MINUTES

REGIONAL TRANSPORTATION COUNCIL
August 13, 2015

The Regional Transportation Council (RTC) met on Thursday, August 13, 2015, at 1 pm in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following members or representatives were present: Monica R. Alonzo, Bruce Arfsten, Douglass Athas, Brian Barth, Carol Bush, Elba Garcia (representing Mike Cantrell), Sheri Capehart, Rudy Durham, Andy Eads, Charles Emery, Mark Enoch, Gary Fickes, Robert Franke, Sandy Greyson, Moj Haddad, Roger Harmon, Clay Jenkins, Greg Giessner (representing Ron Jensen), Jungus Jordan, Lee Kleinman, Stephen Lindsey, Travis Ussery (Brian Loughmiller), Capehart, Rudy Durham, Andy Eads, Charles Emery, Mark Enoch, Gary Fickes, Robert Franke, Sandy Greyson, Moj Haddad, Roger Harmon, Clay Jenkins, Greg Giessner (representing Ron Jensen), Jungus Jordan, Lee Kleinman, Stephen Lindsey, Travis Ussery (Brian Loughmiller), David Magness, Scott Mahaffey, Maher Maso, Stan Pickett, Mark Riley, Kevin Roden, Amir Rupani, Kelly Selman, Lissa Smith, Mike Taylor, Stephen Terrell, Erik Wilson, and Ann Zadeh (representing Zim Zimmerman).


1. Approval July 9, 2015, Minutes: The minutes of the July 9, 2015, meeting were approved as submitted in Reference Item 1. Rob Franke (M); Charles Emery (S). The motion passed unanimously.

2. Consent Agenda: The following item was included on the Consent Agenda.

2.1. 2015 Federal Transit Administration Programs Call for Projects: Project Recommendations: A motion was made to approve the 2015 Federal Transit Administration Programs Call for Projects funding recommendations provided in Reference Item 2.1.2. Details were provided in Electronic Item 2.1.1.

Rob Franke (M); Kathryn Wilemon (S). The motion passed unanimously.
3. **Orientation to Agenda/Director of Transportation Report:** Michael Morris reviewed items in the Director of Transportation Report. Members were reminded that if they would like to receive Regional Transportation Council (RTC) meeting packets by e-mail only to notify April Leger. He noted that possible action was listed on the agenda related to the Texoma Area Paratransit System, a transit provider in Collin County. Concerns have been raised with regard to vehicle procurements. Staff has worked with the Federal Transit Administration to procure vehicles for the elderly and disabled in Collin County that is inside the Dallas-Fort Worth urbanized area but outside of the Dallas Area Rapid Transit service area. He noted that no action is needed at this time and staff will be working with the Texas Department of Transportation (TxDOT) Transit Division and TxDOT Headquarters to resolve related financial and technical issues. He noted that both the House and the Senate have approved a three-month extension of federal transportation legislation until October 29, 2015. Funding has been approved until December. The Senate has approved a six-year bill, but the House has not approved a long-term bill at this time. In addition, anticipated Proposition 1 allocations were highlighted on the agenda. North Central Texas Council of Governments and TxDOT staffs have worked with entities and are prepared to present Proposition 1 allocation recommendations to members over the next two months. Mr. Morris also noted that three options have been provided for the upcoming RTC new member orientation. Members were asked to provide their desired date of attendance to Vercie Pruitt-Jenkins by August 17. In addition, he reminded members that RTC meetings would be livestreamed beginning in September 2015. Oscar Ward announced some of the elected officials who would be speaking at the Irving 2015 Transportation and Water Summit on August 18-19. RTC Chair Mark Riley noted that members of the public have requested that RTC members state their names and entity when they speak during meetings. July public meeting minutes were provided in Electronic Item 3.1. The current copy of Mobility Matters was provided as a handout at the meeting. The current ozone season update was provided in Electronic Item 3.2, information regarding National Drive Electric Week was provided in Electronic Item 3.3, and air quality funding opportunities for vehicles were provided in Electronic Item 3.4. In addition, recent correspondence as provided in Electronic Item 3.5, recent new articles in Electronic Item 3.6, and recent press releases in Electronic Item 3.7. Transportation partner progress reports were provided at the meeting.

