

AGENDA

**Regional Transportation Council
Thursday, January 23, 2025
North Central Texas Council of Governments**

**9:30 am Full RTC Business Agenda
(NCTCOG Guest Secured Wireless Connection Password: rangers!)**

Pledge to the United States and Texas Flags

- 9:30 – 9:40** 1. **Opportunity for Public Comment on Today’s Agenda**
 Information Minutes: 10
Item Summary: Members of the public may comment on any item(s) on today’s agenda at this time. If speaking, please complete a Speaker Request Card available at the meeting and provide it to the North Central Texas Council of Governments designated staff person. A maximum of three (3) minutes is permitted per speaker. At the conclusion of this item, no further opportunities for public comment will be provided for the duration of the meeting.
Background: N/A
- 9:40 – 9:45** 2. **Approval of December 12, 2024, Minutes**
 Action Possible Action Information Minutes: 5
Presenter: Clay Lewis Jenkins, RTC Chair
Item Summary: Approval of the December 12, 2024, meeting minutes contained in [Electronic Item 2](#) will be requested.
Background: N/A
- 9:45 – 9:50** 3. **Consent Agenda**
 Action Possible Action Information Minutes: 5
- 3.1. **Amtrak Heartland Flyer Funding Shortfall**
Presenter: Michael Morris, NCTCOG
Item Summary: Staff will request Regional Transportation Council (RTC) approval of \$100,000 in Regional Toll Revenue (RTR) funds for Amtrak’s Heartland Flyer passenger service from Fort Worth to Oklahoma City to ensure there are no service disruptions. In addition, staff will seek the RTC’s approval to inform the Legislature that the Texas Department of Transportation (TxDOT) request for funding is inadequate.

Background: In November 2024, staff learned that Texas' share of funding for Amtrak's Heartland Flyer Passenger service from Fort Worth to Oklahoma City has a potential funding shortfall of approximately \$72,000. Staff will request approval of up to \$100,000 in RTR funds be used to supplement the State's funding shortfall. The Heartland Flyer travels along the Interstate Highway 35 Corridor located in both Denton and Tarrant counties. This action ensures that the Amtrak Heartland Flyer passenger service will not experience any disruptions. RTC had previously approved \$700,000 for a shortfall for fiscal year 2023, which was ultimately not needed as the TxDOT resolved the funding gap. Staff previously reported this to the RTC. The current request is for the funding shortfall for the 2024 fiscal year.

Performance Measure(s) Addressed: Transit

3.2. **Funding for Riverfront Boulevard Cost Overrun**

Presenter: Michael Morris, NCTCOG

Item Summary: Regional Transportation Council (RTC) approval of \$12,401,658 in Dallas County Regional Toll Revenue (RTR) funding will be requested to cover a cost overrun at letting on the Riverfront Boulevard project with local funds covering the remainder of the gap, along with the ability to administratively amend the Transportation Improvement Program/Statewide Transportation Improvement Program and other planning and administrative documents as needed to incorporate the funding. In addition, staff is requesting additional cost overruns must be covered by Dallas County and/or the City of Dallas. Staff is requesting Dallas County and the selected construction company to monitor communication on the location of utilities that may impact column placement for high-speed rail.

Background: Dallas County is implementing a project along Riverfront Boulevard from Cadiz Street to Justice Center Way in the City of Dallas. The project will reconstruct the roadway to six lanes with bicycle and pedestrian accommodations and various

intersection improvements. The project currently has \$38,291,442 of RTR funds along with \$18,149,497 of funding from the County and City of Dallas. Bids for the project were recently opened and there is a funding gap of approximately \$13.81 million between the available funds and the lowest bid. The County has requested funding assistance to cover a portion of this gap. This project is on the RTC's Metropolitan Planning Organization Milestone Policy list and thus it is of particular importance that it proceeds to construction.

Performance Measure(s) Addressed: Roadway, Safety

9:50 – 10:00 4. Orientation to Agenda/Director of Transportation Report

Action Possible Action Information Minutes: 10
Presenter: Michael Morris, NCTCOG

1. Transit 2.0 Policy Oversight Preparation for February Action ([Electronic Item 4.1](#))
2. \$60 Million Received from Environmental Protection Agency Clean Heavy-Duty Vehicle Program ([Electronic Item 4.2](#))
3. Department of Defense \$4 Million Noise Mitigation Award for Elementary Schools in Lake Worth and White Settlement
4. Transportation Research Board January 5, 2025, (Washington, D.C.): Integrating Operational Change into Transportation Agencies to Optimize Project Delivery (Michael Morris and Ceason Clemons)
5. Sandy Wesch Celebration of Life: January 24, 2025, at 3:30 p.m.
6. Regional Transportation Council Policy – Temporary Suspension of Dynamic Pricing No Longer Requested
7. Local Clean Air Project Spotlight: ([Electronic Item 4.3](#))
8. Air Quality Funding Opportunities (www.nctcog.org/airquality)
9. Upcoming Dallas-Fort Worth Clean Cities Events (www.dfwcleancities.org/events)
10. November – December Public Comment Report ([Electronic Item 4.4](#))
11. January Public Meeting Notice ([Electronic Item 4.5](#))
12. Recent News Articles ([Electronic Item 4.6](#))

13. Recent Press Releases ([Electronic Item 4.7](#))

10:00 – 10:10 5.

Fiscal Year 2025 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant Program

Action Possible Action Information Minutes: 10

Presenter: Jeffrey Hathcock, NCTCOG

Item Summary: Staff will request Regional Transportation Council (RTC) approval of projects to be submitted for funding consideration through the Fiscal Year (FY) 2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program.

Background: In November 2024, the United States Department of Transportation (US DOT) announced the solicitation of project applications for the FY 2025 RAISE Discretionary Grant Program. The Notice of Funding Opportunity (NOFO), with information and application requirements for the \$1.5 billion program, can be accessed at <https://www.transportation.gov/RAISEgrants/raise-nofo>. Applications are due to the US DOT by January 30, 2025. [Electronic Item 5](#) provides additional details regarding both the program and candidate projects. For regional agencies planning to submit their own candidate projects, please be aware you must complete the www.grants.gov registration process, usually requiring two-four weeks for completion, prior to submitting applications. Assuming the projected timing for application development, agency requests to receive a letter of support from the RTC should be submitted to Jackie Nolasco by Wednesday, January 15, 2025, at jnolasco@nctcog.org.

Performance Measure(s) Addressed: Bike/Ped+, Roadway

10:10 – 10:20 6.

Request Approval to Allocate Funding for Potential Litigation Related to the Dallas-Fort Worth High Speed Rail Environmental Assessment and Briefing on Correspondence from Attorneys for Hunt Realty Investment, Inc., and Hunt-Related Entities

Action Possible Action Information Minutes: 10

Presenter: Ken Kirkpatrick, NCTCOG

Item Summary: The Regional Transportation Council (RTC) will be requested to allocate RTC Local funds in preparation for potential litigation related to the Dallas-Fort Worth High Speed Rail Environmental Assessment. Staff will brief the RTC on numerous correspondences from Attorneys

for Hunt Realty Investment, Inc., and other Hunt-related entities (Hunt-related entities).

Background: Since October 9, 2024, Attorneys for Hunt-related entities have sent numerous correspondence to the North Central Texas Council of Governments (NCTCOG) asserting various legal and factual claims regarding the Environmental Assessment, the 1975 Master Agreement between Hunt-related entities and the City of Dallas, Alignment 2B, the City of Dallas June 12, 2024, resolution concerning high-speed rail, RTC's one-seat ride policy, the City of Arlington, among other items. [Electronic Item 6.1](#) contains NCTCOG's responses to date and the corresponding Hunt letter. [Electronic Item 6.2](#) contains additional Hunt correspondence as of January 3, 2025. [Electronic Item 6.3](#) contains correspondence received since the posting of the rescheduled January 9, 2025, RTC meeting. NCTCOG is preparing responses as warranted. This is in addition to approximately 2,500 pages of documents NCTCOG provided in April 2024 in response to an informal request from Hunt's Attorney. Included in Electronic Item 3.1 is an October 21, 2024, "formal request and demand" from the Hunt's Attorney for NCTCOG to "Preserve and Not Destroy" documents broadly related to High-Speed Rail and the Environmental Assessment in particular. Such a notice is often a precursor to litigation. Staff recommends that the RTC allocate \$1 million in RTC Local funds to be used in \$250,000 increments for additional legal support to assist in responding to these matters and other preparatory work in anticipation of litigation related to the Environmental Assessment. Staff proposes reporting expenditures of these funds on a quarterly basis to the RTC. If approved by the RTC, staff requests the RTC communicate its action to the Executive Board as follows: "Upon a vote ___ to _____, the RTC requests the Executive Board to secure external legal counsel to supplement internal legal resources related to the Dallas to Fort Worth High Speed Rail Environmental Assessment."

