their area? >> They are. >> Okay. >> There are some locations where -- temp particularly in a realize, like infill development or other small project where is the city accepts a payment in lieu of sidewalks and those go into a separate fund and I can provide where the funds exist. They're generally not enough to make a big impact so we tie them to other projects when we work in an area. Some have not been exercised because we haven't done connecting work. >> Did you say your going to give us recommendations how to fill the gap from now until the next bond cycle or -- >> As we prepare the next year's budget, we're going through the budget for fiscal year '16 and we have a program in there with the last of the bond programs. As we start, you know, we always

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start the budget slick as soon as we finish the current one and we'll have recommendation to address during that next cycle how to fill in the gap. >> And last question, you gave like how sidewalks are prioritized and there's a point value. And is that how we decide how to disperse the \$8 million. Whoever ranks highest because of the most points gets the next project. Is that how that works? >> The priority

ranking is a large part how we decide where to work. As the one slide show, we also address city liability, regulatory requirements always come first, safety requirements. And then we group those sidewalk segments into projects we do it in a way we bump it up against the capital program and where we can be efficient where we work. Yes, the condition assessment is what drives it, but the highest segments aren't the ones always done. Especially as we move toward providing greater connectivity, we want to make sure we do work that's efficient and smart and not just putting in isolated segments of sidewalk that don't lead anywhere. >> Garza: My district, a lot of time, the neighborhood plans are in area where people have the time to get together and do that kind of thing and my district, a bunch of working families who don't have neighborhood plans and I'm concerned they're not getting extra points because of that. Maybe that's a discussion we can have later how points are given. >> We're going to bring back a revision to the sidewalk master plan. The models we brought forward in 2009 has served us very well. But as the city continues to change, so does the way we look at work. Certainly as part that have discussion we can talk about where the neighborhood plans fit in. >> Garza: Thank you.

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>> Kitchen: Councilmember Gallo. >> Gallo: We have a meeting this afternoon with neighbors and one of the issues is the feeder streets to the elementary school. One of them gets parked up on both sides and as a result, there's only the middle the street so go to for both bikes and people walking -- kids walking to school and they mentioned there was an ordinance and this may have been seven, eight, nine, 10 years ago, because the gentleman telling me about it, it was when his kids were in elementary school and it's about that long he started working on this project, but he said there was an ordinance that the city was responsible for providing sidewalks within a certain zone of an elementary school and if -- I don't expect you to know the answer right now, but of course get us a copy of that ordinance, if we have an Oregon out there that expects the -- we have an ordinance out there that expects the city to provide sidewalks in a certain area around the schools I would put the safety of young children around elementary school and middle school would be a top priority. If you can help us with research on that, that would be great. Could you give us a ballpark of what a linear foot of sidewalk costs. I know it's all over the board but an average figure. >> We use a planning number, between 18 and \$25 per square foot so a typical sidewalk five feet, one linear foot would be five times that. Whatever the math comes out to. Now, some people say that's very expensive and the reason for that is we factor in retaining walls and difficult areas so much of the work we do is less than that but we factor in from a planning standpoint, all of

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the things that come with the sidewalks. But that's generally the number we use. >> Kitchen: What was it again. >> Between \$18 and \$25 per square foot. So five-foot sidewalk, would be \$125 a linear foot. But that includes retaining walls. Ramps, other improvements as well as the traffic controls and the management effort that goes into it. >> Kitchen: Do you have any questions. >> Zimmerman: Thank you for that, director Lazarus. The topic is the proposed citywide sidewalk initiative and I hope our committee addresses and have you come and talk about a proposed citywide road congestion relief initiative. So I'm just -- you know, envisioning, dreaming that you come before us and there, a city road congestion relief initiative. >> Kitchen: We can add that judge and there's campo that does the region wide. And everybody's familiar and we here and see -- hear and see the releases from campo, but hasn't there been something from the city, public works within the last decade or so, that I missed? >> I'm going to -- traffic monitoring and traffic management, initiative lies within the transportation department but what we provide is a pavement condition assessment where we rate the -- basically it's

an asset condition process where we talk about the rideability and the smoothness and quality of -- the adequacy of pavement, the transportation department -- I'll let Rob address this as he would like, but they've done a strategic mobility plan done in

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preparation for a previous bond program and they update that and they've taken on bold new initiatives to look at traffic demand management and traffic assessment around the city. So while they look at the general planning aspect, we do the design and construction. So quell it's awe -- design and construction. While it's collaborative. It's their lead to look at traffic and congestion management. >> Kitchen: We do have as a future item, and maybe Mr. Spiller would like to speak to this. We have as a future item the discussion about a proposed strategic mobility plan which would be building upon the mobility plans that the transportation department has done in the past and perhaps a drill-down would be to discuss the congestion action plan that the city put out a few months ago. So do you want to -- >> Certainly, madam chair and councilmember Zimmerman, that's a worthwhile question and it's an answer that would take more than a short response to you. I suggest you put it on future agenda item and we'll be better able to respond and devote an alarming part of the meeting to that. >> Kitchen: We'll do that. >> I'll tell you that the new budget proposes a strategic mobility look as part of the discussion what's on your agenda, to make sure that development is paying its fair share. The transportation needs of this community. I will point out that this community has had a fractured approach to mobility for a number of years. 30 years. And -- and that we're now in a position and have more construction going on in this region than I think we had before. Billions of dollars when you look at the roadway and other projects underway in this region. So that said, I think it can be

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a very full topic at future meetings. >> Kitchen: Okay. Okay, do you have any other questions? I have a few questions, going back to -- I think we touched on this a moment ago with the responsibility to build sidewalks in and the fee in lieu. My question would be we talked about the fact at the current rate of progress, talking about 90 years, are we digging a deeper hole? Do our current policies, do we need to reexamine any of our current policies? Is there anything in our current policies that's contributing and adding to the back doing, so to speak. I don't know if that's the right word, but you understand what I'm saying. We have we've estimated \$840 million and going it take 90 years, are we adding to that with our policies? Do we need to reexamine our existing policies? Much of the city as growth for period of time was governed by annexation and many of the areas that were annexed didn't have sidewalks on the ground at the time that the city took them over, it's the city's responsibility to build new sidewalks in areas where they don't currently exist. To the extent we annex roads that don't meet city standards that does perhaps make the hole a little bit deeper. >> Kitchen: Okay, anything else? >> Yes, I will just add, Robert Spiller, I would add that the council did within the last 12 months adopt a complete streets approach, policy. And what's key about that, the policy asks us to think about all users on the streets. As we think about new development, making sure that pedestrians are taken care of and non-motorized vehicles taken care of and that makes people

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think better neighborhoods in the long run but makes sure that the neighborhoods have thought about pedestrians and sometimes those are trails and some neighborhoods have extensive trail systems rather than urban sidewalks or that the streets are built appropriately to encourage pedestrians. I think we've

appropriately changed the policy and now we're having that promulgate through the various codes and develop toward a different transportation criteria manual, of course, you will. But I think we're focused in the right direction. There are parts of town whether you saw very few projects built as part of access Austin largely because of neighborhoods were built after the time frame when, I think people not only governments but the market demanded better sidewalk and pedestrian environments and so when you see some of the old are neighborhoods, especially on the east side, either because of infrastructure has deteriorated. Soils are tough on many parts of the east side, they're clay instead of rock. And the sidewalk infrastructure built there many years ago needs replacing but those are also neighborhoods where that sort of market mentality wasn't there to demand good pedestrian environments in some cases. >> I will agree with Rob that with new developments and infill, I think the issue of providing sidewalks has been addressed. What we have are a lot of old rural roads that have become suburban where there weren't sidewalks and we have an inherited network where they were never put in place than includes areas that were always urban but just never put in place. >> Kitchen: Okay. Then in terms of looking at sources of funding. I know this is a small part of it. But could you just take a minute and talk to us -- you do have some kind of matching program,

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right? For sidewalks, if a neighborhood wants to -- >> We do. We have done some sidewalk work under the neighborhood partner program. A neighborhood comes forward and we'll provide some matching, usually in the area of 25% to 40% for small projects and a lot is done through sweat equity and bringing neighbors together. It's if that's a primary source of doing sidewalk work because those projects are generally limited to \$150,000 to \$300,000. We do actively look for other sources of funds through grants and we've done a good number of sidewalks, federal grant and state grant monies, but it's for the really geared toward doing large amount of sidewalks. >> Kitchen: Really what we're talking about, in order to get a handle on a reasonable time frame, is a bond package? >> I think so. >> Kitchen: Okay. And so the timeline for a bond package, can you speak to us about that? I mean, I know there's lead time, I know we have to initiate a bond package. Could you give us a little bit about what the current status of that is? >> Not sure I'm the best to answer that. >> Kitchen: Okay. >> Because bond programs usually involve different interests in programs and all of which have different times to bring together. It's not unreasonable to assume there's at least a two-tier planning process to get a bond program in place, one that's comprehensive and has legs for execution. But I would really defer that question both to the financial services part of the city and I think they can address that better. >> Kitchen: Okay. Let's see. Colleagues, that's something

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that I am going to -- I let you know that I plan to look into because I do think that our -- I think it's not reasonable for our city and not good for our transportation network to be looking at a 90-year time frame and I do think that even if we don't get every last sidewalk, I do think there's a huge -- you know, a huge scope of work here and we need to examine ways to accelerate that process. So I plan to look into what we need to do, what we can do from a council perspective. To begin the process of discussing a bond package. It's a long -- it's a detailed process, and I know that it needs to be initiated. So -- >> Gallo: That's a good process to move forward on. I have a question, if you have the breakdown on your page eight, safe routes to school and transit connections. Do you have the breakdown of that? >> I do, and I think the best thing to do is to send that to you. Essentially, buffered every school and transit stop within a quarter mile circle and bump that against the existing sidewalks and come up with a number of uses can the parameter I gave you before. I can give you much more detailed response. >> Gallo:

Thank you. >> Kitchen: Okay. Let's see. Do we have any further qu questions? Thank you very much. I appreciate you presenting this. This is a huge issue for the whole city. >> Thank you very much. >> Kitchen: Appreciate the work you're doing on this. We have two people who would like to make comments. The first is Gerald Kenney. >> Thank you, councilmembers.