4. **Proposed Regional Transportation Council Air Quality and Management/Operations Programs and Projects: Response to New Air Quality Conformity Initiatives:** Christie Gotti presented proposed Regional Transportation Council (RTC) air quality and management/operations programs and projects, as well as a proposed partnership with Denton County. As part of the development of the 2017-2020 Transportation Improvement Program (TIP), staff has reviewed regional projects/programs to ensure that funding is available to continue the projects/programs without interruption. These types of programs help reduce emissions and increase air quality effectiveness in the region, such as reducing nitrogen oxide emissions that allow the region to reach established budgets. A recommended project list was included in Reference Item 4.1. In addition, details regarding the overall program were provided in Electronic Item 4.2. The project funding request totals approximately $63 million. Of that, approximately $44 million is passed through to other agencies to implement some of the programs. In addition, Ms. Gotti discussed the proposed partnership with Denton County through the upcoming Proposition 1 project selection. There are many projects already proposed to receive Proposition 1 funds that have existing RTR funds in Denton County. Staff proposed to increase the Proposition 1 allocation to projects with Denton County RTR funds to free up funding for efforts such as the regional programs mentioned. Staff has worked with Denton County and proposed to split the RTR funds with 50 percent to remain in the Denton County RTR account and 50 percent to be allocated to
the regional account for use on the projects presented. Staff anticipates approximately $45 million from this effort and proposed to allocate $22.5 million to the Denton County RTR account and $22.5 million to the regional account. Staff is in early conversations with Collin County staff regarding a potential partnership and intends to work with Dallas County, as well. Sandy Greyson asked how Denton County’s $45 million in RTR funds would be allocated. Ms. Gotti noted that the $45 million is on projects in Denton County that already have RTR funds. Staff is proposing that half of the funds be placed back into the Denton County RTR pool and half placed into a regional pool. Michael Morris noted that this partnership will allow Proposition 1 funds to be used for on-system projects and allow RTR funds to be used on regional air quality programs. Similar partnerships may be available for Collin and Dallas Counties since the majority of RTR funds were allocated to the eastern part of the region. This proposal will help the RTC fund projects with local funds versus federal funds, making it easier to implement RTC requests with local funds and keep federal funds for larger projects. In the future, CMAQ may then be allocated to transit instead of traffic signal-type projects. Ms. Greyson asked if this was the strategy, for CMAQ funds to then be available to go to transit. Mr. Morris noted that the federal government awards CMAQ funds to regions and the Texas Legislature has instructed that all the new revenues not be used on toll or transit projects. These types of options allow flexibility to fund regional programs requested by the RTC, such as regional rail, with the most eligible funding source. He noted that this is not a formal policy and that staff will begin conversations regarding this type of flexibility in funds during the Mobility 2040 item presentation. A motion was made to approve the RTC Air Quality and Management/Operations projects listed in Reference Item 4.1, the proposed Denton County RTR/Proposition 1 partnership outlined in Electronic Item 4.2, and to allow staff to administratively amend the Transportation Improvement Program/Statewide Transportation Improvement Program to include the proposed funding. Andy Eads (M); Glen Whitley (S). The motion passed unanimously.