Performance Measure(s) Addressed: Administrative, Transit

10:20 – 10:30 7.

Federal and State Legislative Update

Action Possible Action Information Minutes: 10

Presenter: Rebekah Gongora, NCTCOG

Item Summary: Staff will provide an update on federal, and State legislative actions related to transportation and air quality issues affecting the Dallas-Fort Worth area.

Background: Transportation issues continue to be a focus for both the United States Congress and the Texas Legislature. Staff will provide an update on key legislative positions of the Regional Transportation Council. The 1st session of the 119th U.S. Congress convened on January 3, 2025. The 89th Texas Legislature is scheduled to convene on January 14, 2025.

Performance Measure(s) Addressed: Administrative

10:30 – 10:40 8.

New 511 Dallas-Fort Worth Traveler Information System

Action Possible Action Information Minutes: 10

Presenter: Natalie Bettger, NCTCOG

Item Summary: Staff will provide an overview of the new 511 Dallas-Fort Worth (DFW) Traveler Information System highlighting the public-facing and agency user interface.

Background: The 511DFW Traveler Information System was developed as a component of the Dallas Integrated Corridor Management (ICM) project in 2007, which was an initiative funded by the United States Department of Transportation to help advance the state of the practice in transportation operations and manage congestion in urban areas. The 511DFW system provides travel time and speeds, transit trip planning, and road condition information accessible via the web for the DFW region. By calling 511 or utilizing the 511DFW Mobile Apps for iOS and Android, users can connect to partner agencies providing roadside assistance, report transportation problems or link to other regional applications. The system is available in both English and Spanish. In addition, an agency user interface provides partner agencies with the ability to enter crashes and other transportation-related data as well as view historic data to assess system performance. The previous 511DFW system ended in June 2023 as North Central Texas Council of Governments went through a new procurement. On November 4, 2024, the new 511DFW

Traveler Information System went live. Additional information can be found in [Electronic Item 8](#).

Performance Measure(s) Addressed: Roadway, Safety

9. **Progress Reports**

Action Possible Action Information

Item Summary: Progress Reports are provided in the items below.

- RTC Attendance ([Electronic Item 9.1](#))
- STTC Attendance and Minutes ([Electronic Item 9.2](#))

10. **Other Business (Old or New)**: This item provides an opportunity for members to bring items of interest before the group.

11. **Future Agenda Items**: This item provides an opportunity for members to bring items of future interest before the Council.

12. **Next Meeting**: The next meeting of the Regional Transportation Council will be held at **1:00 pm, Thursday, February 13, 2025**.

MINUTES

**REGIONAL TRANSPORTATION COUNCIL
Thursday, December 12, 2024**

The Regional Transportation Council (RTC) met on Thursday, December 12, 2024, at 1:00 pm in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following RTC members or representatives were present: Daniel Alemán, Bruce Arfsten, Steve Babick, Rick Bailey, Adam Bazaldua, Alan Blaylock, Ceason Clemens, Michael Crain, Theresa Daniel, Jeff Davis, Pat Deen, Andy Eads, Michael Evans, Gary Fickes, Carlos Flores (representing Elizabeth Beck), George Fuller, Raul Gonzalez, Lane Grayson, Mojoy Haddad, Julie Holmer (representing John Muns), Clay Lewis Jenkins, Ron Jensen, Jill Jester, Brandon Jones, Marcus E. Ray (representing Tammy Meinershagen), Stephen Mason, Cara Mendelsohn, Cesar Molina, Jesse Moreno, Omar Narvaez, Matthew Porter, Manny Ramirez, Paul Ridley (representing Chad West), Tito Rodriguez, Jim Ross, David Salazar, Gary Slagel, Bobby Stovall, Jeremy Tompkins, William Tsao, and Duncan Webb.

Others present at the meeting were: Vickie Alexander, Renee Arnold, Rachel Bagley, Berrien Barks, Emily Beckham, Kenny Bergstrom, Alberta Blair, Michelle Brewer, Jason Brown, Randall Bryant, Farhan Butt, Brandi Byrd, Jack Carr, Molly Carroll, Angie Carson, Dina Colarossi, Tara Crawford, Dawn Dalrymple, Clarence Daugherty, Brian Dell, Jennifer DeWitt, Gwen Dorko, Bob Dubey, Chris Dyser, Mike Eastland, Chad Edwards, Andrew Fortune, Eric Gallt, Carmen Garcia, Rebekah Gongora, Christie Gotti, Tony Hartzel, Kyle Hoener, Mark Holliday, Joseph James, Jim Jarratt, Dan Kessler, Madiha Khan, Gus Khankarli, Ken Kirkpatrick, Chris Klaus, Chris Kym, Dan Lamers, Eron Linn, Aaron Long, Malcolm Mayhew, Chad Marbut, Dillon Maroney, Gregory Masota, Rich Matyiku, Jon McKenzie, Bill Medina, Jessica Mendoza, Monte Mercer, Brian Moen, Jason Moore, Jonah Murray, Jenny Narvaez, Jeff Neal, Mark Nelson, Dylan Niles, Joe O'Brien, Cintia Ortiz, Michael Peters, John Polster, Kelly Porter, James Powell, Vercie Pruitt-Jenkins, Abbas Rastandeh, Randy Richardson, James Rogge, Kathryn Rotter, Toni Stehling, Stephen Tanner, Kimberlin To, Jonathan Toffer, Daniela Tower, Lauren Trimble, Brendon Wheeler, Glen Whitley, Brian Wilson, and Hannah Witcher.

1. **Opportunity for Public Comment on Today's Agenda:** Clay Lewis Jenkins, Regional Transportation Council Chair and Dallas County Judge asked if there were any public comments. Chair Jenkins noted that no members of the public chose to speak at the meeting or provide written comments.
2. **Approval of October 17, 2024, Minutes:** The minutes of the October 17, 2024, meeting were approved as submitted in Electronic Item 2. Theresa Daniel (M); Duncan Webb (S). The motion passed unanimously.
3. **Consent Agenda:**
 - 3.1. **February 2025 Transportation Improvement Program Modifications:** This item contained a request for Regional Transportation Council approval of the revisions to the 2025-2028 Transportation Improvement Program (TIP), along with the ability to amend the Unified Planning Work Program and other planning documents with TIP-related changes.