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I'm Gerald Kenney, life long austinite and active pedestrian and served on the pedestrian advisory council and you might know that it ended project -- its technology subcommittee had been working with staff on the sidewalk master plan and the update to it, and -- and providing input to them as they go forward. And I'm very excited about what I'm hearing from both gentlemen just now and -- and really encourage you to look at all ways that you can -- that we can come up to fund what I personally call -- think should be called a pedestrian connectivity plan. It's -- I think rob alluded to urban trails which certainly are a part of a pedestrian connectivity plan and some places probably a better part than a sidewalk Mitt be because of the existing conditions, topography and reasons you couldn't put a sidewalk where you might otherwise have done it. And that does get to some of the concerns that y'all have brought up about cost. In -- it was mentioned that an eventual plan and I assume the Numbers we're hearing would put a sidewalk on both sides of every street and sometimes that's just not feasible and the costs really need to reflect what is feasible. Right now the fee in lieu is I believe -- I'm an architect and deal with this a lot. It's so low that it's almost always chosen. Very, very and you chosen but it's not nearly enough to actual

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build the sidewalk that would have been built there. If there's any topography at all to deal with. And so I think looking at the whole fee in lieu process, it needs to be a part of this, and, I think it will be a part of this. We wind up with a lot of times residences building -- having to build a sidewalk that leads from nowhere to nowhere. There's no connectivity at all. When maybe across the street there would be an opportunity to fill in a gap and have connectivity. And so that -- that conundrum needs resolved. But I look forward to working with you and continuing to work on this, it's a very, very important issue. >> Kitchen: Thank you. Questions? David king. >> Thank you. Chair and councilmembers. My name is David king, I live in the zilker neighborhood and I echo the comments by the previous speaker, regarding the fee in lieu and the opportunities to, you know, increase those to the actual cost and then looking where -- at where that money should be used in the neighborhood to fill in the gaps and provide better connectivity. As I just heard earlier, the actual cost is from \$18 to \$25 but as I understand now, the fee in lieu is only \$7 per square foot. So we're way too low there and that's one of the big problems, I believe the. And I'm hopeful we'll be able to use the unused rail money to fill in the gaps and I know you're working on that and the best strategy and I look forward to the results of that work and when looking at prioritizing where sidewalks should be, I think we should look at

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pedestrian safety to be one of the factors used. As an earlier speaker mentioned, you have to get on the actual street and that occurs in my neighborhood and in zilker often, I see families strolling down the street or having to walk down the streets because of the lack of sidewalks and the -- you know, in looking at codenext, where it's going to be pushing for higher density, especially in the urban core and central Austin I think that needs to be a factor in prioritizing where the sidewalks are built of the idea is to reduce the amount of vehicular traffic and increase the amount of bicycle and pedestrian traffic. So

we really need to factor that in to the priorities for sidewalks and when we look at opportunities to provide more money for sidewalks, I think we should look at our density bonus programs and planned unit development ordinance and look at those as, the idea there is to get superior development by offering those programs to developers, let's up the ante and saying that it provides a sidewalk amenity that can be used in proximity to where that PUD, that density bonus is provided or planned unit development is located. Thank you for listening to my comments and your good work on the committee. >> Kitchen: Thank you. Okay, thank you all. Let's move on to our next item. Which is item number 5. Which is a briefing on the impact of a development project on transportation and infrastructure, including the rough proportionality concept and the potential transportation impact fee. >> It's a mouth full. >> My name is Robert Spiller, director of transportation, I'm going to introduce Scott Gross, my technical experts. What you're going to hear is that a number of months ago,

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when you were taking office, we looked at the process of looking into development fees as part of what is called rough proportionality. Bringing our current program of asking the development community to participate in -- in the costs of transportation into alignment with state law and so you'll hear a discussion of what rough proportionality means in terms of being in compliance with state law. As we started to look into that process that we use, because we certainly heard from many on council, although you've not taken a vote, I've heard the consensus you want us to look at what does it take to go toward a development fee and then as we started to examine how we might move to a development fee, we've examined how we've been doing business and as we find things that, in fact, may or may not be policy but, in fact, just practices that we're able to change now, we're -- we're addressing those as we find and if there are questions about funds are being collected now, who is responsible for that and are those being used? I think Scott will respond to those questions. But also, I think it's enlightening that every so often, every decade or so, I think all policies should be reviewed in terms of is what we're doing practice or is it really based on strong policy? I think you'll find by the presentation today that our flexibility is much greater under state law and that things that we thought -- or the way we were supposed to do it were practices as opposed to founded on policy. So if that's a bit of humble pie, so be it. It's enlightening to find opportunities to strengthen our communities' opportunities to take full advantage of asking folks who are causing impacts to our transportation system to pay

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their fair share. Without in I more, I'm let Scott talk about it and we're here to answer questions as we go through. >> Kitchen: Thank you. >> Uh-huh. >> Good afternoon, I'm Scott Gross, a consulting engineer with the transportation department. And I've gotten quite enmeshed in the development services processes and the interrelationships between development services and transportation and really, how we can use the tools we have to make transportation improvements and mitigate traffic impacts. Maybe better than in the past. Most of this presentation is an overview of rough proportionality and then an introduction to impact fees and transportation impact fees. Some of the things Robert alluded to, the way we're reevaluating other practices currently isn't actually in the presentation but I'll take time during the presentation to address those directly. So just to give you an idea of what's in store, an overview of transportation funding mechanisms, brief. An introduction to rough proportionality, how we're using it, an introduction to transportation impact fees fortunately we have neighbors to the north who have instituted both rough proportionality and transitioned it a transportation impact fee in Fort Worth and can give you an sketch of the way their process works. So the kind of forgoing premise is that the property taxes we collect and as well as other fees like the transportation user fee that we collect, those

aren't enough to keep up with infrastructure needs, especially for new capacity and to mitigate the effects of growth. Those cover operations and maintenance, but again, I mean, that goes in the general fund, primarily and those aren't funds

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we use at capacity. This is predicated open development paying its share of -- on development paying its share and make investments in the transportation network commensurate with their impacts. It's not to say that development hasn't been paying its share but this is the underline premise. Our current policy, there are two elements to our current code and what the city is authorized to require of developers during the application process. We have a border street policy and a traffic mitigation policy. The border street says we can require right-of-way or capital construction or fees in lieu for border street, street that is ad join a property. Our traffic Mitt division says we can require right-of-way or construction or fee in lieu to offset the traffic generated by a proposed development. Development. As a side note, that's all that code says about traffic impact mitigation. Separately in code, we -- I -- we delineate the traffic impact process, the tia process and we establish a threshold when required and we have a neighborhood traffic analysis process. However, and this is a fairly new development, as we recognize that code does not tie the two together, it does not say when we want to require improvements to mitigate traffic that they have to come exclusively from a tia or nta. We're working closely with development services to develop a process by which we can make traffic impact mitigation determine nations and staff can

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identify improvements that may include those identified in the tia but can go beyond what's in a tia or nta and at the same time, address projects that don't require or trigger a tia or nta. >> Kitchen: Let me ask a question. I think it might be easier as we go along. So these -- are they discretionary, or required? In other words, is the fee in lieu, for example, required in certain circumstances, or is it discretionary on whether it's required? >> I believe it's discretionary. >> Okay. >> I know Brent Lloyd is here somewhere, or was here, from the law department. I can't really speak to that. My understanding is there is discretion by staff on when we require fee in lieu as opposed to . . . >> Okay. >> He's nodding in agreement. >> Did you want to ask more questions, councilmember Gallo? You looked like you might have a question. >> Gallo: But it seems like on zoning cases, when the traffic impact is over a certain amount, then it does trigger that. >> Yes. >> Gallo: Okay. It triggers -- I'm sorry, go ahead. >> Well, so what code says is that we can require improvements to mitigate the traffic effects of a proposed development. And then separately in code, it says if your project is estimated to have over 2,000 trips in a day, then you're required to conduct a traffic impact analysis, which is required to identify proposed improvements. Another change, though, is that historically, our practice has been only to require a pro rata share of whatever improvements are in a tia. And the pro rata share, after investigating it further, it's not in code or in criteria. It's been our practice. And now as we implement rough

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proportionality, the share goes away, effectively. Rough proportionality is a state-mandated way to identify what is a fair share. So, a pro rata share was a shorthand way, if you will, to assess that fair share. And it was typically -- our practice was that if you had impacts to a particular intersection where you were identifying improvements, your pro rata share was proportional to the number of trips the proposed project was sending through that intersection. Actually, it was often calculated down to each

leg of a given approach. So, if you were proposing a right turn lane, how many trips was the development sending to that turn lane alone. And what that typically left us with was five or 10% of the actual funding for any one of those improvements. Historically, we've collected these fees in lieu in many cases, or a letter of credit or a bondsman posted. But we have oftentimes not been in a position to make those improvements. And that is something that we are squarely focused on, and we are correcting now. And, in fact, we're working with public works not only to mine the fiscal that we've already collected and better understand it -- because right now, it's not in a very interpretable format. We don't know instantly, geographically, where funds are collected. If we have funds for a particular intersection or not. So, we're getting a better handle on what we have. We're changing our processes for fiscal that we collect moving forward. And then we're going to basically do a, you know, if you will a congestion mitigation program to start making those improvements. We think that we can have a lot of success with that. So, that's a new change in the way we've been doing business. And it's something that is not enshrined in code or criteria.

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So we have the ability to make those changes. We're still going through a process to notify the community, especially the development community, and make sure that they are aware of these changes in our procedures. So, we've actually just started notifications this week and we'll have a couple of public meetings, one mid-august and the other one in late August. So, that's a background of our current policies and our authorities under code now. But in the context of transportation funding, I mean, typically we have bonds and debt. General obligation or certificates of obligation, tax increment financing is another way that we can pay for transportation capacity improvements. And there's impact fees, which I'll cover in a little bit. Just a quick background on rough proportionality. It started at the supreme court level, and the main thing from this slide is that there's basically a two-part test for rough proportionality. There needs to be an essential nexus. So, an application for development and a requirement from that applicant. They have to be related. As well as whatever is required has to be roughly proportional to the impact of that development. So, a quick example of an essential nexus. We had a site plan come in where an applicant was going to expand their boiler facility. A facility that didn't really generate any trips, vehicle trips in the past, and it wasn't going to in the future. However, it happened to be in an area that was in dire need of sidewalks. It was nearby a transit facility, so there was a great opportunity for additional connectivity improvements. However, there was no essential nexus. So, that was a requirement that we did not proceed with, even though we could've calculated, for instance, an impact on the

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system. There wasn't really a nexus to that application. The roughly proportional nature and extent is something that got further, kind of, defined in Texas when, basically, those two cases, Nolan and Dolan came to Texas. The Texas supreme court, the court of appeals said you had to prepare an individualized determination for each project. It didn't have to be mathematically precise or exact, but, you know, we did have to look at that specific project and identify what that impact is. As opposed to having some sort of flat fee anytime somebody comes in. Eventually, it was enacted in state law in 2005. And so, now that it's 2015, we're ready to get into full compliance with the law. We actually started our process to implement rough proportionality back in 2010 when we contracted with the firm that had developed the worksheet tool to do the individualized determination throughout the state. And we've also been developing it together with Travis county. They're going to use the same tool. And it's taken just quite a bit of time to get it finalized. But thankfully, we have passed that last hurdle, and we are now

implementing rough proportionality. So, what is rough proportionality? Although this is not a test, it is a legal principle, because it does -- we throw around the term quite a bit. It's a legal principle. It's a fairness check, is really what it is. And I'll kind of go over that in just a second. It's a check to make sure that what we're requiring of developers, the value of that, is fair. It's a calculation tool, so that's how we refer to the worksheet that we use to do the comparison between what the impact is of the development versus what we're requiring of

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the development. And it's not a policy or a rule. This is state law. And we're obligated to implement state law. It's just now a change in the way we're doing our permitting practice. Like I said, we are still going through a notification process. We think there's also -- much later on in the presentation, we have some next steps for rough proportionality. But we are looking at some potential code amendments that will do a couple of things. One is, it will give council an opportunity to weigh in effectively on the policy, but it will also kind of clear up some things in code to make sure that everything is aligned with the principle of rough proportionality. So, the way we do a determination -- and I guess to do a quick visual -- so rough proportionality establishes, if you will, a threshold. And we look at what code allows us to require. And we kind of tally that up. And if it's at or below that threshold, then it is considered roughly proportionate, and we can go ahead with that requirement. So that's kind of the concept behind it. To identify the impact of the project and the demand that it places on the system, we look at a land use -- at the land use types that are proposed in the development and the intensity, the number of units, for instance, or the number of square feet, depends on the land use type. It'll be characterized under different units. We look at a peak hour trip rate that is basically a lookup from the institute for transportation engineers. They have lots and lots of tables, empirical data that has developed these trip generation rates. So it's a fairly straightforward lookup. And then that rate is multiplied times the intensity, the number