5. **Formalization of the Regional Vehicle Loaner Program**: Michael Morris provided an overview of the proposed Regional Transportation Council (RTC) Vehicle Loaner Program. Since 2003, the North Central Texas Council of Governments (NCTCOG) has served as the designated recipient of Federal Transit Administration (FTA) funds on behalf of small transit providers. Since 2009, NCTCOG has competitively procured transit vehicles to reduce the administrative burden and risk, as well as lower costs. The first group of vehicles purchased are now reaching the end of their FTA-defined useful life and have been replaced by newer models. Vehicles meeting age, mileage, and condition requirements could be placed into a pool to be utilized by regional agencies in need of vehicles. Vehicles are generally smaller vehicles useful to rural providers. Mr. Morris highlighted the program structure which will include subgrantees, nontraditional providers, or other FTA grantees and using varying contracting mechanisms. This will likely be a one-time transfer. Details were provided in Reference Item 5.1. Because the NCTCOG holds the title of the vehicles, the Executive Board will also be asked to approve the proposed program since the proposed program involves a change of title from NCTCOG to the new entity. Correspondence to the FTA was provided in Electronic Item 5.2. An example utilizing the loaner program is a Denton County Transportation Authority new pilot service. Mike Taylor asked what entity will assume the maintenance responsibility of the vehicles and if there is governmental immunity that protects the RTC from any future liability. Mr. Morris noted that the maintenance responsibilities will transfer along with the title transfer to the new entity. There is no current NCTCOG liability for holding the title, and legal staff will ensure that no future liabilities are gained through the program. RTC Chair Mark Riley agreed that if there is a title change, there should be no responsibility, but asked if that would be a different situation if the vehicles were loaned. Mr. Morris noted that "loaner" may be too generic of a title. A new title
will be issued to the new owner. A motion was made to approve the Regional Transit Loaner Program outlined in Reference Item 5.1 and allow staff to proceed with implementation. Rob Franke (M); Mike Taylor (S). The motion passed unanimously.

6. Recognition of Federal Loan for IH 35E and Inclusion in the Transportation Improvement Program: Christie Gotti discussed a request for the Regional Transportation Council (RTC) to recognize the Texas Department of Transportation's (TxDOT's) anticipated receipt of the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program loan for IH 35E and include the funds in the Transportation Improvement Program (TIP). The project, IH 35E between IH 635E and US 380, has let and can no longer amended through the Statewide Transportation Improvement Program (STIP) process. The requested approval will allow staff to meet TxDOT's need to have RTC reconfirm support of the TIFIA loan and provide a TIP listing in the form of a TIP modification for the project. Ms. Gotti provided background on the project, noting that in May 2012 the RTC passed a resolution outlining the guiding principles for development of the IH 35E project. A copy of the resolution was provided in Electronic Item 6.3. In December 2012, the Texas Transportation Commission conditionally awarded the project and in May 2013 TxDOT executed the final agreement to begin implementation. Around the same time, RTC was asked to consider several options to be advanced with the baseline project. A copy of the resolution at that time was provided in Electronic Item 6.4, which included references to the TIFIA loan for the project. The Federal Highway Administration (FHWA) does not believe these references are sufficient to confirm receipt of the TIFIA loan, so additional approval is needed. She discussed the LBJ loan repayment of $57 million and the RTR Local funding swap for the project, noting that both partnerships have been fulfilled. Construction on the project officially began in October 2013 and is estimated to be completed in mid-2017. Previously approved sources of funding for the IH 35E options were highlighted, including $215 million from the pending TIFIA loan. To ensure that there was sufficient funding in the event that the TIFIA loan was not received, RTC approved the use of Denton County RTR funds as a backstop. With the receipt of TIFIA funds likely, Phase 1 funding for IH 35E now includes approximately $1.2 billion for all phases, $40 million for the IH 35E/IH 635 Interchange added scope, and $285 million from the TIFIA loan program totaling almost $1.5 billion to complete the project. Ms. Gotti also discussed the additional costs of $285 million for the options and $40 million for the IH 35E/IH 35 Interchange. Funding and costs are in line with one another. Currently, the TIFIA award is eminent and higher than expected, $285 million versus $215 million. The FHWA is seeking the RTC's recognition of the loan to TxDOT for inclusion of that loan into the TIP listings. TxDOT anticipates closing on the loan by November 2015. Section 1 and Section 2 of the resolution provided in Reference Item 6.1 recognizes receipt of the $285 million in TIFIA loan funds and instructs NCTCOG staff to coordinate with TxDOT and FHWA to incorporate those TIFIA program funds into the TIP listings for IH 35E. A motion was made to approve the RTC resolution R15-02 contained in Reference Item 6.1 and direct staff to administratively amend the TIP listings to reflect the TIFIA loan funding. Glen Whitley (M); Mark Enoch (S). The motion passed unanimously.