- 3.2. **Fiscal Year 2024 Public Transportation Funding: Programs of Projects:** This item contained a request for Regional Transportation Council approval on Fiscal Year 2024 Public Transportation Funding Programs of Projects. The action included direction for staff to administratively amend the Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP) and other planning/administrative documents as needed to incorporate funding on the approved projects.
- 3.3. **City of Everman Signal Funding:** This item contained a request for Regional Transportation Council (RTC) approval of \$300,000 in RTC Local funds for a new traffic signal in the City of Everman. The action included direction for staff to administratively amend the Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP) and other planning/administrative documents as needed to incorporate funding on the project.
- 3.4. **Blue-Green-Grey Application for New Ideas Round 4 – Project Funding Recommendations:** This item contained a request for Regional Transportation Council (RTC) approval of \$248,300 in RTC Local funds for three projects in the Blue-Green-Grey Program: 1) Allen Inlet Filter Pilot Program, 2) Dallas Area Rapid Transit Vermiculture Food Waste Composting Lawnview Station, and 3) Frisco Median Bioswale Retrofit Parkwood Boulevard. The action included direction for staff to administratively amend the Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP) and other planning/administrative documents as needed to incorporate funding on the approved projects.
- 3.5. **Backstop Funding: Supporting Vehicle Procurement for the Advanced 2021 Rebuilding American Infrastructure with Sustainability and Equity Grant:** This item contained a request for Regional Transportation Council (RTC) authorization to utilize up to \$1,004,000 in RTC Local funds as a temporary backstop to support contract obligations and expenditures for the purchase of electric buses and in-plant inspection services within the Southern Dallas Inland Port.
- 3.6. **Strategic Highway Network Proposed Additions:** This item contained a request for Regional Transportation Council approval of the Texas Department of Transportation's proposed addition of United States (US) 287 from Interstate Highway (IH) 45 to IH 20 to the Strategic Roadway Network (STRAHNET).
- 3.7. **Endorsement of Community Noise Mitigation Program Grant Submission:** This item contained a request for Regional Transportation Council (RTC) to endorse the North Central Texas Council of Governments' grant applications for the Community Noise Mitigation Program (CNMP); recommend approval of \$281,000 in RTC Local funds to advance pre-application consultant activities to backfill Regional Joint Land-Use Study activities, provide NCTCOG's portion of the CNMP local match, and provide additional local match for Regional Joint Land-use Study activities; and approve staff to administratively amend the Transportation Improvement Program (TIP)/Statewide TIP and other planning/administrative documents to incorporate these changes should be project be selected for funding.
- 3.8. **City of River Oaks, Meandering Road Right of Way Acquisition Loan:** This item contained a request for Regional Transportation Council (RTC) approval to advance right-of-way acquisition funding in the amount of \$950,000 in RTC

Local funds for the reconstruction of Meandering Road from Roberts Cut-Off in River Oaks to LT JG Barnett Road in Fort Worth. The City of River Oaks is acquiring the right-of-way at the request of North Central Texas Council of Governments (NCTCOG) and the other project partners. Regional Transportation Council (RTC) Local funds will be returned upon River Oaks receiving federal reimbursement.

A motion was made to approve Items 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 3.8 on the Consent Agenda. Jim Ross (M); Daniel Alemán (S). The motion passed unanimously.

4. **Orientation to Agenda/Director of Transportation Report:** Michael Morris briefly highlighted items 2, 3, 4, 5, 6, and 14.
 1. Recognizing Regional Successes in Energy Efficiencies, Air Quality, Mobility Award Recognition Luncheon Recap
 2. Regional Transportation Council Service Awards—
 - Mo Bur, Texas Department of Transportation
 - Commissioner Gary Fickes, Tarrant County
 - Commissioner Roy Brooks, Tarrant County
 - Former County Judge B. Glen Whitley, Tarrant County
 - Mike Eastland, Executive Director, NCTCOG, Retirement
 3. Receipt of United States Department of Transportation 2023 Transportation Conformity Determination
 4. Changing Mobility: Data, Insights, and Delivering Innovative Projects During COVID Recovery – Transit Data Update
 5. 2025 Regional Transportation Council and Surface Transportation Technical Committee Meeting Schedules: Irving Summit is scheduled for August 7, 2025. Michael will coordinate with the Chair for the August RTC meeting.
 6. Sandy Wesch Passing; Celebration of Sandy Wesch's life is scheduled for January 9, 2025.
 7. Executive Director's Recommended PM_{2.5} National Ambient Air Quality Standards Designations
 8. Swyft Cities Certification of Emerging and Reliable Transportation Technology Program Update
 9. Texas Department of Transportation Rider 48 Report: Evaluation of Medium-Duty and Heavy-Duty Vehicle Charging Infrastructure and Capacity (<https://www.txdot.gov/content/dam/docs/government/rider-48-report.pdf>)
 10. Air Quality Project Spotlight: Arlington Multimodal Drone Delivery Demonstration Results
 11. Engine Off North Status Report
 12. Attendance Report: Dallas-Fort Worth Clean Cities Technical Advisory Committee
 13. Reminder of Annual Required Local Government Energy Reporting – Due March 4, 2025
 14. Current Hold on Regional Transportation Council Policy – Temporary Suspension of Dynamic Pricing
 15. Air Quality Funding Opportunities (www.nctcog.org/aqfunding)
 16. Upcoming Dallas-Fort Worth Clean Cities Events (www.dfwcleancities.org/events)
 17. September – October Public Comment Report
 18. October – November Public Comment Report
 19. October Public Meeting Minutes
 20. November Public Meeting Notice
 21. November Public Meeting Minutes
 22. Recent News Articles

23. Recent Press Releases

5. **Fiscal Year 2024 Federal-State Partnership for Intercity Passenger Rail Grant Program:** Jeffrey Neal requested Regional Transportation Council (RTC) approval to submit a project for the Fiscal Year 2024 (FY24) Federal-State Partnership for Intercity Passenger Rail (FSP) Grant Program. Applications are due to the United States Department of Transportation (US DOT) by December 16, 2024.

A motion was made to approve the submittal of the Trinity Railway Express (TRE) Corridor Double-Tracking Project for funding consideration through the Fiscal Year (FY) 2024 Federal-State Partnership (FSP) for Intercity Passenger Rail Program. Approval included use of up to \$2.4 million in Regional Toll Revenue and RTC Local funds as a backstop in lieu of a partnership with Dallas Area Rapid Transit and Trinity Metro for the 20 percent non-federal match to complete FSP Track 1 (Project Planning) and FSP Track 2 (Project Development) tasks for an application total of \$12 million; and to administratively amend the Transportation Improvement Program (TIP) and Statewide TIP (STIP), as well as other planning and administrative documents, for inclusion of the proposed project if selected for a FY2024 FSP Grant award. Theresa Daniel (M); Omar Narvaez (S). The motion passed unanimously.

6. **Project Status Report: Fiscal Year 2024 Project Tracking, Fiscal Year 2025 Project Tracking and Metropolitan Planning Organization Milestone Policy Round 2:** Brian Dell provided the Regional Transportation Council (RTC) with a status report on the Fiscal Year (FY) 2024 Project Tracking, FY2025 Project Tracking, and Milestone Policy Round 2 projects. RTC approval of various updates to Milestone Policy project deadlines was requested.

A motion was made to approve staff recommendations detailed in slide 5 for the Metropolitan Planning Organization Milestone Policy Update as follows: Union Pacific (UP) Railroad Crossing Project (Haltom City); staff recommendation: establish a letting deadline of December 2025; United States (US) 81/US 287 Projects (Texas Department of Transportation -Fort Worth); staff recommendation: extend letting deadline to December 2026; and to administratively amend the Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP) along with other administrative/planning documents as needed to incorporate any changes to affected projects. Matthew Porter (M); Tito Rodriguez (S). The motion passed unanimously.

7. **Call for Projects to Reduce Diesel Emissions:** Jason Brown provided an overview and requested Regional Transportation Council approval on the criteria and schedule for a new, competitive Call for Projects (CFP) to award rebates through the North Texas Diesel Emissions Reduction Project 2024 utilizing Environmental Protection Agency (EPA) funds.

A motion was made to approve North Texas Diesel Emissions Reduction Project 2024 including opening the Open Call for Projects, with details of eligibility screens and scoring criteria; and the schedule for the Call for Projects (Call opening on December 16, 2024, and a Rolling 90-Day application deadline to fully award funds). Theresa Daniel (M); Bruce Arfsten (S). The motion passed unanimously.

8. **Strategic Traffic Signal Equipment Selection Upgrades:** Michael Morris requested Regional Transportation Council (RTC) approval of the strategic selection process for traffic signal coordination equipment upgrades.

A motion was made for Regional Transportation Council (RTC) approval of the process, criteria, and schedule for the strategic selection of traffic signal coordination equipment; and to administratively amend the North Central Texas Council of Governments Transportation Improvement Program (TIP) and Statewide TIP, as well as other planning and administrative documents. Duncan Webb (M); Matthew Porter (S). The motion passed unanimously.