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of units, and then times the trip length. So we are using a standard trip length of 1 1/2 miles. That is consistent with what other jurisdictions around Texas are using. And we use rough proportionality, essentially, to get contributions to our transportation network, but in a localized perspective, whereas transportation impact fees -- which I'll go into -- are more of a systemic, more of a systemwide kind of tool. So, our basic unit of measure or comparison is a vehicle mile traveled. And the value of that in Austin by our estimation is \$2,276 per vehicle mile traveled. That is derived from the construction cost per lane mile for an arterial based on its carrying capacity of, I think, roughly 860 vehicles per lane per hour. These calculations are all in the workbook. It is now posted online. As a matter of process, anybody who is now entering the process can kind of do their own preliminary determination, at least identify the upper threshold, what they'd be responsible for. So, we think that's a big benefit to the process that adds a much higher degree of predictability and transparency than we've had before. So, that's the demand side. And then the supply is basically what's required by the city. And that will be a function of the roadway classification, the length, its cross section, any intersection improvements that are identified in a TIA or a neighborhood traffic analysis, or now by staff, or any right of way associated with those. A lot of times we'll turn to our Austin metropolitan area transportation plan, which is the city's arterial master plan

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that identifies current and future cross sections and right of way needs. So, if a road is intended to be expanded in the future, our border street policy is really what we use to kind of acquire the right of way, primarily, in a piecemeal fashion as development occurs. So the basic equation is to compare demand to supply. An example would be a general office proposal at 150,000 square feet with 370 peak-hour vehicle miles traveled at, you know, \$2,276 per vehicle mile. It generates a demand equivalent to \$841,000. If we ask for, you know, maybe it's on a street that is currently a two-lane arterial, and according to our transportation plan it should ultimately be a four-lane with wider right of way, we can require border street construction, and we can get the additional right of way that we need. We add that up. In this case, it was \$732,000. That means because it's less than the demand, it is roughly proportionate, and that is what state law, the U.S. Supreme court, they have all said that that is a reasonable way to determine what is a fair share by a developer. >> Go ahead. >> If I could ask a question before you go on. This is all very, very interesting. I love the math here and stuff. When you're talking state law and court decisions, one of the problems here is, if the fees are assessed and developers pay money for mitigating the traffic they cause, does the law also specify that they have some remedy if -- that money is never used to increase the road supply? The money could disappear into bike lanes and ada-compliant sidewalks. The money is gone. There's no road. What happens then?

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>> So it's a little bit different for impact fees, which we'll get into. But for -- not fees, but really fee in lieu or fiscal that we collect for boundary streets -- this has taken a lot of investigation, because none of this is in code or criteria. Our practice for boundary streets -- first of all, what we collect is identified with a case number. And one of the reasons why we have not spent a lot of the fiscal that we've collected is because -- and whether it's state law or policy, or practice, we do stick to the improvements that are proposed. So the money is only spent on those improvements or on that border street. So, it doesn't disappear. It's all accounted for. It's not the best system, so it's hard to access even the information about it. But, the money hasn't disappeared. As far as border street fiscal, what I understand is that after ten years, if we have not constructed that street, then we will return the money if it's requested. For traffic mitigation, there is no time limit that we're aware of. And so, our practice is to just hold it. We have . . . I can't remember offhand, but I believe we have some fiscal that is over ten years old for traffic mitigation. >> Zimmerman: Okay. This is fascinating. I just love hearing this. It's very, very interesting. Because we've had some conversations. We're in budget season, and I don't remember this topic ever coming up. So I'm so glad you're here. This is very interesting. >> Basically, if I'm understanding correctly, we had a practice in place that what was the pro rata practice. That's what you're talking about the funds not being spent, they were being kept for particular projects, but they weren't enough to pay for the projects, so the money is sitting there. Now you're describing for us

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rough proportionality, which you're implementing now. And that's a state -- you know, a state law requirement. So, on this particular slide, for rough proportionality, is it the right side, the 732, that's what you could ask for because it's under the transportation demand, is that the -- >> Yes. >> Kitchen: Okay. >> And that is actually the right question, because that is the difference between rough proportionality and an impact fee. >> Kitchen: Yes. >> An impact fee, the demand is calculated exactly the same way. Very similar worksheet. Developed also by the same firm that -- Fort Worth, that did their rough proportionality. The difference is, you basically would credit the applicant for these other requirements. And then that difference between the 841 and the 732 would be collected as a fee. >> Kitchen: Okay. >> But I'll go into the limitations on how that fee is spent. >> Kitchen: Okay. You can get

into that. >> Yeah. So our current policy with the border street policy and traffic mitigation, we have some gaps within that policy. So, an example, these two shaded areas, for instance, theoretical development, Greenfield developments, they both have 50 homes, but one development has 1300 feet of frontage along -- well, frontage versus another one with 300. Our border street policy says that basically, despite their their --equivalent impacts, we can only require 300 feet of construction by development number 4, whereas development number 3 is on the hook for considerably more. That's not fair. It's also -- it's not fair to the developer, but it's not fair to the city, either, because it leads to a very -- you know, disproportionate piecemeal approach.

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You know, we could have a very large development, and maybe we're only missing, you know, 2,000 feet of that full width in order to construct an expanded arterial, but they come in and we can only get 300. So, that's a real limit on us. Another gap is that we can get unnecessary improvements. So, it may be hard to tell, but here's a divided roadway. Essentially, the residential development on the right built the additional two lanes of that future four-lane roadway, and then barricaded it off because that's where their property line ended. So, there may be an intersection -- you know, this picture may be taken from an intersection that could be 50 feet away. It could be 5,000 feet away. But that roadway that, you know, that somebody paid for isn't doing anybody any good. So, that is a shortcoming of the border street policy. Or maybe not a shortcoming, but from an overall approach, that's something that our current policy doesn't directly address. Other gaps, there's an error in this one now. Initially, when we were investigating this, we were told yeah, all the fiscal that we collect can be returned within ten years. It turns out that's not actually the case. That's only the border street fiscal. And that's really just our practice. But the reality is that historically, we've only gotten a small portion due to the pro rata share for traffic mitigation. This information is as of March. We've collected about \$32.5 million in transportation fiscal. That includes both the border street policy and the traffic mitigation policy. We're currently holding almost \$13 million in 253 projects. This is information that we have summer interns working on. Basically, coding that, going to the paper files and creating a

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new database of those, so then we can look at it geographically and start to effectively mine those -- that fiscal for projects. So, that's what we have now. I know mayor pro tem tovo had provided some questions on that, and some updated questions on specific holdings, and we'll be responding this week on that. That was not something I was quite prepared to have today. >> Okay. >> So, a better system, more holistically is predictable for the developers and the city. We have a better idea of where funding for capacity improvements is coming from. It's consistent so you don't have a disparity based on frontage. It's flexible. Sometimes, you know, you have a new development coming in. We may not need new improvements right in front of their development, but we need them elsewhere, and potentially nearby. It needs to be aligned with city goals and objectives for growth. And fees are obviously one tool that we have to steer development. So if we want to choose to do so. And, of course, it has to be legal and compliant with rough proportionality. The main definition -- it might actually be easier if I skip that and just go over the basics of it. So, the local government code authorizes water, wastewater, roadway, and drainage impact fees. These are for capacity-related costs. They are not for -- it's to recover the infrastructure costs for future development. So that means that an intersection that's overburdened right now, that's already over capacity, the transportation impact fees cannot be spent on that intersection. >> Okay. >> Or at least the amount of fees spent can only be that which is necessary to cover future demand and future capacity.

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So that's a very important distinction there. It still has to be subject to rough proportionality. However, based on the service area, rough proportionality -- the roughly proportional amount is calculated slightly differently. So, for transportation impact fees, or impact fees in general, the funds that are collected do need to be spent within ten years. That is a requirement written into state law. The service areas for water are citywide. Sewer is wastewater is citywide. Drainage is a little bit different. It could be citywide, but it can also be according to watersheds. For transportation, though, it's only six miles. And that is -- that corresponds, really, to a six-mile trip length limit. And there's a -- it's sort of involved in how you get there, but typically, if you like through the table, the average is around six-ish, six to 12 miles in trip length. And when we do our calculation, an attribution to a particular development, we cut that in half, because a trip has an origin and a destination, or a production and an attraction. But, anyway. I digress. The state law says six miles is the limit for transportation service areas. We do have an impact fee for water and wastewater. We've had one since roughly 1993. So, that is based on the same legislation. And went through an ordinance-making process that we would need to go through to institute a transportation impact fee, as well. So, the main difference with the impact fee calculation is that the maximum -- so, as opposed to using the \$2,276 per vehicle

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mile traveled, that is kind of the basic unit, you calculate a different unit for each service area. And that is a function of your future -- your capital needs in the future and your projected growth in the future. So, every five years you do a ten-year look ahead. You may take your entire capital improvement plan and then just isolate those improvements that you would plan to do in the next ten years, hence the ten-year limit on holding that fee, and compare that to the growth. And you basically divide the growth into that entire capital need, and that kind of sets your maximum service fee per service unit. So, it does require that you have an adopted capital improvement plan, and a future land use plan, effectively. A transportation impact fee has -- yes. >> Kitchen: Let's go over that one more time. >> Sure. >> Kitchen: Basically, it's almost like you're setting it on the aggregate. In other words, you're looking at your total cost, projected cost, going out ten years based on what you estimate the plans are for growth. >> Right. >> Kitchen: And that means count how many, you know, how many apartments, how many, you know, how many retail. I mean, basically, you're counting up everything you think is going to be built, right? >> Right. >> Kitchen: And the impact of that on transportation, the cost, and then you're dividing that up. Okay. >> Right, right. >> Kitchen: Sort of like what Portland does in setting their fees, I think. They have - - no? >> I don't know. >> Kitchen: Never mind. >> In this methodology, it is part of state statute. >> Kitchen: Okay, it's required. >> And it's how -- so the water utility already does this. >> Kitchen: Okay. >> And their demographic -- it's actually a demographic projection. It is grounded in, you know, in

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our, kind of, land use capacity. And so that's something that they work with our city demographer and campo to prepare. And that's something that in all likelihood, we would not have to duplicate. That we could use that with the transportation impact fee. It's the same basic projection. >> Kitchen: And you have to have a capital improvement plan, which we have, and a land use plan, right? >> Well, the land use plan is essentially the demographic projections. >> Kitchen: Got it. >> The capital improvement plan, we don't really have to the level -- certainly to the level of detail that's required. >> Kitchen: Mmhmm. >> And we don't exactly have a robust cip, if you will. So, that is something that is included in our budget

request to implement transportation impact fees. It's also a component of some of the things that atd needs to do its part with codenext and implementation of imagine Austin. So, we have a serious need for a more comprehensive -- what we're calling a thoroughfare plan, and it would have a capital component. But it's basically a more robust Austin metropolitan area of transportation plan. So, there are checks and balances on this. It's not just city staff running amok. The statute does require that the improvement plan, the land use assumptions, all of that is prepared by professionals. There are public hearings required. And there's an advisory committee that is required to provide oversight of the program. So there is an impact fee advisory committee that works with the water utility to oversee and help administer their impact fee. State law allows for the existing planning or zoning

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commission to serve in that Ro role. Very early in any of these discussions, whether the current impact fee advisory committee could take this on as well, it's hard to say, because they do get into the weeds with the water and wastewater impact fee. So, Fort Worth's experience. They -- it took them two years to develop their ordinance. I believe they started in 2008. I'm sorry, 2006, passed the ordinance in 2008. And then started with a two-year grace period. So, they didn't actually start collecting fees until 2010. They have 26 different service areas, and as I noted, you know, it can be a tool to steer development. So they have five service areas within their downtown that don't have an impact fee associated with them. So, that is one way to incentivize, in their case, development downtown. Now, at the same time, though, if you look at, you know, potentially developing a capital improvement plan for transportation capacity, especially roadway capacity within our downtown, you might be hard-pressed to come up with a lot of projects, right? Because we have such a mature network. So, that also factored into it in our discussions with staff. One of the things that -- councilmember Zimmerman, did you have a question? Oh, okay. One of the things that they do that's a little different about how we do our -- collect our fiscals, or our fees in lieu, they're assessed -- they can be assessed at platting, but they don't actually collect the fees until building permits are pulled, recognizing that until a building permit is pulled, you're talking theoretical impacts. So, we like that element of it.