7. Reconfirm Support of IH 635 High Occupancy Vehicle Express Project: Michael Morris presented a request for the Regional Transportation Council (RTC) to review its position on permitting single occupancy users to gain access to interim high occupancy vehicle (HOV) lanes on IH 635E from US 75 to IH 30. A presentation on the proposed partnership for IH 635E, provided to the Legislative Delegation on July 28, 2015, was highlighted and provided in Electronic Item 7.1. As a result of input at a public hearing on the project, Kelly Selman requested in Electronic Item 7.2 that funding be advanced for noise walls in nine locations along the corridor. A copy of the previously approved RTC resolution on IH 635
was provided in Electronic Item 7.3. The proposed resolution for consideration was provided in Reference Item 7.4 reaffirming RTC's position on tolling the interim HOV lanes on the IH 635E corridor. Mr. Morris specifically discussed slide 3 of the presentation. In advance of the recent legislative session, the Texas Department of Transportation (TxDOT) indicated $3 billion in capacity needs statewide, $1 billion in maintenance needs, and $1 billion in needs on energy sector roadways. The region requested that the Legislature provide $5 billion in additional revenue, assuming that Texas Mobility Funds could be borrowed and tools such as public-private partnerships and tolling were still available. The Legislature has approved approximately $5 billion by 2020, if the citizens approve Proposition 7 in November 2015. The Proposition 1 and Proposition 7 funds get the region to about $5 billion, $3 billion of which is for capacity. If in fact tolls are not part of future funding options, the region would be about 50 percent of the way to the needed funding for transportation. The proposed resolution documents the process over the last year beginning with the RTC approval of funding in October 2014 and the request to TxDOT to advance the interim improvements on IH 635E to advance immediate capacity and air quality improvements. On November 20, 2014, NCTCOG staff presented the RTC’s position at the TxDOT public hearing advancing improvements on the interim facility. On January 12, 2015, the FHWA approved the environmental clearance for this project with a Blanket Categorical Exclusion. On February 26, 2015, the Texas Transportation Commission selected the contractor to make the improvements, so this project is now under construction to provide the first phases of the noise walls and the interim tolling of the HOV facility. Section 1 reaffirms the introduction of a tolled element to the interim HOV lane on IH 635E from US 75 to IH 30 to increase immediate capacity. Section 2 outlines the need for successful Texas voter approval of Proposition 7 and assignment of new revenues by the Texas Transportation Commission to projects in the Dallas-Fort Worth region to provide an opportunity to shift the funding for approximately 50 percent of the future tolled projects to “pay as you go.” Section 3, contingent on Section 2, instructs staff to develop a proposal to advance the noise walls and the permanent IH 635 East project with a scaled back tolling approach on both the interim HOV lane and the permanent Express lane. Section 4 reaffirms the importance and independence of a Federal Highway Administration action on an environmental impact process and the importance and independence of a Texas Transportation Commission procurement process selecting construction contractors. Section 5 outlines that the resolution will be transmitted to the Texas Department of Transportation Executive Director, the District Engineer from the Dallas District, the members of the Texas Transportation Commission, and any other party requesting this position of the Regional Transportation Council. Douglas Athas discussed his support for IH 635 and the importance of the project to the city. The project will provide mobility to the northeast part of the Metroplex, as well as specifically the industrial portion of Garland. He noted discussions on roadway design with emphasis on truck tracking. In addition, he discussed that building the project with few or no toll lanes is still an objective, but that options must be reviewed. Mr. Athas asked if this approval puts the corridor at risk regarding Proposition 1 funds. Mr. Morris noted that both Proposition 1 and Proposition 7 could be used. If approved by RTC, this would allow a portion of the corridor to not be tolled permanently. When the toll is removed from the interim project, Proposition 1 and Proposition 7 would be eligible for the facility as part of the permanent funding source. The tolling of the HOV is considered an interim use. RTC will work over the next three months on how it would like to include the project in Mobility 2040 in order to move forward. If approved by voters, Proposition 7 funds would not be available for another two years, so RTC would have to evaluate the design elements. It has been proposed that maybe IH 635 becomes the first dedicated toll lane in the region, especially on the eastern side, to allow for direct access into the manufacturing facilities. Proposition 1 and Proposition 7 would be eligible funding sources once the interim
toll lanes are removed from the project. Mr. Athas also clarified that NTTA must waive primacy on the project. Kelly Selman noted that he was correct. Lee Kleinman referenced Sections 2 and 3 of the resolution related to removing future tolling from the project and asked how capacity would be replaced if the lanes begin as managed lanes. Mr. Morris discussed potential options for the project. He noted that the HOV component is an immediate action with a short-term design life to make the best use of the facilities until it can be replaced with the permanent design. Since it is an interim use, the interim would be replaced with the permanent solution. Duncan Webb asked if this approval would have any impact on US 75. Mr. Morris noted that the resolution only impacts IH 635E. A motion was made to approve RTC resolution R15-03 provided in Reference Item 7.4. Douglas Athas (M); Bernice J. Washington (S). The motion passed unanimously.