9. **Fiscal Year 2025 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant Program:** Jeffrey Neal briefed the Regional Transportation Council (RTC) on the Fiscal Year (FY) 2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program, dedicated for surface transportation infrastructure projects that will have a significant local or regional impact. Details highlighting grant requirements, merit criteria, and possible multimodal project candidates were provided to the Council.
10. **End of 2024 Ozone Season Recap:** Jenny Narvaez provided a summary of the 2024 ozone season activity and other air quality updates for the Dallas-Fort Worth region. The ozone season is from March 1 to November 30.
11. **Demographics Forecast 2050 and Mobility 2050 Key Updates:** Dan Kessler presented a summary of the recently completed Forecast 2050, the region's new population and employment forecasts for the year 2050. The North Central Texas Council of Governments (NCTCOG) Executive Board approved these forecasts on November 21, 2024. These forecasts will be used to support the upcoming development of Mobility 2050: the Metropolitan Transportation Plan for North Central Texas. Brendon Wheeler presented a status report on the development of Mobility 2050 highlighting anticipated revenue forecasts, preliminary cost estimates, and key focus areas.
12. **Progress Reports:** Regional Transportation Council attendance was provided in Electronic Item 12.1 and Surface Transportation Technical Committee attendance and minutes were provided in Electronic Item 12.2.
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 (RTC) is scheduled for 1:00 pm on January 9, 2025, at the North Central Texas Council of Governments.

Meeting adjourned at 3:02 p.m.



North Central Texas
Council of Governments

Dallas Area Rapid Transit Board Meeting

MICHAEL MORRIS, P.E.

North Central Texas Council of Governments

January 8, 2025

TRANSPORTATION AUTHORITIES FIRST 40 YEARS

Sales Tax Inflation Adjusted Revenue Source to Pay for Construction

Increases with Price of Goods

Increases with Population Growth

Increases with Employment Growth

Larger Economy Reducing Risk from “Point of Collection”

Benefits from Urban/Central City Location Decisions



TRANSIT 2.0 NEXT SEVERAL DECADES: TIME FOR REFLECTION AND ADJUSTMENT

Why?

Leaving Aggressive Construction Phase

Natural Need to Focus on Operations

Greater Board Diversity on Policy

Need Greater Consideration of Technology

Need Review of Transit Patterns Post COVID

Increasing Demographic Growth Rates in Less Urban Locations

State Not Recognizing Benefit from Urban Growth



DRAFT REGIONAL TRANSPORTATION COUNCIL (RTC) POLICY – FEBRUARY 2025: TRANSIT 2.0/RTC POLICY WATERFALL

Draft Transit Authority Policy Waterfall

Step 1: Transit 1.0: Right Size Fixed Routes (Reduce Incentive for Empty Buses), Add Microtransit, Add Shuttle Service, +

Step 2: Transit 2.0 Pillars: Economic Development, Competitive Transit, Crime/Safety, Private Sector Pilot Services, Expand Local Government Corporation

Step 3: Draft Policy for Current Members: Update Infill Station Policy, Update Transit Related Improvement Program (TRIP), and Establish Revenue Sharing Policy

Step 4: On a Limited Application Share Revenue Based on Equity Principles and at Discounted Rates (Pending Transit 2.0 Revenue/Cost Model)

Step 5: RTC Maintains Support for Current Transportation Authority Tax Rates



TRANSIT 2.0 PARTNERSHIP, LEVERAGE AND IMPACTS

	Dallas Area Rapid Transit (DART)	Member City	Regional Transportation Council	State
Economic Development	<ul style="list-style-type: none"> Revenue Ridership 	Revenue (2)	<ul style="list-style-type: none"> Several Revenues to Transit Authorities 	<ul style="list-style-type: none"> Lower Cost Revenue to Transit Authorities
Competitive Transit	<ul style="list-style-type: none"> Ridership Gain Lower Cost 	Better Service for Residents	Several	Revenue to Transit Authority
Crime/Safety	Ridership Gain	Quality of Life	Several	Aids in Future Revenue
Private Sector Pilot	<ul style="list-style-type: none"> Lower Cost Ridership Gain 	Consistent Business Practice	Consistent Business Practice	Aids in Future Revenue
Expand Local Government Corporation	Business Growth	Lower Cost	Several	Aids in Future Revenue



Therefore, Step 4 is Discounted and Limited

Issued: Dec 11, 2024 (10:21am EST)

Biden-Harris Administration Announces Over \$735M in Selections for Clean Heavy-Duty Vehicles as Part of Investing in America Agenda

70 applicants tentatively selected to receive funding for over 2,400 zero-emission heavy-duty vehicles, along with infrastructure and workforce development projects, to tackle climate change, reduce air pollution, and advance environmental justice

WASHINGTON — Today, Dec. 11, the U.S. Environmental Protection Agency announced that 70 applicants across 27 states, three Tribal Nations, and one territory have been tentatively selected to receive over \$735 million to assist in the purchase of over 2,400 zero-emission vehicles through its first-ever Clean Heavy-Duty Vehicles Grant Program. EPA's Clean Heavy-Duty Vehicles Grant Program, created by President Biden's Inflation Reduction Act, will replace existing internal combustion engine heavy-duty vehicles with zero-emission vehicles, while also supporting the build out of clean vehicle infrastructure, as well as the training of workers to deploy these new zero-emission technologies. Together, the selected projects announced today will reduce harmful emissions from heavy-duty vehicles, support good-paying jobs, and improve air quality in communities across the country, particularly in those that have been overburdened by air pollution.

"Thanks to President Biden, we are accelerating American leadership in developing clean technologies that address the impacts of climate change," **said EPA Administrator Michael S. Regan**. "Together, the Clean Heavy-Duty Vehicles Grant projects announced today will slash air pollution and enhance the country's infrastructure for cleaner transportation solutions, creating good-paying jobs along the way."

"To tackle the climate crisis, we have to slash pollution from every sector, including heavy-duty transportation," **said John Podesta, Senior Advisor to the President for International Climate Policy**. "Today's awards from the EPA will create good-paying jobs, make our communities healthier, and protect our planet."

"From zero-emission freight vehicles to clean school buses for kids, the Biden-Harris Administration is advancing the next generation of clean transportation that will help reduce pollution and make our nation's cities and communities healthier," **said White House National Climate Advisor Ali Zaidi**. "When paired with our investments in zero-emission port infrastructure and freight corridors, this Administration's sector-wide approach to decarbonizing transportation is delivering economic, social and environmental benefits to communities in every corner of the country."

Across the nation, over 3 million Class 6 and Class 7 vehicles are currently in use, spanning a wide variety of vehicle types and vocations. Many of these are older vehicles that emit higher levels of harmful pollutants like nitrogen oxides, fine particulate matter, and greenhouse gases than newer vehicles. This pollution is associated with respiratory and cardiovascular disease,

among other serious health problems. Children, older adults, those with preexisting cardiopulmonary disease, and those of lower socioeconomic status are particularly vulnerable to these health impacts. Cleaning up pollution from heavy-duty vehicles helps protect the health of 72 million people living near truck freight routes in America.

EPA's Clean Heavy-Duty Vehicles Grant Program will accelerate the adoption and deployment of eligible Class 6 and 7 zero-emission vehicles. Vehicles eligible for replacement include older vehicles powered by internal combustion engines that pre-date recent EPA emission standards.

Proposed replacement vehicles include battery-electric box trucks, cargo trucks, emergency vehicles, refuse/recycling haulers, school buses, shuttle buses, step vans, transit buses, utility vehicles, and other vocational vehicles, as well as a small number of hydrogen fuel cell transit buses. In addition, the Clean Heavy-Duty Vehicles Grant Program also funds zero-emission vehicle fueling infrastructure (e.g., electric vehicle charging stations), as well as workforce development and training. These investments support the implementation of the Biden-Harris Administration's National Blueprint for Transportation Decarbonization and the National Zero-Emission Freight Corridor Strategy.

Approximately 70% of the selections announced today will support the purchase of clean school buses, helping provide clean air for children on their ride to school. These projects complement EPA's Clean School Bus program through the President's Bipartisan Infrastructure Law, which has awarded nearly \$3 billion for nearly 9,000 clean school buses to date.