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And they have -- really, it's kind of replaced an explicit rough proportionality determination. It's now part of their -- it's really been folded into their -- rough proportionality has been folded into their impact fee determination. So I mentioned before that what they do is they look at, basically, what was otherwise subject to rough proportionality, the things that are for localized improvements that are really more focused on traffic mitigation rather than system capacity additions. And they basically back those out or give you credit towards your impact fee. And then -- so the impact fee is the differential between what that code otherwise would authorize them to require, and what their impact fee is. So, just an idea of their map, the different letters all the way through aa are their different service areas. You know, they're not all quite the same shape, but the largest ones have a dimension kind of in one direction or another that's no more than six miles. And they have different service fees per service area. And they're different for two reasons. Well, okay, three reasons. They're different because the capital needs and the demographic changes that are projected are going to be different wherever you are in town. But then they've also -- their council has established effectively a recovery rate. So, they've artificially -- in virtually every case -- lowered the fee that they're actually going to assess based on what council -- their council felt was reasonable. And to give you an idea, it's roughly on the order of 15% of what they could actually collect under state law. They use a single-family residence as kind of a bar or a litmus.

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And I believe -- you know, depending on your service area, they may have a transportation impact fee calculated -- a maximum allowable of six to seven or \$8,000 for a single-family home. They felt like that's too high, and we're going to set that bar lower. And so it's typically in the 2 to \$3,000 range. So, that's kind of an example of the maximum versus the actual fee that can be calculated. So -- >> We have a question. >> Sure. >> Kitchen: Let's see, councilmember Gallo. >> Gallo: Before you move off of that, I'm seeing Numbers that are as low as \$228. And as high as \$2,962. >> Right. That's still per vehicle mile traveled. >> Gallo: Could you help me understand why there's such a huge difference between those two Numbers? Why there's such a range? >> Well, the range can be -- it's a function of the needs in that service area and/or the growth. So, if your needs are -- like, for instance, in a downtown-ish area that might be pretty well-built-out, your needs might be low but your growth is forecast to be high. That means that the needs are spread out over a large number. So, that explains a lot of it. And then the rest of it is, everything was just taken and lowered by council to what they felt was a reasonable amount. >> Gallo: Maybe -- I was going to say, if you were looking at Austin instead of Ft. Worth, where would you see the low range, and where would you see the high range? >> I can't offer any opinion on that. Really, right now, we are looking at more about the steps towards implementation. The level of effort and the year and a half or more that went into the determination of those

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fees is something that we see coming. And that's really a discussion -- I mean, there will be a technical analysis that we'll do. And we'll do an initial delineation of the service areas. And then it'll really be a policy decision, you know, to whether it's redrawing some of those boundaries, or, you know, setting the maximum assessable versus the maximum allowable. So, I don't have -- >> Would you go over that one more time for all of us? And explain again the reason for the range. >> For the range? >> Kitchen: Yeah. >> Well, the range -- I mean, the maximum fee per service unit is a function of, really, fundamentally, two things. The capital needs in the ten-year horizon for that service area, along with the projected growth, demographic growth in that area. >> Kitchen: Okay. >> So you may have in some areas, you may have, you know, a whole lot of need and very little growth projected. >> Kitchen: In other words, not very many people. >> Right. Which means that's more likely to explain a fee that's \$2,700 per vehicle mile traveled, whereas a high-growth area that doesn't have a whole lot of needs may be at the 228. >> Kitchen: Okay. >> So I have -- >> So, for instance, if I could make a correction. >> Kitchen: Okay. >> For instance, think about the australian, built in a built-up area where the streets and sewer were already constructed, the signals were already in place. It would be harder in an instance like that to find new capacity projects that were needed within its service area. >> Kitchen: Okay. >> Yet we know that's the highest density in town. There's a lot of people there, so you have a small capital cost divided by a large number, which

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yields a lower number. Yes. >> So that's why -- >> That's just a specific example of the way state law responds, even though we know that that is causing a lot of travel demand. Remember, development fees are only for new capacity. >> Right. >> Infrastructure. That's state law. >> Zimmerman: Yes, but that dense development is increasing congestion, that's why it's so confusing. We're already kind of congested downtown, you go, let's put up a big high rise and add thousands of people because we don't need to build any roads. But the people moving in are going to increase the congestion in the downtown area. >> It's not based on congestion. Unless you can say that you need a new lane or a turn lane or

something like that. >> You have the physical ability to do it. >> Zimmerman: There's no place to put it. Hang on. The flip side is, I look out into a suburb, I don't have development infrastructure out there. I have to put a high price tag on that, there's nothing out there existing. Guess what that's going to do to growth? No one can afford it. They can't afford the impact fees. So I can't afford to go out in the suburbs and build, because I can't afford the impact fee. >> Kitchen: Let me ask you a question related to that. So, in terms of the need, can you take into account infrastructure related to transit, or related to pedestrian, or bicycle, or other forms, or is it only roads? >> The statute refers to roadway capacity, but the way it's been interpreted -- and I believe tested -- in other jurisdictions is that it's a function of what is included in your typical roadway section. >> Kitchen: Okay. >> So typically for us, where there are bike lanes and sidewalks, we consider that a part of it. Transit is fundamentally different. We have a recognition of the

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ability for transit to handle and provide additional capacity. That is something that we plan to look into if there are ways. We may not be able to fund transit directly with an impact fee, but for instance, just like we're allowed to give credit for other -- like, localized system contributions according to our other authorities, we may also be able to give credit for transit improvements or transit infrastructure contributions. That is really to be determined, but that is the direction that we intend to head with that, is to look into it. >> Kitchen: Okay. >> But councilmember Zimmerman, the conundrum that you pointed out, that is ultimately -- it's still a policy decision as to what that fee is at. So, the calculation may say, well, that fee ought to be way up here. But it's a policy decision as to where to set that. >> Zimmerman: Okay, you're right. But that gets us back into something that was more tech technical, where the engineers are working real Numbers. But now it goes back to being a political issue before council. Now we've got problem, because if somebody wants to build something in district 6 in the northwest corner, the city council would arbitrarily lower the fee to something the market could handle, but then somebody in another district in the east side or southwest corner, it seems like we would get into some political disputes about who gets the lowest lowering of the impact fee. >> Well, if I could respond directly to that, in fact, we have done that in the past with our water and wastewater fee. So we did have a fee differential between our drinking water protection zone and the rest of the city. So, we did use that and already have, if you will, engaged in that. >> Kitchen: I think you're just raising the kinds of issues that are -- you know, we're pretty far away from doing

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anything on this. We're just being briefed today. And then we have to go through a whole analysis. There's policy with anything that we do. There's policy related to the way we do the pro rata right now, and also rough proportionality. It would simply be a policy question. The example from ft. Worth is they have decided to bury those fees. You start with what the calculation is and bury it depending on what your policy goals might be. >> [Off mic]. >> Kitchen: Yeah, which is part of your policy. Did you guys have a question? >> I just wanted to point out, when I see this impact fee, I see it differently than councilmember Zimmerman. I guess I'm thinking of it more for residents, like the austonian as an example. It's not creating congestion, because people that live in the austonian are there, they're not coming into the austonian. For example, Z here, I could see where the higher number there -- it's those outer -- it's that sprawl that creates the congestion. That's why I see that number as higher, because that sprawl is creating people having to come in and creating the congestion. So that's why I see it differently. Residentially. >> Zimmerman: You're right, but the presumption is you get a place in the austonian, and that's where you stay. And then if you're in the suburbs, you have to come downtown. If

I'm in downtown, I'm already there. If I'm in the suburb, I have to go downtown. It's a downtown-centric mindset. I agree, if the world revolves around downtown, I would agree with you, but, I don't think it does. >> Kitchen: Councilmember Gallo, did you have a question? No? Okay, keep going. >> Here's a more specific example, area D was nearly

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\$6,000. It was lowered to 3,000. Area M was 15, and it was lowered. You know, their recovery rate is 13%. So, ft. Worth, from a policy standpoint, did not do it consistently across all of the service areas. They, you know, did a -- presumably careful and studious look at each area and determined what recovery rate they were satisfied with. So, just to kind of wrap things up a little bit, we are now legally -- completely compliant with rough proportionality. We are consistent with other jurisdictions in Texas. I believe there's about 30 other cities within Texas that are using -- that are using even a similar worksheet tool to do their determinations. It's now transport. We are now able to focus better on localized improvements, and rough proportionality is something that we can implement -- no offense, but, ourselves. We don't have to go through, you know, code changes or rule-making, for instance. But we are going through notifications, and we are working with the community to make sure that people are up to speed on it. And we do see some potential code amendments that may help shore things up. Nevertheless, there are some limits to the policies that we have now. They're inflexible. We can get improvements that we don't really need. It's difficult to use it as a tool to incentivize development. And it really focuses on localized improvements. It doesn't really help us with capacity improvements, which, you know, right now our typical approach to capacity improvements are bond referendums. And that means that the entire community, everybody, is paying a share for improvements that may only be done in a few discrete areas, whereas the

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transportation impact fee, at least it may not -- it's not going to replace a bond program, but it's going to be able to supplement it pretty well. And the folks that are going to benefit from those improvements and from that additional capacity, the development in that area is going to help fund those improvements. So, with the transportation impact fee, it's very predictable, whereas rough proportionality says going into it you'll know how much you may be responsible for, but not how much you will be. Whereas the transportation impact fee says, it's going to be this. And it may come in multiple forms, but you'll be on the hook for this. There's -- it's a consistent structure. It's been tested throughout the state. Well, it's been tested, most notably in ft. Worth. Certainly impact fees in general have been tested throughout the state, and certainly in Austin we have experience with our water and wastewater impact fee. But, together with rough proportionality, we believe that it provides the flexibility to get improvements in a timely fashion where we need them. And it's comprehensive, because now we can deal with systemwide impacts, as well as localized impacts. Some of the cons are -- and we get it. I mean, it costs money for us to implement it. And it is likely to increase the cost of development, because now where code may limit us, we're here. And our authority may bring us up to this. With impact fees, we'll now get that differential. And so we do recognize that there is the potential to increase costs. On the other hand, now, we're getting benefits. We really think that -- you know, that this has provided ft. Worth with a real effective way to make improvements. And they are improvements that are paid more directly by

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development, and not just by citywide referendums all the time. So, there are very real benefits that the community will see from a transportation impact fee. Whether it's enough to offset, maybe, any increases in -- or impacts to affordability is hard to say, but, certainly, household affordability isn't just a function of housing, but it's also a function of transportation. So, improvements to the transportation system certainly have the ability to lower transportation costs, thereby reduce overall affordability for households. So, you know, there's a bit of a trade off there, but we recognize that there are certainly reasons why you all may not want to proceed with a transportation impact fee. Next steps on impact fees. We're still learning more about it, how we're able to incorporate transit, for instance, is something that we have a lot more investigation to do on that. We're working on scopes for implementation of this. We have a budget request that is now in front of you all for \$2 million to implement the transportation impact fee, which includes a number of studies that we need, along with a couple of supporting study that ft. Worth ended up having to prepare once they started their ordinance development process. So, state law requires that you do a cip study, and that you do a demographic projection and land use plan, but ft. Worth found that during their implementation, there was a lot of -- there was interest in understanding the context. So, what have we been missing out on, if you will, in prior development cycles, and then what does this do to the cost of development in ft. Worth. And so they did a peer study comparison, or peer review of other studies and what it cost to develop. And I believe it was not

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strictly transportation fees, but it was looking at, you know, at the entirety of the development fees. So, those are two studies that we budgeted for that we would anticipate, whether it's identical to their scopes, but it's something that you or the community at large would want to understand as we engage in this. And we do plan on providing a memo which would really be -- I hope, a cover letter of sorts to go with this presentation to the rest of your colleagues on council so that everybody has at least had a chance to learn more about this. For rough proportionality, our worksheet, and now our determination procedures are available online. So, the procedures also include an introduction to the concept and the legal basis for it. It discusses our authorities to do this in code, but then goes on how you complete the worksheet, how you do a determination, so that anybody in the community can kind of do their own preliminary determination should they wish. We've already initiated notifications. We have a couple of information sessions coming up. The development services department has hired -- although he hasn't started yet -- a traffic engineer that the transportation department is funding. But he will sit in OTC on the fourth floor, I believe. And he will be preparing the rough proportionality determinations, still in consultation with atd. But it's a new position to help run this process. And as I mentioned, we're looking at some code amendments to help clarify some of the policies related, in particular, to traffic impact mitigation. So I believe that is it. If there are any remaining questions, I'd be happy to answer them. >> Kitchen: Thank you very much. This is very informative.