8. **Clean Fleets North Texas Call for Projects:** Chris Klaus highlighted the proposed Clean Fleets North Texas 2015 Call for Projects. Of the seven air quality emphasis areas, this call for projects will address high-emitting vehicles/equipment, idling, and energy/fuel consumption. Approximately $2.5 million of Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding is available, in addition to a small amount of Texas Commission on Environmental Quality Supplement Environmental Project (SEP) funds that are dedicated specifically for school buses. Funds are available for up to 80 percent of the incremental project cost. Eligible project types include new purchase, replacement, repower, retrofit, and conversion projects. In addition, on-board idle reduction projects are eligible for school buses. All projects must reduce nitrogen oxide (NOx) emissions. All fleets operating in the 10-county Dallas-Fort Worth ozone nonattainment area are eligible to apply and must adopt the Clean Fleet Policy prior to the application deadline. A quantitative assessment for cost per ton of NOx emissions reduced would be used, with a qualitative assessment used if necessary that would include the volatile organic compound aspect. The call for projects is anticipated to open August 17, 2015, and close October 23, 2015. Project recommendations will be presented for approval at the December Surface Transportation Technical Committee and Regional Transportation Council meetings. Mr. Klaus also highlighted a request for information regarding refueling/recharging infrastructure. This request will help staff identify remaining barriers, facilitate future coordination, and evaluate potential future opportunities for these types of vehicle technology. A motion was made to approve the opening of the Clean Fleets North Texas 2015 Call for Projects as detailed in Reference Item 8. Kathryn Wilemon (M); Sheri Capehart (S). The motion passed unanimously.

9. **Assistance to the City of Dallas and North Texas Tollway Authority Related to the Trinity Parkway Design Charrette Recommendations:** Ken Kirkpatrick discussed proposed assistance to the City of Dallas and the North Texas Tollway Authority (NTTA) for the Trinity Parkway. The Mayor of Dallas initiated a design charrette review of the Trinity Parkway and recommendations through a visiting team of professionals that was funded privately. The charrette team presented its results to the Dallas City Council in a report that includes 20 design-related recommendations. The Council authorized the creation of a multidisciplinary team to determine actions necessary to implement the findings of the design charrette. In April 2015, the Federal Highway Administration issued a record of decision for environmental clearance on the project. The City of Dallas asked staff to review previous Regional Transportation Council (RTC) funding related to the design of the Trinity Parkway to see if there were sufficient funds for the potential scope of work that NTTA and others would perform. The estimate for work that NTTA and the North Central Texas Council of Governments would perform is slightly less than $1 million. RTC previously approved $83 million for design, $30 million of which was for a 30 percent design level. To date, approximately $26 million has been spent so additional funds are available to incorporate
design charrette recommendations into the funding approval. Approximately $53 million for the completion of the design work is available. Staff has communicated to the City of Dallas that these previously approved funds are available to assist Dallas and NTTA incorporate the design charrette recommendations, with staging of the Trinity Parkway as one of the recommendations. Mr. Kirkpatrick noted that staff will continue to provide updates as milestones are reached and as updates are warranted. Michael Morris discussed the 20 design concepts and RTC’s previous approval of $83 million for the design of the Trinity Parkway. He noted that no further action is needed from RTC. In addition, RTC’s policy is that the entity that builds the Trinity Parkway project will reimburse the RTC for the design funds. This policy will be extended to this particular component. If additional design funds over the $1 million are spent, negotiations with the builder of the Trinity Parkway to reimburse the RTC for those funds will be necessary. Sandy Greyson noted that she believed efforts were finally moving in the right direction on the Trinity Parkway project. Jungus Jordan noted that he understood that the vote was that the Trinity Parkway would not be a toll road. Ms. Greyson noted that there was no related discussion at the Council meeting.