Selected Clean Heavy-Duty Vehicles Grant Program examples include:

- **Boston Public Schools** has been selected to receive an anticipated \$35,079,653 to replace 125 Class 7 heavy-duty diesel and propane school buses with new, zero-emissions electric units, as well as charging provided by 125 Direct Current Fast Chargers, with advanced load management and sharing capability.
- **Saint Louis Public Schools** has been selected to receive an anticipated \$10,128,735 to replace 30 Class 6/7 diesel buses with Class 6/7 zero-emission buses to reduce the district's emissions of nitrogen oxides, particulate matter, and greenhouse gases. The project will directly improve the air quality for students, staff, and community members and reduce district transportation costs. In addition, the district plans to leverage a public private partnership with Highland Electric Fleets (Highland) to ensure cost-effective use of EPA funding and successful implementation of the project.
- **North Central Texas Council of Governments** has been selected to receive an anticipated \$60,000,000. NCTCOG will award rebates to program beneficiaries to replace approximately 234 vocational vehicles with 234 zero-emission vehicles. Specific projects will be identified through a Call for Projects to select rebate recipients. Based on a regional fleet survey conducted to inform this proposal, NCTCOG expects the fleet mix to consist mainly of box trucks, step vans, and refuse haulers; most new vehicles will be battery electric with a few hydrogen fuel cell vehicle pilot projects. Each project is expected to include supporting infrastructure. NCTCOG will also develop a regional ZEV workforce development plan, implement priorities identified through the plan and host first responder training specific to ZEV.

- **Shakopee Mdewakanton Sioux Community** has been selected to receive an anticipated \$190,000. SMSC will use grant funding to replace its laundry truck with an all-electric alternative. It has existing charging infrastructure onsite that can be used while it waits for new charging infrastructure to be installed closer to where the vehicle will be parked, enabling the new truck to be in service as quickly as possible.

The Clean Heavy-Duty Vehicles Grant Program advances President Biden's [Justice40 Initiative](#), which aims to deliver 40% of the overall benefits of certain federal investments to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution.

EPA prioritized disadvantaged communities facing air quality challenges, including nonattainment with EPA's fine particulate matter and ozone National Ambient Air Quality Standards or high levels of ambient diesel PM. Applications were evaluated on engagement with affected communities, especially local residents, to ensure their meaningful participation with respect to the design, planning, and performance of the project. Approximately \$523 million of the funds announced today will be used to fund projects serving communities located in areas in nonattainment with the NAAQS.

In addition to the funding for the replacement of existing internal combustion engine Class 6 and 7 heavy-duty vehicles with eligible Class 6 and 7 zero-emission vehicles, funding may also be used to support zero-emission vehicle adoption and deployment by providing:

- Zero-emission vehicle refueling infrastructure.
- Workforce development and training.
- Project implementation costs.

EPA will work with selected applicants over the coming weeks to finalize awards. EPA currently anticipates finalizing awards in early calendar year 2025 once all legal and administrative requirements are satisfied. Project implementation will occur over the next two to three years depending on the scope of each project.

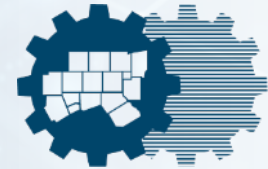
Additionally, EPA and the Department of Labor expect to issue in early 2025 a separate grant program designed to strengthen the workforce development ecosystem through curriculum development in order to prepare workers to maintain and repair ZEVs.

Please visit the [Clean Heavy-Duty Vehicles Grant Program webpage](#) for additional information and updates as EPA works with tentatively selected applicants to finalize awards and implement their projects.

Questions may also be directed to cleanhdvehicles@epa.gov.

For further information and to stay up to date on matters related to our office, sign up for the [Clean Heavy-Duty Vehicles listserv](#).

For further information: EPA Press Office (press@epa.gov)



NCTCOG PRESENTATION

Local Clean Air Project Spotlight

Regional Transportation Council

January 23, 2025

North Central Texas Council of Governments

Project Spotlight – City of Plano

Awarded Project	One All-Electric Refuse Truck
Technology Replaced	One Diesel Refuse Truck
Project Geographic Area	Plano (Collin County)
Implementation Date	July 2024
Awarded Amount	\$185,786
Total Project Cost	\$414,858
Call for Projects	North Texas Clean Diesel Project
Funding Source	Environmental Protection Agency



Project Spotlight – City of Plano



All-Electric Refuse Truck Side Profile



All-Electric Refuse Truck Charging



All-Electric Refuse Truck & Charger



Contact Us



Trey Pope
Air Quality Planner
TPope@nctcog.org | 817-695-9297



Jason Brown
Program Manager
JBrown@nctcog.org | 817-704-2514



PUBLIC COMMENTS REPORT
WRITTEN COMMENTS SUBMITTED BY WEBSITE, EMAIL & SOCIAL MEDIA

Purpose

The public comments report is in accordance with the NCTCOG Transportation Department Public Participation Plan, which became effective June 1, 1994, as approved by the Regional Transportation Council (RTC), the transportation policy board for the Metropolitan Planning Organization (MPO) and amended on Nov. 10, 2022.

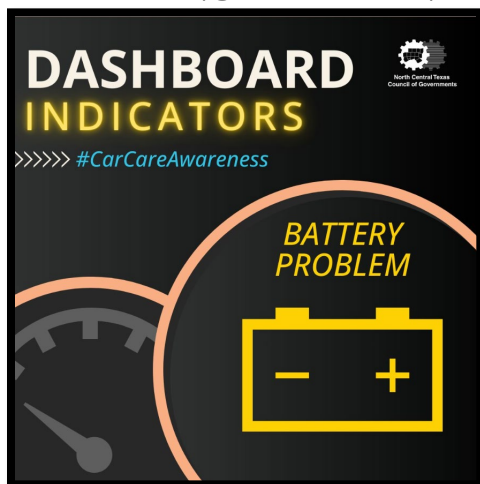
This document is a compilation of general public comments submitted from Wednesday, Nov. 20 through Thursday, Dec. 19, 2024 via website, email, social media and in person at NCTCOG's monthly Regional Transportation Council (RTC) meeting. This month, comments related to bicycle and pedestrian initiatives, sustainable development and transit were in the majority.

Additionally, comments can be submitted through Map Your Experience, the Transportation Department's online mapping tool. This tool allows users to drop a pin on a location in the region and leave a detailed comment. The tool received 15 new comments related to bicycle and pedestrian, roadway and transit conditions. You can view these new comments as well as past comments by visiting <http://nctcoggis.maps.arcgis.com/apps/CrowdsourcingReporter/index.html?appid=b014e6d39b604b3ca329d9094ed1e9e2>.

Air Quality

Twitter –

1. Is that a present under a tree? No! It's a battery light on your dashboard. Colder weather can make an already weak battery give out. If you see that light, get it tested so it doesn't leave you stranded! Learn more at <http://ntxcarcare.org> #CarCareAwareness #CarCareTips — NCTCOG Transportation (@NCTCOGtrans)



'Tis the season! Check your vehicles now, well ahead of any potential wintry weather later this season. #dallastraffic #DFWtraffic — Dallas Transportation & Public Works (@DDOTransport)

Bicycle/Pedestrian/Sustainable Development

Twitter –

1. Don't Forget to Comment! 🚲 TxDOT & @NCTCOGtrans are hosting a virtual public hearing for bicycle use on the state's highway system. Learn more & share your thoughts to shape projects, programs & policies. Visit <http://keepitmovingdallas.com/bicycle-2024> through Nov. 25. 🚲 — @txdotfortworth (@TxDOTFortWorth)



Facebook –

1. Learn your rights and responsibilities when walking, biking or driving. Together, we can make our streets safer for everyone! — NCTCOG Transportation Department

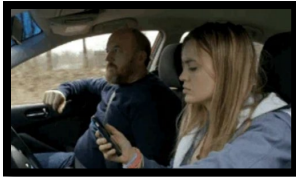


Who came up with that name. Follow with a ! and it's great advice for Texans in crosswalks with the walk signal while oncoming, turning traffic has a flashing yellow arrow and wants to play chicken with you. — Rob Dentremont