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Do we have other questions? Anybody else? Okay, go ahead. >> I'm just trying to wrap my brain around all this. So, did you say earlier that ft. Worth first implemented rough proportionality, and then didn't do that, and now is doing the transportation impact fees? >> Yes, they started with rough proportionality. They didn't really get rid of it, so much as they folded it into their transportation impact fee. So, the procedure is the same. The main difference is the total responsibility. The calculation of that roughly proportional share is calculated slightly different. The only difference is the trip length. It's based on the service area, which is six miles, versus ours for a localized impact, which is a mile and a half. >> So is

what Austin would possibly be doing with these changes would be implementing the impact fee with rough proportionality in that? >> Yes. >> Gallo: As part of that? >> Yes. What we're doing with rough proportionality is just moving us closer towards that. It's not something that's wasted, by any stretch. >> Garza: So that gets rid of the pro rata share method of doing things? >> The pro rata share has already basically gone away. >> Garza: Okay. >> In looking at the way the law is written and the way rough proportionality is implemented, that is the methodology for determining what is a fair share. >> Garza: Okay. >> So the pro rata share was our -- you know, kind of, historical shorthand to get to what was fair. But now it would be duplicative. We would be taking, essentially, a proportion of a proportion. So it has now gone away. And so that's something that we're very sensitive to. I mean, it's certainly a big change for the development community, because their

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expectations, whether or not the pro rata share is in code or criteria, their expectations have been that that's what -- that's all they're on the hook for. So, that will be something that, you know, we're having stakeholder conversations all the time. We have been briefing other -- we briefed ANC with the same presentation. We've gone to the TCRS, city of Austin policy committee. We briefed a few other, etc, as well. And one other entity. And I'm drawing a blank on that. So, we are trying to get out and make folks aware of this. >> Garza: Okay. >> Kitchen: So let me just make sure I'm understanding. So, really, under the law, the state law allows us to do rough proportionality, or these transportation impact fees, which they're related, but those are the two -- >> [Off mic]. >> Kitchen: Well, rough proportionality goes into a transportation impact fee. A transportation impact fee is based on rough proportionality. >> Right. Right. If the highest level is rough proportionality. >> Kitchen: Right. >> That says, basically, anything -- any transportation improvements that we require of an applicant as a condition of a permit are subject to that test, that two-part test of nexus and rough proportionality. >> Kitchen: That's the overarching state law policy of what's fair, basically. Right? >> Yes. >> Kitchen: Okay. And the transportation impact fee gives you another way to implement that that perhaps allows you to look at costs across a broader geographic area, perhaps, or broader impact. >> Right. A way to deal with systemwide impacts versus localized impacts. >> Zimmerman: It's a systematic way to compute the fee. There's still a fee in place, but now a state-mandated system. I agree, it appears to make more

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rational sense. >> Kitchen: Did you have a question? >> Gallo: So it sounds like one of the benefits of this is that it expands the ability to spend on traffic issues a little bit beyond the actual impact of the development, the geographic impact of the development. >> Mmmhmm. >> Gallo: So within this process, is there a scope within which the geographic boundary can expand, or can that money go anywhere? I'm concerned that you have a development in an area, and one of the benefits, it sounds like, is that we can take this money instead of holding it for a period of time that may be so long that we have to give it back. We can actually use it to fix traffic issues in the surrounding area. But I also want to make sure that we're fixing traffic in a reasonable geographic area relative to that development. >> Right. Right. Absolutely. >> Gallo: Six months is still the limit? >> The service area -- any fees that you collect within the service area can only be spent on improvements in your capital improvement plan that are projected for -- you know, within the next ten years in that same service area. But the difference is that under our current policy, when we collect fees in lieu, for instance, those are for specific improvements related to the impacts of a particular development, whereas with the transportation impact fee, a new development is just paying into a pool of funding for improvements within that area. So, it may be that a development over here is generating a significant amount of the fees that could be spent somewhere

else within that same service area. So that's the systematic, or systemic versus localized approach. >> Gallo: And the service area is the six-mile radius? >> Right, up to six miles. >> Gallo: Is staff recommending that that be limited for less than that, or

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is staff comfortable with the six miles? I just want to make sure that we don't get into this tug of war. I understand the reasonableness of being able to do something so that we can spend the money instead of holding it, but I also want to be careful that we don't put ourselves in a position of a tug of war because we're getting further away from the development with neighborhoods that feel like that there is an impact more specific to that area. >> Kitchen: I don't think -- I don't want to speak for staff, but we're not at the recommendation stage. >> Gallo: No, but -- did ft. Worth leave it at the six miles? >> Those districts that Scott showed were all different shapes. I could imagine here in Austin that there are geographic barriers that might cut off a simple 6--mile radius. So, the Lakes, for instance. As you move to the west, there's very few crossings. Even though six miles from the development might stretch north of the lake, for instance, it's hard to make an argument that that development has a relationship to that other geographically separated area. So as you see here, you might get districts that are of different shapes strung out along where the logical travel routes might be for developments within that district. And so, I'm just speculating. It's not a recommendation. But I would think that the geographic barriers that are just natural within our area would affect the shape of some of those service areas to not just be perfect circles. >> And the money that was collected for a service area would only be spent in that service area? >> By law, that's correct. Yeah. >> And we did have conversations with ft. Worth staff about, you know, tweaking the size and going -- you know, we can't go over six miles, but maybe there are reasons to go with smaller areas. And, you know, it may be if you have, for instance, you know,

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real high needs, and fairly small growth, you may want to delineate your service areas to balance that out some. >> Kitchen: Councilmember Zimmerman. >> Zimmerman: Thank you. I want to go back to an interesting point, and I think a crucial part of what this is about, about the regional part of the spending. In 2012, we had about \$143 million transportation bond. With the help of atd and public works, we got Numbers on how these projects were allocated around the city. And the Numbers showed that 29% of this hundred million dollars was going to district 9, which is basically downtown. So what's interesting is we have tremendous congestion in the outlying areas, and there's no plan to fix it. And yet, when the bond was issued, a disproportionate amount of the bond money was going to downtown areas. This could be a remedy to that to say, there's a traffic fee, but it's got to be used within six miles of where the money is being collected from. So that part of this really appeals to me. And I appreciate your presentation. I thought it was excellent. The engineering thinking went into that, and I really appreciate that. >> Kitchen: Than >> Kitchen: Thank you. Other questions? We have one speaker on this and thank you very much. This was very helpful, very informative. David king? >> Thank you very much. My name is David king from the zilker neighborhood and I think this proposal is moving in the right direction here and I just am here to speak in support of continuing this process to investigate these new ways of calculating the transportation impact fees and what I would suggest would be helpful is maybe in

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a future presentation they could bring in specific examples of saying okay, a development project that has occurred over the last couple of years, here's how -- this is how much they paid and here's how

much they would have paid under this new plan. So we can kind of see the difference. And maybe we should pick projects in each district so we could kind of take a look at the district level too to see how that might affect each district. That will help I think make this thing a little bit more understandable. It seems a little complicated but it seems like it's going in right direction. And I wonder too if we might be able to do a projection and see what the total different net amount of transportation money would then be available to these geographic areas. I'm assuming that they won't line up necessarily with our districts. I think that might be important, though, to look at it from how those might kind of be related to our council districts, these geographic transportation districts. So thank you very much. >> Kitchen: Thank you. I think that the next steps for our various studies and analysis before we were -- that would come back to us before we would ever put any system in place, and that's what's being proposed. I don't know what the timeline -- this is like over a year's worth, right? >> Yes. >> Would you give us an idea of the timeline? >> Yes. I could imagine that this process could take a year to two years to get into place. >> Kitchen: Okay. >> And it is a complicated effort to do this. We want to be as deliberative as we do this as we begin to answer the questions raised by the citizens there's quite a bit of work to define and so forth. That's a lot of work and we've asked for the funding in this year's budget to start that process, and the work we've been doing this year to really understand

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currently we're doing is that we're positioned correctly to address any changes [inaudible]. >> Kitchen: Okay. So basically we would go through an analytical process and along the way would come back to the council for the various policy kinds of questions that would need to be addressed before it would ever be implemented. Your suggestions, Mr. King, as far as information that would be available, that could be part of the analytical process. >> Right. And it is a process. It will take us time to move through this. We asked for individual district definitions, transportation plans for those districts and the calculation process [inaudible - no mic] And also with all the public involvement that needs to happen. [Inaudible - no mic]. >> Kitchen: Okay. >> Pool: I have one more question. What happens with the traffic mitigation funds that we currently have when we develop this? Does it move over into this pocket of money or are we still object la gated to spend those specifically like they were set up to be? >> I think it's still specific. I think we've made obligations whether that was practice or policy, I think we've made obligations to developers to deliver certain projects. I think as we better understand the existing process that we have it will give us a better opportunity to make sure we're making full use of those funds. >> Pool: So could part of the process be a request from the developers that paid into that fund to move the money over? >> I think that's an interesting question. That's certainly something we want to look at, yes. I'm told, no, we can't. >> Pool: You're the bearer of bad news. >> We share that same interest. We will do everything possible to figure out what we can do. >> Pool: Will transportation also come forward to us and share with us how we can get those funds spent that we have under the mitigation fee? I think we really have a

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concern when we hear particularly stories of the money being given back or that we're getting close to that 10-year period and we haven't spent it. And I think we need to be very aggressive and I think the council would all agree -- I shouldn't speak for everyone, but I'm seeing a lot of heads nodding here, that we really need to fast track a process for spending that money. So if you could come forward very quickly with how we could do that. >> So one of the things we're doing is creating a geographic information base as to where funds are with regards to the transportation network. That then gives us a tool that we can hopefully use to -- as Scott said, to mine those funds, absolutely. >> Kitchen: So perhaps

you could either provide us a memo or come back and brief us on what the plans are for that roughly \$13 million? >> Yes. And of course that's a cross-departmental response because the funds are collected and managed by the developer review folks. They're tapped by the implementing agencies, public works or transportation in seeking those funds. >> Pool: I would say if you need help from the council in making that process move more quickly, let us know that. >> Zimmerman: I could also be interested in, maybe making a motion that these projects energy geographic areas so some of these are in your district and some of that 13 million was mitigation for areas, in your district that I would move that you would have a voice in it and you would help drive the resolution of investing the funds, you know. >> Kitchen: Let's start with getting the information and then we can -- >> That's exactly the first step, I think. >> Kitchen: Okay. All right. Thank you very much. And any further questions? Okay. We're now ready to move on to item number 6. And that is a briefing from the city and ctrma, and that relates to the loop 1, south