10. **House Bill 20 Implementation**: Michael Morris discussed House Bill (HB) 20, approved during the 84th Texas Legislature and authored by Representative Ron Simmons. The bill is related to the operations of and transportation planning and expenditures by the Texas Department of Transportation (TxDOT) and planning organizations. Select legislative committees were created to review, study, and evaluate progress meeting the requirements of the bill. He noted that the initial report to the select legislative committees is due no later than September 1, 2015. Texas Transportation Commissioner Victor Vandergriff chairs the response to the Legislature on HB 20. Mr. Morris noted that he has been asked to serve on the committee to assist in the understanding and transparency of TxDOT to the Legislature. A component of the bill requires that metropolitan planning organizations develop a 10-year plan for the use of funding allocated to the region with the first four years of the plan being developed to meet the transportation improvement plan requirements. Because the region is in a nonattainment area, a staged transportation plan is already developed. As part of HB 20 requirement for a 10-year list, staff has been asked to integrate the staged plan, working with others. As RTC moves forward with a new mobility plan, the pendulum swings with regard to toll facilities, and with a successful November election for Proposition 7, staff will be looking at which projects should move quickly in the next 10 years as part of this initiative. Glen Whitely noted that it may be appropriate to send John Barton a letter congratulating him for his years of service with TxDOT. Mr. Morris noted that staff would prepare the correspondence.

11. **Mobility 2040**: Dan Lamers discussed the development of the Mobility 2040, the next metropolitan transportation plan (MTP) for the Dallas-Fort Worth region. A series of questions related to different approaches to address toll, roadway, and transit projects for consideration in the MTP were asked of members who provided polling responses at the meeting. It was noted that the answers were not binding, but an effort to receive member input. Question 1: Given the opportunity for voters to approve significant new revenues for transportation, should the RTC position on new capacity be reconsidered? Results show that members are split 50 percent yes and 50 percent no. Question 2: Given the opportunity for new funding, should the MTP a) keep planned tolled facilities as is and add new toll-free projects or b) reduce the number of future toll facilities by approximately 50 percent? Members indicated by a majority to keep planned tolled facilities and add new toll-free projects. Question 3: Should the RTC pursue a network of CapMain improvements preserving revenue that can be incorporate into mega projects? Members indicated yes.
Question 4: Which of these goals should have the highest priority: Safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability (includes air quality), or reduced project delivery delays? The majority of members selected congestion reduction, with safety as the next priority.

Question 5: Given the lack of funding support for rail transit, should the region a) continue to pursue a regional funding strategy to implement the current planning rail system, b) seek to identify funding to prioritize and reduce the number of rail corridors, or c) seek to identify funding for additional rail corridors? Members selected their desire to continue to pursue a regional funding strategy for the current planned rail system. Question 6: Given uncertain funding for new passenger rail, should the MTP a) advance bust transit service on planned rail corridors, b) introduce guaranteed speed bus transit service on express lanes, c) increase the network of park and ride lots in conjunction with increased bus transit service, or d) all of the above? The majority of members chose all of the above. Question 7: Given the current understanding of local, state, and federal funding, what trends in future revenue should Mobility 2040 assume a) lower, b) about the same, c) higher? Member results were split between keeping assumptions the same or be more aggressive. Mr. Lames noted that these results will be incorporated into future discussion and e-mailed to members following the meeting.

12. **Progress Reports:** Regional Transportation Council attendance was provided in Reference Item 12.1, Surface Transportation Technical Committee attendance and minutes were provided in Electronic Item 12.2, and the current Local Motion was provided in Electronic Item 12.3.

13. **Other Business (Old or New):** There was no discussion on this item.

14. **Future Agenda Items:** There was no discussion on this item.

15. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for Thursday, September 10, 2015, 1:00 pm, at the North Central Texas Council of Governments.

The meeting adjourned at 2:45 pm.