2. Learn your rights and responsibilities when walking, biking or driving. Together, we can make our streets safer for everyone! — NCTCOG Transportation Department



Yeah, sure. Lack of hi-viz is the problem. 🙄 — Lex Jenkins



People make fun of high vis but it has a time and place. I agree in the dark it could save lives. I see a lot of kids riding the electric kick scooters at night and they are hard to see. — Natalie Stenger

Other

Twitter –

1. This AM, I addressed @DRC members along with friends @dartmedia CEO Nadine Lee and @NCTCOGtrans Exec. Dir. Michael Morris on the State of the Region. The @DRC does so much for our region. We face challenges and opportunities in healthcare, education and more 🙌 er together. — Clay Lewis Jenkins (@JudgeClayJ)



Public Involvement

Facebook –

1. Do you walk, ride, bike or drive in North Texas? We need your input! — NCTCOG Transportation Department



Please see link for comments submitted via Facebook: <https://fb.watch/vnPqGkoSuK/>

Rideshare/Carpool

Facebook –

1. Try Parking It is a resource for tracking your greener trips, including biking and working from home to earn instant rewards. — NCTCOG Transportation Department

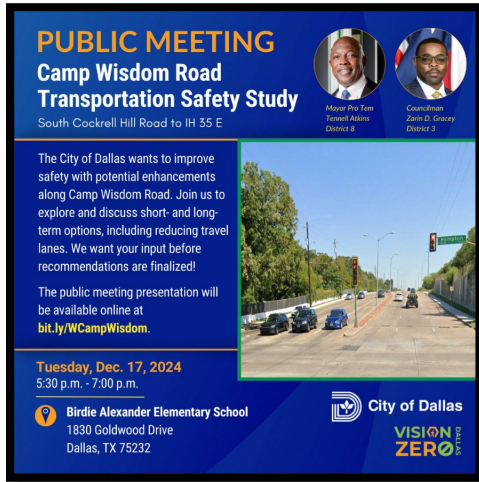


Stuff it — Keith Davis

Safety

Twitter –

1. 🚶 🚲 🚗 🗓️ Join us to discuss transportation safety improvements along west Camp Wisdom Road. Acompáñanos para dialogar sobre posibles mejoras en la seguridad del transporte a lo largo de Camp Wisdom Road. #dallastraffic #dfwtraffic #VisionZeroDallas #VisionCeroDallas — Dallas Transportation & Public Works (@DDOTransport)



Instagram –

1. Last month, voters approved a \$60M bond to enhance safety and mobility in Johnson County. This supports the efforts of the @txdot and the @nctcogtrans, which focus on planning and engineering. Freese and Nichols is honored to have participated in the planning process, continuing our legacy of trusted advisory in #transportation for multiple counties. Read more at the link in our bio. — Freese and Nichols (@freesenichols)



Transit

Twitter –

1. Shout out to @NCTCOGtrans for receiving \$1 million from FTA to plan for TOD along the Trinity Railway Express. The funding will help the council assess opportunities for affordable housing & mixed-use development near stations. <http://bit.ly/FY24TOD> — Federal Transit

Administration (@FTA_DOT)



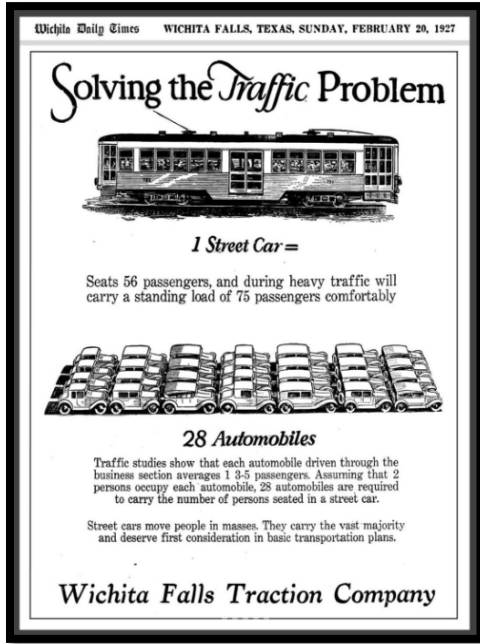
Instagram –

1. Shout out to @nctcogtrans for receiving \$1 million from FTA to plan for transit-oriented development along the Trinity Railway Express, the 34-mile commuter rail connecting Dallas and Fort Worth. The federal funding will help the council assess opportunities for affordable housing, mixed-use development and pedestrian facilities to improve how people connect to transit stations. bit.ly/FY24TOD — Federal Transit Administration (@FTA_DOT)



2. As you can see according to an old paper from the Wichita Daily Times, the streetcar has been a long-told tale in Tarrant County- and it looks like it may finally be reality. Mayor Mattie Parker's Urban Rail Committee and Trinity Metro are discussing an idea of introducing streetcars to Fort Worth again. In 2010 (swipe for a photo of a promotional streetcar in downtown Fort Worth on Nov. 18, 2010), there was an unsuccessful plan for a 2.5-mile street system that connected downtown to nearby tourism spots. On a recent survey done from @nctcogtrans, residents feel "frustrated and limited" when it comes to transportation in the region. About 48% of respondents indicated expanding public transit options is the biggest challenge they see impacting the region in the future. Conclusively, after deliberations continue between DART and six of its 13 member cities that support pulling back their funding to the agency by 25%, with an alarmingly increase of riders on DART and Trinity Metro, the need for improved public transit is loud and clear. NCTCOG just received a \$1 million grant from the

@federaltransitadministration to plan for transit-oriented development along the Trinity Railway Express, the 34-mile commuter rail connecting Dallas and Fort Worth. The federal funding will help the council assess opportunities for affordable housing, mixed-use development and pedestrian facilities to improve how people connect to transit stations. Swipe to see a recent map of the proposed high-speed rail connecting Dallas and Fort Worth. Source: Fort Worth Report, NCTCOG, Mass Transit Magazine #nctcog #dart #streetcars #trinitymetro #nctcog #dartdaily #ridetrinitymetro #fortworthhistory — Walkable Fort Worth (@walkablefortworth)



3. Help us identify transportation needs in your community! Access North Texas documents transportation needs with a focus on older adults, people with disabilities, and individuals with lower income across the region. Take the survey to provide your input: publicinput.com/AccessNorthTexas #AccessNorthTexas — NCTCOG Transportation (@nctcogtrans)



Definitely making rail loops around the major cities, it makes nonsense having to pass through downtown for every trip — M&M (@mnm_op_g)



North Central Texas
Council of Governments

TRANSPORTATION PUBLIC MEETING

JAN. 13 | NOON | 616 SIX FLAGS DR. ARLINGTON, TX 76011

PRESENTATIONS

WORK ZONE DATA EXCHANGE CALL FOR PROJECTS

In March of 2022, five vendors were selected through the NCTCOG's TXSHARE Cooperative Purchase for Work Zone Data Exchange (WZDx). These vendors were approved in three areas related to WZDx, including converting raw work zone data into WZDx format, establishing WZDx-compliant reporting system and general WZDx services. In June 2023, the RTC set aside funding for implementation and directed staff to engage regional partners on project scoping and execution to continue this effort. Local agencies submitted projects to staff in November 2024 for consideration for funding. Staff will provide an overview of projects recommended for implementation.

FEEDBACK ON REGIONAL ELECTRIC VEHICLE CHARGING STATION PROJECTS

NCTCOG is involved in multiple electric vehicle (EV) charging station deployment projects bringing nearly \$90 million to the region. Staff is seeking feedback on how to deploy this funding from residents, public agencies and private organizations who may be interested in EV charging. Find more

information and provide feedback on an interactive map at www.publicinput.com/nctcogevcharging.

LOCAL CLEAN AIR PROJECTS SHOWCASE AND FUNDING OPPORTUNITIES

The North Central Texas Council of Governments (NCTCOG) works closely with regional partners to develop and implement strategies, policies and programs to enhance air quality. NCTCOG periodically makes opportunities available for public and private entities to compete for funding intended to reduce the emissions of their fleets and purchase cleaner vehicles and equipment. Staff will highlight some fleet projects that were implemented in the DFW region using grant funds and announce any current funding opportunities available to fleets.