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mopac expressway. As you may know there are a number of alternatives on the table to the rma's proposal, and the city of Austin has presented an alternative which the rma is considering. So today this is a briefing to update us on the status of that, which I think was part of a council resolution to make sure we stay abreast of what's happening with this project. >> Yes, councilmember. Robert spillar, director of transportation. You asked us to come back and report on the project and make periodic reports back. We have invited the central Texas regional mobility authority, Mike hill begin heiligenstein to make a proposal today. We provided that in a memorandum. If you would like me to refresh you on the details of that concept, I can do that, but perhaps I would suggest that we let the regional mobility talk. Or again if they would like us to go through those -- that overview first we could do that. And so I think we're queued up to hear from the central Texas regional mobility authority if that's acceptable and I can add the details if I need to. >> Kitchen: That would be fine. >> And again we have Mike heiligenstein, the director of the central Texas regional mobility authority here to present on it. The city has been involved in this project since its concept. We've been participating at the steering committee. Ctrma has been a good partner all the way through. As we move to the design concepts obviously we're presenting working with them to evaluate the best concepts for our region. So with that, Mike? >> Kitchen: Thank you for being here. We appreciate the opportunity to be at the table wand working in partnership with you all as

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we consider alternatives for this project. Thank you for being here today. >> You're very welcome, madam chair and members of the committee. Appreciate being invited. And I think I can just move forward here. Here, Robert. [Laughter]. Okay. And rob is right, we are collaborating on the project and I'll go through a brief presentation. Just a bit of a warmup here on -- to recap what this -- why this project even exists. Again, it was included in the campo 2035 plan, and and you know it was reaffirmed in the 2040 plan. Last session -- two years ago, the rider 42 passed, and that focused, as you can see on the top 50 most congested corridors in the state of Texas, and mopac is listed now as the 25th most congested corridor. Senator Watson developed the working group and that had members from campo, capital metro, txdot, city of Austin, mobility authority T lone star rail and others, participated in that working group for several months. Then that committee, by consensus, recommended that 16 million of the funding that was available be allocated to the study of mopac south. In fact, that money had to be used on the most congested, so mopac south made the most sense.

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And in 2013 the mobility authority, in conjunction with the department of transportation, launched the study. And as you know, we went through a long process from 2013 forward, many community meetings, many stakeholder meetings. We presented a preferred alternative some time ago, early this year, and give the input that we received -- input we received in the community and entities such as yourselves, we decided to step back a bit and look at extending the program, extending the comment period, extending the time that we got input from both the city and other entities that had a stake in the process. So we began the process this may with the city when we were submitted the concept, and let me make sure we understand, the city's concept is one of the primary ones that we are looking at, but there are five or six others that came out of particularly the campo meeting. Some of those involved one lane in each direction, they involved no direct connection downtown and so forth. So there's a number of concepts that we are ruling at this point. -- Reviewing at this point. We are currently reviewing and we had made commitments to the engineering and operational analysis of that. We are looking at it from a very -- started off at a very high level schematic. We're developing that now as

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we speak. We have met with the city of Austin staff, those three dates provided there. And the final schematic and analysis will be available for public input at a stakeholder meetings and an open house that will be scheduled for late summer or early fall. That is subject to our progress. It's not a hard and fast date that we have to make. We want to make sure we have our study work done before we have that open house. That open house to distinguish it from a formal public hearing, that open house will be conducted by the rma in conjunction with our department, and the comments during that period will become part of the record. And at that open house we will show the various concepts, how they've been analyzed and what are their impacts on congestion in that corridor. >> Kitchen: So that open house and stakeholder meetings, all the alternatives will be available? >> Right. >> Kitchen: Including the one that the city has put forward? >> Yes, absolutely. The city has allocated an additional 300,000 to engage the design team for the evaluation of just the city's recommendation. Other monies will be used for the other efforts. We are currently assessing the horizontal and vertical feasibility. You can tell that bullet was written by an engineer, but essentially we're taking a look at what, if any, horizontal elevation would be required and what type of vertical footprint would be needed. And that's -- of course in particular it relates to

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right-of-way. We're looking at various impacts from an environmental and social standpoint noise, visual, park impacts and historic. We're looking at the lane requirements based on traffic demand models. We're currently using the 2025 model. We will probably upgrade at that some point to 2040, but we're using the 2035 at this point. And we're also looking at, as mentioned earlier, the determination of what, if any, right-of-way requirements. One of the things that we certainly -- we did in the first analysis with the preferred alternative was -- you may have been on campo, madam chair, at the time. But there was a recommendation from campo at the time and it was more with mayor Wynn, I remember specifically the mayor saying that he was fine with the mopac plans north of the river as long as there was no additional right-of-way taken. And that was sort of a hard and fast -- that was like a dictate. And I think that carried over certainly to our analysis south of the river. I think our team felt like that was a directive at the time. I don't know that that was ever put into anything in writing. I don't know that it was memorialized other than in the minutes of campo. And that was back when, again,

when I say when mayor Wynn was on campo, so you can imagine how long that was ago, probably six or seven years. But that was a very strong statement at the time by the Austin delegation that they did not want additional right-of-way considered. The operational analysis, I've spoken about that, that is a key ingredient for this analysis. We have to understand what will happen operationally on

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the roadway. And going back to the transit component as well as our commuter component, can which could be one and the same if you think about it, whatever are using these facilities they have to be able to enter and exit the express lanes, we can't be creating more congestion with the exits and entering. We're taking a hard look at all the concepts, but in particular the city of Austin proposal and how we can potentially redo our -- adapt our current preferred alternative to address some of the issues that were raised. That is a very serious undertaking right now. And finally, again, we extended it by at least five months, and I like that at least because again as I said earlier, what matters is getting it right. We're completing all the evaluations. In August we'll complete -- we hope to complete the refinements in August. From what I've seen it looks like we're on track to do that. Also the center for transportation research study that we promised campo is -- and the city is now being done. It's really very close. I think there's a few more tweaks that they want to do and some of the modeling, but that essentially is looking at it all the way to congress avenue. Avenue, which is a little further than what we thought about originally. Most of the comments were what happens on first street to Lamar. We're going to take it all the way down to congress and a little bigger area and see if there is any impact. Again, late August -- when I say stakeholder meetings in late August, we get calls consistently. Will you come meet with us, neighborhood associations or groups or whatever, those are the stakeholder meetings.

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Those comment of course aren't memorialized. That's just we want to see a presentation, we want to see what this is about and understand it better. So those will begin picking up more in August. And late summer. Again, the open house, again, late summer, early fall. I would suggest early fall probably is more realistic. I think we still have a little bit of work to do. Having said that I again appreciate the cooperation and the collaboration we've had with the city on this project. >> Kitchen: Thank you very much. Do you have questions, anyone? I would say I really appreciate your efforts to work with the city, your efforts -- [lapse in audio]. I'll use that term because that's what's most recognized by the public. So I appreciate the opportunity to work with rma, for the city to work with rma to come up with an alternative to that. >> Yes. And again, I think that that's obviously an area of very serious consideration right now, and again I think that was born of the desire and the assumed dictate that we don't go out at all and to avoid -- not to go out meant you had to go up, so now we're looking at a little different format and rob has presented us with some good ideas. >> Kitchen: Thank you. Mr. Spillar? >> He was chiding me that he should have said Mr. Spillar. I wanted to say I'm not that hold. >> Kitchen: Rob is fine. Rob. >> If we could have that other slide show I could go into some of the details. I assume that's why you're calling me up here. >> Kitchen: Yes, just a remind E some of us have

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seen the alternative. >> I have just five slides and I can show you the major concepts. One thing I wanted to stress here is these were not engineered concepts when they were given to ctrma so we fully expect a back and forth discussion that's happening now to make sure that they're physically doable within the corridor, but they're focused on different concepts about how to function within the corridor. One of

our major concerns that we voiced from the very beginning is that although this project is primarily a -- focused on how do we provide new capacity in terms of express lanes, can we add elements to the project that would improve the overall corridor in terms of the flow along the roadway. And so when the initial concept came out, and I think Mike said very eloquently, you know, we were laboring under the idea of don't go outside the existing footprint, but when we saw the potential implications of not going outside the existing footprint, and you've used the term the double decker concept, I think it warrants taking a look at what other options might exist and how bad are those options compared to the opportunity to stay within the right-of-way. So I'm just going to go through the pieces of corridor and highlight the major issues that we've asked to really look about. So this is near downtown, and one of the concepts that we've reacted to and asked to look at different options is really those flyovers that were in the original proposal into Cesar Chavez. And what we've asked is can we make that transition from an inside transportation new element to an outside the corridor somewhere else in the corridor and rethink then how the different ramps entering the existing --

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essentially all at the same bridge deck level lanes, how they serve the same purpose. I want you to make sure that you understand that we're proposing as they are to add more lanes to mopac. We are not saying you can could this without adding new lanes to mopac. We're actually proposing to add lanes, but we're asking to in a sense segregate the movement so we know that there's a number of movements from north of the river to just south of the river, specifically the 2244 bee cave corridor. Can you segregate those off from some of the other movements in a sense? You might have heard us talk about the I-35 project using collector distributor CD type lanes. Can we make that work and does that change our design parameter? In a sense creating a frontage road within the existing bridge deck so that we don't MIX those traffic, much of the traffic headed southbound in evening is created by congestion of cars weaving between lanes. And so if you can keep as many lanes as possible or as much traffic from weaving, that reduces the congestion and then increases the through-put. One of the other major elements here is in thinking about these ramps, I'm a firm believer that right now we should be talking about metering those ramps on. Our folks don't do a good job of sharing and zippering into the traffic so that you have a constant stream so there's a device called a flow meter that would help people. It's a blinking green and red light that actually has been shown in cities like Houston and even San Antonio and other cities on the west coast to actually improve the flow of traffic by reducing that conflict of people jockeying for position. So I think we should be talking about managing that aspect of these ramps now. But in doing that, carrying that same concept into the future, allowing an opportunity to bypass those

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ramps using the express lane concept or toll feature so you can pay to go around those, but also changing the access so you see a loop ramp identified there. Right now coming off of fifth street there's a heavy left turn movement that actually, believe it or not, blocks the northbound off ramp from the main lines right now coming north. I can't show you how to do that, but if you think about coming north and you decide to go to fifth and sixth you come to a T intersection down at fifth. During the evening peak right now that is congested. In the future based on some analysis of another project we were doing in the area we think that becomes so significant that it actually backs up and blocks the main line. So thinking about how to get cars on from that fifth street by going to the right and we show a partial clover leaf and we're look at how that might work or something similar, with ctrma to get traffic in a sense lined up on the right instead of the left. That could, and we don't know, reduce congestion along

lake Austin boulevard as well as fifth street and sixth street there as you come in. So that's one major concept, essentially using the same bridge deck level, certainly adding lanes. There is some room before you get into the park -- and I think that will be one of the concerns that we have to balance, does the benefits of a concept of staying at the same level outweigh the potential impacts to the park? I would point out here that any intrusion to the park would be at about 50 plus feet above your head over what is now a parking lot and/or a maintenance area of the park. That's not to discount the importance of that park, but certainly it is a part of the park that we could I think contemplate a discussion of is that a better alternative than a double deckered access into downtown that could potentially have some sound

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implications from the traffic that would be using it? Those all still need to be worked out through the environmental process and those impacts and benefits weigh against the impacts and benefits of a different design alternative in this area. As it turns out, the federal highway administration in this last year contemplated roadways that do just this, go through parks. They did a national environmental study at a programmatic level and have determined that if the owner of the park, which would be the city of Austin in this case, is a willing participant in a project to reduce the impacts of the viable alternative, that those kind of impacts are -- can be assumed to be minimum and can be ruled not to be as significant as an impact to a park where you might have alternatives. So even the federal government has said, you know, we have roads all over the country that sort of resemble mopac that just by happenstance go through what is now a park and the alternative to fixing that roadway is more detrimental than contemplating taking a little bit of parkland in this case. I still think that's a hurdle to overcome, but I think it's one that the community should have a discussion about. The other thing is moving south, just south of the river one of the concepts we would like to explore is a better access point to bee cave road. And this is still under active development. Right now if you're headed south you know you get off on a Normal ramp, but that puts you on the opposite side of that frontage road from bee cave road. Given that bee cave sort of dead ends there at mopac we have to assume that most of the traffic is headed to the west. So if we could find a way to put the traffic down on that side of the roadway we might reduce the congestion, and I know some of the significant safety issues that the community has there.

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There are some complicating factors there. There's, a church parking lot entrance that makes this a difficult solution. I would like to take on conversations with rollingwood and the owner of the property to see if we could reach a mutually agreeable solution because there are some safety issues there. Also traffic coming out of -- pedestrian coming out of bee cave. We've talked with the mayor about coordinating with this corridor, but really trying to find some smarter ways to access it. You will see here that the new capacity that the city's alternative suggests is both between the two roadways in the center. That would be the managed or express lanes, and then additional circulation distribution type lanes to the outside of the roadway. One of the issues that needs to be determined is how many circulation distribution lanes do you need to make this work? Do we need to in a sense bleed off some of the demand earlier or can we carry that demand further along the corridor? And I think that's what the rma is looking at right now. The big change in terms of how we access the use of what's called a wishbone ramp technique -- and you will see the brown lanes there right about just to the north of where the mall is where the roadway splits off, you will see have ramps that come from the outside and back into the inside. I would argue that this is a four-lane concept just like the regional mobility

authority's concept all the way to the south at least to the mall here. And so what we do is create a four-lane system headed south from the mall where the two areas split off. That wishbone concept, by the way, that occurs right there, you can see the brown lanes splitting apart, clearly that ramp

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configuration could move north or south in the corridor. And I think there's a lot of factors that would go into deciding where that best fits. The city's alternative that's proposed is not locked into that position for those ramps. We simply put it there because we knew that we could hide those ramps, elevated ramps, within the geography that's provided at that location. Which I think was appealing to some neighborhood interests that were giving us feedback, but of course that same configuration could be achieved closer to downtown. There's probably a practical point as you approach Barton skyway where you have to be on one side or the other of Barton skyway, but certainly that could be achieved within that area. Another thing that you see there is that those blue lanes just to the south, so my right as you're looking there, that looks like something that come up and go over the existing general purpose lanes. One of the challenges we have going south is that there's a number of right hand entrances at Bee Cave road, at Barton skyway and downtown right now, and so traffic comes on to the right, but then needs to exit the corridor on the left. And so that ramp configuration would change that so you exit to southbound 360 to the right, go over the general purpose lanes and get back into the existing corridor. Why is that important? Well, it fixes that merge. If you've ever tried to pull a trailer going southbound mopac and want to exit to 360 you can pretty well bungle up the traffic stream north of the river by how long it takes you and the ripple that goes back. You will see that leaving that circular area, that ramp, there are four lanes, two lanes in each direction headed south.

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Across 360 and you see that in the existing corridor, that solves a lot of those problems. The other issue that we had suggested was how do you serve southwest Austin. If one of the advantages for the community is to serve transit and to provide express service for transit, a benefit for transit, then transit is not only in the south mopac corridor, it's also in the U.S. 290 corridor. So if you think of southwest Austin sort of being a wedge defined by U.S. 290 and mopac, the city has proposed the idea of could you serve both sides of that piece of the wedge, two lanes headed towards Oak Hill and two lanes to the south of 290 corridor there. We sort of stopped the lanes at that point just simply because we didn't have time to take them all to their logical conclusion but clearly the city's proposal would envision two express lanes going to someplace in Oak Hill and two lanes going south of the 290 corridor down towards Circle C, whether they be slaughter, one of a number of locations. That we're really lying on the regional mobility authority to think about how that gets there. One of the thoughts is that you could, and it might require design exceptions getting through that interchange, but it's possible, we think, to maybe slide one lane in each direction, the two lanes headed on south, through the existing interchange. The other alternative proposal that took more capacity to the south really required a much bigger footprint to move those lanes around. Again, I think we're waiting on CTMA to really fully evaluate that option as a possibility, seeking design exceptions from TxDOT is not

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something that is simple or easy. We understand that. But certainly given the environmental concerns in this corridor that's something to be looked at. I would also tell you that the U.S. 290 corridor is as sensitive an environmental corridor as south mopac. We're not saying one's less sensitive, but

theoretically fewer lanes we would think would allow you to build somewhat smaller structures. If that's true that theoretically would have less of a footprint on the environmental concerns. That in a sense is the alternative. We continue to work with the regional mobility authority, of course. This was not engineered. They're looking at it to see how they can make it work. It's an iterative process when we find something that was maybe implied by our original concept as creates unanticipated impact, we're going back to see how they can either move ramps or whatever to get back down to as small a footprint as possible, but still truly evaluate these alternative concepts. I would envision it's highly likely that a hybrid alternative might come out at the end. Hopefully incorporating many or all of the city ideas or other ideas as they've said they're looking at other options from other folks. I don't want to speak for Mike, but I'm can guessing that it's possible that a hybrid concept might evolve at some point as well. Is that accurate? >> Kitchen: Okay. Thank you very much. Do we have any questions? Okay. Thank you very much. We appreciate both of you providing this status update for us. Thank you for being here. So we had one person who wanted to speak on item number 6, and that was David

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king. And then we'll move on to our last item. >> All right. Thank you, chair and councilmember. I just wanted to speak in support of your efforts to look at other options for mopac south that don't require double decker lanes or flyovers over lady bird lake. I appreciate yourists there at looking at other options. I think it's also important to continue to push on the idea of looking at an -- requiring an environmental impact statement on the entire mopac project, not just little components of it, because you know when you divide and conquer you don't get the overall impact. The aggregated impact of doing that. So we're not going to -- we're not going to see that impact until we've already gotten components of that and those are already done deals. So I think it's a mistake not to really make that a top priority in requiring an environmental impact statement on the entire mopac improvement project, north-south, and all the proposals to connect it to I-35 as well. And once we do connect it, if this does get connected to I-35, you know that the traffic is going to move over to mopac. That's what's going to happen. It's going to become overwhelmed even with all those proposed improvements, so then where will we be? In the same boat of more lanes. And you know, they built 23 lanes on I-10 in Houston. Y'all have probably been to Houston. You've seen all the work. 23 lanes. And just a few years after they built those lanes the commute times actually increased. They did not decrease. So we can't build our way out of this congestion. I think we have to be very careful about laying the foundation with each step we take in moving in that direction to the point of no

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return. And then if we're going to build these elevated lanes, what impact is that going to have on neighborhoods? The noise impact, I live in zilker, I can hear mopac from my backyard. So when we have these elevated lanes that is going to be exacerbated? Are we going to have 50-foot concrete walls -- they're not 50 feet tall on north mopac, but will we have the same kind of concrete walls on south mopac? What is the strategy to mitigate the noise? That will be a big issue. And you know, what about -- when we toll these roads and then we have folks low and moderate income folks who have to use those roads, they're not going to be able to afford the toll lanes so they're going to be forced to use the congested lanes. That is an equity issue. I think we need to look at the equity of what we're doing, not all low and moderate income people are going to be riding the bus, as has been said in the past. They'll ride the bus, they'll get to go in the fast lane, but that is not true. And I think we have to look at equity for our citizens here in this plan. And I don't see it there. I see the high income families going to be able to get in that fast lane and get to where they need to be sooner and our low income families are going

to be stuck in the slow lane. And burdened even more in getting to and from work. This is not fair. So I really think we need to think outside the box. Why doesn't txdot consider taking the tolls off of sh 130 and putting tolls in on I-35 as it goes through Austin to north of Austin? So it will encourage the trucks to go on I-30. We need some other ideas on the table. Thank you very much. >> Kitchen: Thank you, Mr. King. Okay. We'll now move to item number 7. I want to say as we

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introduce this item, item 7 relates to ground transportation and tnc's. As a committee we posted on the message board and laid out a process for considering the city's approach to tnc's and ground transportation. So I wanted to lay that out for people. You know, when we first -- a number of months back when we first started considering the taxi franchises, we talked about as a committee -- we talked about several policy approaches, including an equal playing field, and we also talked about the fact that we would address the city's approach to tnc's at a later date. So we're now beginning that process. So today, our meeting today is a presentation from the staff on the staff recommendations. We'll ask questions. Today is not a day for our public input, but simply to start the process with a presentation and staff recommendations. Our September 2nd meeting, which is our next meeting, at that meeting we will have invited and public testimony, we will potentially have a committee discussion of potential changes to the tnc ordinance. And so our September 2nd meeting is the meeting where we're talking about a full public hearing with both invited and public testimony on specific proposals the staff recommendations and any proposals that any councilmembers or others may want to bring forward. And then at our October 7th meeting, at that point our public testimony will be closed. I expect that on October 7th that that will be the meeting that the committee decides to discuss and decide any action on recommendations to the full council. Now, we may decide to do that in September, but I'm thinking the committee may want some more time to talk with stakeholders and to consider that. So that's the timeline that

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we have laid out for considering these issues. I also wanted to let you know that the primary issue areas that we're talking about considering with regard to tnc's -- and these are not exclusive. This will be an iterative process, so we may address additional issues, but those relate both to tnc company licensing and registration and fees, insurance, data reporting, driver requirements, including, but not limited to background checks, certification and licensing, rates and fares, including but not limited to dynamic pricing and geo fencing. Equity and accessibility and then finally operations, which may relate to vehicle requirements, inspections and that sort of thing. So is there anything you all would like to add before we hear from them? Thank you. >> Good afternoon. I'm Gordon Durham, assistant director of the Austin transportation department. We just wanted to bring you up to date and kind of remind of how we got to where we are now. I'll go through this pretty quickly because we're interpreting pretty late. Really in 2014 at south by southwest is where we first saw the transportation network companies come to town. We -- this timeline, we proceeded from there to have a stakeholder process and work with the taxi companies, the riders and the tnc's to provide them to provide input to staff on what our recommendations should be. We presented recommendations to the previous council. A number of those recommendations were not taken up by the council. And so what we feel, particularly after our experience over the last nine months, a lot of those we would as staff like to discuss those with council because we think that it's the best way forward.