RESOURCES + INFORMATION

Mobility 2045 - 2022 Update: Administrative Revisions

www.publicinput.com/nctcogJan25

Air Quality Programs and Funding Opportunities

www.publicinput.com/nctcogAQ

Try Parking It

www.TryParkingIt.com

Access North Texas

www.AccessNorthTexas.org

For special accommodations due to a disability or for language interpretation, contact Hannah Witcher at 817-573-1719 or hwitcher@nctcog.org at least 72 hours prior to the meeting. Reasonable accommodations will be made.

Need a ride to the public meeting? Request a \$6 roundtrip ride from the DFW CentrePort Station to NCTCOG with the Arlington Transportation app! Download the app at: arlingtontx.gov/ondemand.

Attend in person, watch the presentations live at publicinput.com/nctcogJan25 or participate via phone by dialing 855-925-2801 then code 7533.

    @nctcogtrans

THE DETROIT NEWS

SIX COMPANIES ARE VYING TO REVIEW OXFORD EMERGENCY RESPONSE. HERE'S WHAT THEY'RE PROMISING

By Jennifer Chambers

Dec. 4, 2024

Oakland County officials are weighing bids from six risk management organizations vying to perform an independent review of the emergency response to the 2021 Oxford High School attack.

With a final decision to be made by the end of this month, the company hired by Oakland County will be tasked with conducting an after-action report of the police, fire, dispatch and emergency responses on Nov. 30, 2021 to the school where a student gunman killed four students and injured seven others.

Oakland County spokesman Bill Mullan said a five-member review committee of four county department heads and one outside expert are ranking the bidders according to overall qualifying factors and the county will begin negotiating with the top selection in coming days. Interviews began this week.

"When negotiations are complete, then they will enter into a contract. The goal is to complete this before the end of the calendar year," Mullan said.

Bid proposals ranged from five to 103 pages in length. Estimates for the duration of work were between 12 weeks and six months and costs ranged from \$62,700 to \$497,000.



All of the companies have experience conducting after-action reviews and reports. In 2023, one of the bidders, Guidepost Solutions, performed an independent review of the attack for Oxford

Community Schools, producing a 572-page report that focused on the role of school officials in the days leading up to and on the day of the attack.

In September, the Oakland County Board of Commissioners approved \$500,000 for a third-party review of the emergency response to the attack after The Detroit News reported on questions by emergency responders over potential dispatch delays to the scene.

According to a board resolution, the commission is seeking "an unbiased analysis of the response and recovery efforts, including the coordination among law enforcement, emergency services and other stakeholders, and offer recommendations for improving safety measures, response and recovery protocols."

Unlike other mass school shootings across the United States, no independent after-action review of the emergency response in Oxford has been conducted. A review is typically undertaken by an outside agency to learn from the actions taken by the coordinating police agency and its partners during a mass shooting incident.

Here is a summarized look at each company's proposal:

Citadel Safety Group, based in California, estimates the review will take 12 weeks and include stakeholder engagement; data collection, document review, interviews and surveys; evaluation and reporting; gap analysis and recommendations; and final report delivery. Cost: \$62,700. The company conducted an after-action report for Caravan Facilities Management in Saginaw to evaluate emergency response protocols in large-scale manufacturing environments. In another project, it delivered response evaluation and recommendations for General Motors' Global Safety Program, addressing gaps in hazard communication, employee safety training, and emergency preparedness.

Centurion Solutions, based in Texas, estimates the review will take 20 weeks and be broken into three phases — initiating, developing and finalizing the AAR through the collection of information, interviews and meetings. Cost is \$346,325. The company has developed after action reports for the Texas Division of Emergency Management; Florida Regional Domestic Security Task Force; North Central Texas Council of Governments; Alabama Center for Preparedness; Kentucky Community and Technical College System and Baylor University. It also developed AAR for an anthrax attack in Boca Raton, Fla. and after hurricanes Ike and Rita for the state of Texas.

CNA, a nonprofit research and analysis group in Virginia, estimates the review will take 15 weeks and include four phases — planning; data collection, reconstruction and analysis; report generation and a final report close-out. Cost: \$463,026. The company says it has more than 80 years of experience in conducting reviews of emergency incidents, including AARs of responses to mass shootings at the University of North Carolina at Chapel Hill in 2023 and the 2017 Republican Congressional baseball practice; reviewing active shooter policy, practice, and training; and directing operational assessments of agency response and recovery efforts.

Guidepost Solutions, based in New York, estimates the review will take up to six months and would evaluate the effectiveness of the response and recovery efforts by all involved parties; focus on recovery efforts, including the mental health of the community and first responders; identify strengths and weaknesses in protocols, policies, procedures, and training; and provide actionable recommendations to enhance future preparedness, response, and recovery efforts.

Cost: \$497,000. Guidepost Solutions is partnering with the Advanced Law Enforcement Rapid Response Training Center (ALERRT) at Texas State University and Threat Suppression in its proposal. ALERRT was hired by Texas Department of Public Safety to complete an after-action report of the May 24, 2022 shooting at Robb Elementary School in Uvalde, Texas.

National Policing Institute, based in Virginia, estimates the review will take nine months and would evaluate the response of all involved public safety agencies and identify strengths and weaknesses in the response efforts. The report will also provide actionable recommendations, categorized into short and long-term goals, to enhance the future preparedness of Oakland County. Cost: \$336,594. Its past work includes after-action reviews of the 2017 shooting at the Pulse Nightclub in Orlando, Fla. at the request of the U.S. Department of Justice. It conducted an AAR, assessment, and analysis of the actions of the Los Angeles Police Department in response to First Amendment assemblies and protests in Los Angeles in 2020.

Security Risk Management Consults, based in Ohio, estimates the review will take about five months and will include best practices, mitigation efforts, emergency management protocols, and technology recommendations in line with existing industry standards and regulations. Cost: \$327,920. It conducted an after-action review for Michigan State University for the mass shooting on Feb. 13, 2023. It was also hired by The Ohio State University to conduct a review of the OSU Department of Public Safety's response following the murder of an OSU student in an off-campus shooting outside a fraternity.

In August, the News reported that [two area fire chiefs claimed that Oakland County Sheriff's Office dispatchers took too long to call them to the scene of the shooting](#).

The News also reported that [Oakland County Sheriff Michael Bouchard's office declined to participate in a third-party after-action review](#) as requested by Oakland County Executive Dave Coulter's office in January, according to Coulter's spokesperson and an email from a county homeland security official. Coulter sought the independent review.

The Sheriff's Office denied declining to participate in the third-party review. Maj. Christopher Wundrach, an executive commander for Bouchard, previously told The News the office and staff fully participated in an independent investigation undertaken by Guidepost Solutions in 2023. That review and its report, however, were limited to investigating the school district's role and response to the attack, not emergency responders.

Bouchard has said his department will participate in the review sought by Oakland County government.

Last month, Oxford families asked [Attorney General Dana Nessel to launch a state-level investigation](#) into the 2021 Oxford High School attack. Oxford families have called for a comprehensive examination of possible criminal conduct by school staff and failed policies that did not prevent the attack. They are demanding accountability, including criminal culpability of school employees.

Kimberly Bush, Nessel's spokesperson, said on Wednesday conversations with the governor's office and the Legislature remain ongoing.

"And we remain optimistic that we will have a response by year's end," Bush said. "With that said, it is our hope that the many elected officials who publicly called for the state to take on this

endeavor are equally as committed to advocating for our office to be provided with the necessary resources to complete this additional review."

CITIES TODAY

ARLINGTON TO PILOT DRONES AND ROBOTS FOR FOOD BANK DELIVERIES

By Sarah Wray

Dec. 5, 2024

The City of Arlington, Texas has announced plans to trial drones and wheeled robots for food bank deliveries.

The project, which will run to the end of 2025, aims to test the efficiency and scalability of using autonomous, electric delivery vehicles to reduce greenhouse gas emissions while serving residents in need.

During the two-year study, around 300 boxes of food will be delivered via an Aerialoop drone and a Clevon autonomous delivery robot to Tarrant Area Food Bank clients living in East Arlington.