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So to this point we have four tnc's who have signed agreements with the city. We understand in the last few days another one has come to town and advised. -- Advertised. We're proceeding with a cease and desist order to bring them in house. Two companies are currently operating, Uber and Lyft. So that's the current status of our -- >> Side car and Z trip are not operating, but they've signed agreements? >> Yes. >> Kitchen: And the additional company that you just mentioned that you understand has come to town, what's the name of that company? >> Wingz. Wings with a Z. So again going back and I think y'all have gotten probably several memos and there was a memo attached to the backup for this presentation. One change we had proposed in the recommendation a year ago to look at one percent of the revenue for the franchises. That seems to be information they don't want to give us. They have signed an agreement with the airport that they would -- a fee would be a dollar a trip. We feel that would be a reasonable alternative. They are providing this information about the number of trips they are carrying. There's currently a surcharge on -- that they use that could be expanded to cover that. Insurance, we thought that there should be more insurance during stage 1. Stage 1 is when a driver is driving, but they haven't engaged with a passenger to that point. So stage 2 is once they've engaged with the passenger before they pick them up. And stage 3 is when they actually have the passenger in the vehicle. Data requirements, we've been getting some data from

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the transportation network companies, but not to the depth that we get from the taxi companies. We think in order to understand, and as I was quoted on the radio saying, the kinky side of us wants all the data we can get to have a clear picture going forward. A.d.a., the current requirement is they take 10 cents and set aside for A.D.A. And they're supposed to come up with plans about how they're going to assist us with our mobility needs. There's been a press conference that they have it, but they couldn't tell us what the plan was, so we think that needs to be strengthened. Trade dress, we think the vehicles need to be -- so you can tell. Yesterday at lunch I had lunch at Lambert's. I came back to Guadalupe street and there was a vehicle sitting in the travel lane with a Lyft little thing in their back window, and I told the driver he needed to move on and not block the travel lane and he proceeded to sit there. So to me that goes back to the fact that although there was quite a bit of discussion about the drivers registering with the city, we don't have that under the current agreement. I think that it's important that, one, we need to be able to communicate with all the current drivers as conditions change. Two we need some way to leverage good behavior. We've had an issue the last few weeks with tnc drivers out at the airport. They've been blocking access. They had been blocking access to emergency vehicle or emergency services location. We've had to go out and post signs, but they were walking across 290 to try to be the closest person so they could pick up the trip. Again, we have limited ability to pull a driver's permit because they're acting badly and produce change in that pattern of activity. So although we don't list it

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in here, we still have the staff recommendation and we feel they should be registered with the city and we feel the Houston type model where they could go ahead and start driving, but would have a time period to register with the city, would be of assistance. Vehicle safety inspections is also -- we had some additional requirements. In the memo you had, we also decided to check against -- if you look at the back page of the memo, the bottom half of that page, there were some things that were told us that the tnc's could not or would not do that apparently in other places in order to -- in order to go to New York City they basically agreed to all the New York City requirements. To be in Houston they've agreed to the

Houston requirements. So there were several things that the council was told that they couldn't do that apparently other places they were doing. We feel we should be up there. If they're doing it other places, why not do it here? We understand they're also going to other cities and saying this is what Austin approved, so this is the standard that we should use. So I think we need to up that standard. So there's information in the memo. I would also request if we have a little bit of time to go into executive session so we could provide you some of the proprietary information that we've been provided. >> Kitchen: Okay. Are there any questions? >> Gallo: I have a request more than a question. I think what one of our goals is to certainly have a level playing field between the taxi franchises and the tnc's and it would be very helpful if you could prepare some type of chart that would show what we do -- what we're requiring of the taxi franchises and what your staff proposal is for the tnc's.

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>> We can certainly do that. We'll have that available for your next meeting. >> Kitchen: In detail. In other words, background checks and then even the citation in the specifics, that would be really helpful to us. >> Yes. >> Garza:, in addition to that -- you've said they can't do it, but they've gone to other cities and did. Can we have an example of what's required in Houston? What -- because San Antonio asked for certain things and then they said they were going to leave. >> Well, they're under discussions. San Antonio, we're trading phone calls with San Antonio the last few days about discussions they're having there. >> Garza: Okay. >> But we'll certainly bring you up to date. Carlton Thomas is a member of the international association of transportation regulators, so they pass information back and forth pretty freely. >> Garza: It would be interesting -- more specifically for Texas cities, but I would also like to see what New York City has asked for and what their agreement in other cities is as well. >> Kitchen: Okay. Other questions or comments? So we do -- I do believe we want to take some time to see the proprietary information that we cannot make public, and so we will go into executive session for that. We do have -- we have a few -- let's see. We have one, two, three, four, five. We have eight people signed up to speak. Now, I am going to suggest, if my colleagues agree, that we limit the speaking at this point in time because we are going to have a full public hearing in September, and because we are tight on time. So my suggestion would be that we hear from these speakers, but we limit the time to one minute. Would you all agree with that? Do you think that's -- and then if we could -- then if we could go into executive session. So that will put us a little bit over our 6:00, but not

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too badly, if that's all right with staff. Okay. And for those of you here to speak today you will have another opportunity for the full three minutes at our September meeting. We will hear from you today because you are here, but I don't want you to feel like this is your only opportunity. So -- let's see. So we will start with -- let's see. With Steven merit. >> I'm here to talk about the new licensing requirements that you guys have enacted. So now previously shop owners, they had to endorse licenses for individuals. Now ground transportation informed us of basically overnight that the rules have changed, that a license now is viable for any company. And that's caused a couple of bad things to happen. First, it ordains, incentivizes as much time training and supporting riders. If a rider can now ride for any company with one license, then -- how are shop owners incentivized to train the riders efficiently? The next one, the biggest, most significant things that affects the pedicab shop owners is it damaged our ability to discipline riders. If rider is driving dangerously or in a manner that will affect our liability, I can no longer discipline them because they can go somewhere else. >> Kitchen: Stephen, we can follow up with you. We were thinking we were focusing more on tnc's today and that may not be -- >> That's what I think a lot of the speakers are here for today. >> Kitchen: That may not have been apparent. >> For the

pedicab license requirements? So that was not really here on our agenda. So we will hear from people, but then we'll follow up with you.

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>> Sorry. We were told that it was. >> Kitchen: I apologize for that. We'll follow up and make sure that you make sure to speak to that. >> Gallo: It does sound like it needs to be an agenda item for next time? >> Kitchen: What if we do this? Add that as an agenda item, does that make sense to staff if we add the pedicab issue that was raised? Can we just add that to our next agenda and then we can get into more details on that then? >> Madam chair, we understand that it's a chauffeur license issue. >> Kitchen: Is it? >> As opposed to just pedicab. >> Kitchen: Okay. >> And we've also been informed we can't go into executive session if we don't have an attorney here, so we may have to come and meet with you individually with the information. >> Kitchen: All right. We'll do that. Okay. So it's a chauffeur license issue. It's broader than just pedicabs. And we can add it to our next agenda because it sounds like it requires some more discussion. Were you going to say something? We have seven more. So our next speaker is ed Herndon. >> Good afternoon, council. Thank you for this opportunity. My name is Edward Herndon. I'm the president of the central Texas limousine association. Please include us in your discussions. It affects our industry as well. There are some things about that we do as a limousine association or operators,

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doesn't actually affect us that much with the tnc's, but you're slapping us on the hand by the restrictions that you have on us. And we want you to consider that. The fees that we pay -- because we follow the rules. You have companies that's been operating here over 20 years and follow the rules from day one. So the fees that we pay as an operating company for the city and for the airport, we need to consider that. And the owners feel like we've been tromped on because of the tnc's doesn't have to pay the fees that we pay. And it's a lot of money. [Buzzer sounds] The fees are paying for ground transportation employees. So if we don't pay them, who is going to pay it? And we're the ones that have been paying it. So thank you. I have a lot more to say, but let's start there. Don't forget about that. >> Kitchen: Okay. Thank you very much. Our next speaker is brad Riker. Mr. Riker? No? Okay. We'll come back to him. Ian Stillwell? Did I say your name right? >> It's Ian. No problem. I'm a born and raised austinite. I've worked as a pedicabber in Austin for four and a half years. Three and a half years I've worked as an independent operator. I own my own cab. I'm one of the few dozen of the 500 that owns their own vehicle. I pay for permits, insurance, general maintenance, and the insurance alone is more than what I pay for my own car. Per year.

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That's the business side of what I have problems with the tnc's. When I see Uber on the streets, Uber and Lyft and these tnc's, I see a safety problem. These people are very aggressive drivers. The -- it is not - - having these tnc's is not removing the traffic from downtown, it flooded with more cars, if anything. These people don't -- not only do they not know the rules of the road downtown, but they don't feel like they need to pay attention to them. [Buzzer sounds] Because they're not regulated by an overlying company like ground transportation, they don't feel like they have to adhere to the rules. I've heard several cases where -- where Uber drivers have had to have their tickets released because they're Uber. I have seen them drive the wrong way down streets. I have seen them try to side swipe pedicabs and other taxicabs. A few weeks one of my friends wanted to bring this up. A few weeks ago an Uber driver

pulled a gun on him and his passengers as a result of a traffic argument. Does not speak for the whole tnc community, the fact that they are not regulated is the safety concern of how we can track that down if something like that were to happen. >> Kitchen: Thank you, Mr. Stillwell. This is very helpful. So John Harris? >> Thanks for your time. I'm going to throw about half of mine away here. I'm also a board member of central Texas limousine association. I operate a business and been in business a little

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over four years now. The difference between what I do, what ed Herndon does, livery companies, tnc's, you can get a ride, get a cheap one, but with a livery company you can get a ride with a safe car, licensed driver, commercial insurance, you know that they've been background checked. There's nothing new about tnc's. There's nothing disruptive, there's nothing fancy about it. They've got an app. I've got an app right here. No big deal. Same thing. I pay to the city of Austin \$300 every year for each car that I operate. I've got eight of them now. I pay the airport another \$100 a year for each car, plus \$2.50 every time we roll through there. Tnc drivers don't have to put up with any of this, you know? A lot of what we do -- you've heard that honey attracts bees. Well, honey also attracts the enforcement people, the city staff. They're coming around, they'll hand out tickets of something they don't like. Uber is right now operating something called an Uber select. It's the same black car, black Mercedes, black BMW, town cars, Lincolns, everything else, exactly what we're doing, they're paying none of the fees. Bah. Buzz all we're asking for is level the playing field. Tear up 13-2 and start all over again would be a really great idea, but let's level the playing field, let us all compete equally. >> Kitchen: Sir, thank you for coming here today. I would be interested in hearing more from the limousine drivers in particular because I haven't had that much conversation on what would look like an equal playing field. >> I would love to pick you up sometime, take you to work and explain the whole thing to you. [Laughter]. No charge! Thank you. >> Kitchen: Thank you. >> No, we would need to pay you. >> Kitchen: We would definitely need to pay you. Okay. Let's see.

[6:01:56 PM]

Hannah rittering. I'm owner-operator of yellow cab number 95. I'll say more when I have more time. From the very beginning the founding of these companies I couldn't -- just couldn't figure out why, what is the attraction? An app? Well, so what? People would say the cab companies need to do things better. So I had a list and I'd get into conversations about that. Recently I started asking people directly, okay, so since you ride with them frequently, what is it that is so attractive to them given all the problems? It's so illogical. And I have to very sadly report that very frequently the answer is, well, they have more white drivers who speak English. And I think you need to think very careful about the fact that in the taxi industry and the rest of the legitimate transportation industry that sort of racism is over. And they have a business model that actually fosters the ability of clients to pick and choose a driver depending on the race. And we do not want to see that anywhere in this country. >> Kitchen: Thank you. Did Brad Riker come back? No? Okay. Let's see, Joseph Wiley? >> I think the point that we're missing here altogether that pedicabbers, electric vehicles, limo

[6:03:57 PM]

drivers, charter drivers, taxicab drivers, we can all go to pay to have our fingerprints done, we can go to the city to pay to get that license to drive one of these vehicles, so can an Uber driver. And just like all the ground transportation companies center to pay for a permit fee for each and every vehicle that they have operating, Uber can too. They have \$50 billion. They can pay the fees. >> Kitchen: Thank you. Our

last speaker is Solomon casa. >> Good evening, councilmembers. I'm a ground transportation provider. We follow the rules and regulations to comply and address public safety and accessibility issues. I think this is what we were waiting for, that tnc's should comply with what we follow. And thank you very much for starting this discussion. >> Kitchen: Thank you. Are there any further questions? Any comments? All right, thank you all for being here. If you have any questions about how we plan to proceed, please feel free to contact my office. We will put out -- we will make sure that the proposed recommendations that we will be pursuing in our September meeting are put out publicly ahead of time, so we have the staff recommendations. If we add anything to that or have additional information, we'll make that information available to the public before September so that you all can see what we're talking about and have the opportunity to comment. So thank you all for being here and thank you to our staff. And with that I believe our meeting is adjourned.