Aerialoop's battery-powered ALT6-4 VTOL Delivery Drone is six feet long and can carry nearly nine pounds. The CLEVON 1 robot has a cargo bay that clients can unlock with a code to access their delivery.

Airspace Link's AirHub Portal will be used to provide the data and digital infrastructure for planning and operations, including detailed ground and air analysis that will help drone operators determine take-off, landing and delivery routes.

The city said routes will be developed to avoid flying over residential areas and high-traffic roads, and onboard sensors will use data only for navigation purposes.

Funding

"As transportation technology advances, so does the potential to make positive changes in the way we connect people with goods and services. Using electric drones and ground delivery robots to provide 'last-mile' delivery services can be a more environmentally friendly alternative to traditional delivery vehicles," said Alicia Winkelblech, the City of Arlington's Transportation Director.

The project is expected to cost US\$1.6 million, nearly half of which is funded through a US\$780,000 grant from the U.S. Department of Energy. The required local match will come from contributions from project partners through in-kind staff time and the use of equipment.

Other partners are the University of Texas at Arlington's Institute of Urban Studies, the North Central Texas Council of Governments, and the Dallas-Fort Worth Clean Cities Coalition.

The city plans to host an event where the public can see the technology and learn more about the study prior to the first deliveries, which are expected in spring next year.

Stephen Raeside, Chief External Affairs Officer at Tarrant Area Food Bank, said: "We worked very closely with the City of Arlington during COVID, a time we both innovated quickly to meet soaring hunger in the city."

“Emergency distributions feeding up to 10,000 families at Arlington sports stadiums changed our distribution model, but also made us consider how we could remain nimble and agile by utilising new technology to meet the daily needs of struggling Arlington families.”

HOW CLOSE IS DALLAS TO ELIMINATING ITS PARKING REQUIREMENTS?

Dallas has been discussing the parking requirements in its city code for going on five years. There now seems to be momentum to rethink the city's relationship with cars.

By Bethany Erickson
Dec. 4, 2024



The empty Desert Racer parking lot in March 2020. The Lowest Greenville restaurant closed earlier this year and the lot remains empty.

On Thursday, the City Plan Commission will continue a yearslong debate about how to amend the city code that dictates the total parking spaces required for buildings based on what is happening inside them.

The city wants to install something more thoughtful than the code that is currently in place, which was passed in the 1960s and 1980s. This code spells out the minimum amount of parking spaces required for restaurants, offices, commercial uses, grocery stores, apartments, duplexes, and even single-family homes. The city began investigating its parking requirements in 2019. The process finally picked up steam last year once the planning and zoning staff began holding listening sessions and briefing the city's Zoning and Ordinance Advisory Committee.

For some, it seemed like a win/win. Eliminating parking requirements would give the city flexibility to consider variables such as the existing neighborhood, traffic, and how the property would be used. Developers and business owners might be able allowed to operate with fewer

parking spots, making things cheaper to build and freeing up land for uses other than parking. For others, it seemed like a dangerous path that could leave visitors looking for parking spots while clogging residential streets with parked cars.

Michael Wade, the city's interim chief planner, told the City Plan Commission [last month](#) that science had little to do with the code that governs parking spaces. It appears arbitrary. Every restaurant, even if it is in a walkable neighborhood, is required to have a parking spot per 100 feet of restaurant space. Grocery stores are required to have a spot for every 200 to 300 square feet. Apartments must provide one spot per bedroom, but duplexes are required to have two per unit, regardless of whether that unit only holds one bedroom.

Wade and other city staffers would like to see parking minimums eliminated and replaced with a process that determines the appropriate amount of parking for each specific project. Wade says parking requirements should be determined by how the business will actually operate, how its customers would affect the neighborhood in which it exists, and traffic. Right now, the city's parking requirements are black and white, seemingly subjective dictums that have stymied small business growth and resulted in buildings being torn down to make room for parking lots in some of the city's most desirable neighborhoods.

City staff said the code change wouldn't eliminate existing parking. Should it pass, residents likely won't see an appreciable difference in the amount of parking available for a long time. The aim is to allow the city to be more flexible with developers in determining how much parking each project needs. In some cases, a developer might be required to submit a plan to reduce how many car trips a project would generate.

Dallas has a lot of parking and much of it goes unused, too. A 2023 report by the Parking Reform Network found that [a quarter](#) of the land in downtown Dallas is parking lots. A 2023 parking management study of [Deep Ellum](#) conducted by the North Central Texas Council of Governments found that the area had at least 5,700 parking spaces and thousands of those spaces can go unused on a daily basis, depending on the time of day and week.

"Over time, these regulations have been found to really get in the way of some city goals," Wade said.



Current – highlight on disappeared buildings that are currently parking lots

The buildings in yellow are now parking lots where buildings once stood in Lower Greenville. Image: City of Dallas

The city, as well as those advocating for eliminating parking minimums, says requiring too many parking spaces slows housing growth. The current system makes the permitting process for new construction more cumbersome for developers and the city employees who are charged with calculating how much land needs to be ceded to cars. And it gets in the way of the city's other goals centered around equity, the environment, pedestrian safety, and walkability. "This is a climate and health issue. This is a water quality issue, a heat island effect issue, a biodiversity issue. This is a financial issue," Wade said.

"It disproportionately burdens small businesses," he added. Just look to the Elmwood neighborhood of Oak Cliff. Last year, Graph Coffee owner Germán Sierra [attempted to convert a small home](#) into a coffee shop only to be stymied by city code that required 18 parking spaces for its 1,600 square feet.

Despite wide support from the neighborhood, Sierra's request to open with fewer spaces was repeatedly denied by the Board of Adjustments. Ultimately, he had to sell merchandise in addition to the coffee to be rezoned for a use that didn't require so much parking.

"It's just a very generic, relatively baseless solution that has very little to do with the context of any given land use," Wade said. "Building parking causes more driving, so this is not just about land use. This is also about transportation behavior."

It also makes housing more expensive, he said, because developers are required to include a set amount of parking spaces. The code does not take into account the development or structure's proximity to transit and other alternatives to cars. Graph Coffee, for instance, mostly serves neighborhood residents who traffic the shop on foot.

The headaches extend into new housing developments, too. In March, housing nonprofit bcWORKSHOP's Lesa Neergard told [the Texas Tribune](#) that parking was a real issue when it

came to how many townhomes, duplexes, and fourplexes her organization could build in South Dallas. It prevented the nonprofit architecture and planning firm from building more family-friendly three-bedroom units, too. Parking spots require land, which drives up the cost of development.

“Land was pretty inexpensive for a very long time, so parking was not as big of a burden,” she said. “But as the value of our land continues to increase, because the amount of available land is decreasing, parking is infinitely more expensive.”

At last month’s briefing, Commissioner James Housewright said his experience as a commercial architect led him to support the plan. “The first thing you do when you start a project is figure out how to solve parking, before you even design the building,” he said. “And it really shouldn’t be that way. We consistently build 20 to 30 percent more parking in our projects than is needed.”

Herb Weitzman, the executive chairman of his eponymous retail real estate firm, highlighted the growing movement to eliminate parking minimums [in a column](#) with *D CEO* earlier this year. He pointed to projects in Fort Worth, Dallas, and elsewhere that failed largely because of parking requirements. “It’s a good thing that we might be closer to a day when properties can reach their full potential and not be hampered by a cookie-cutter regulation that doesn’t take into account unique neighborhoods or area parking availability,” he wrote.

[In 2021](#), the Portland-based think tank City Observatory estimated that a single parking space can cost between \$5,000 and \$10,000 on surface lots and from \$25,000 to \$50,000 in a garage. Those costs are passed on to the renter or the customer.

But not everyone is sold on the idea. Thursday’s meeting will likely see public speakers from two opposing groups: the Dallas Housing Coalition and the Neighborhood Coalition of Dallas. The former is in favor of removing the minimums. The latter, according to a letter that was recently sent to members, is concerned about its impact on single-family neighborhoods. At information sessions, residents commonly worried about whether reducing the amount of parking businesses are required to build would force drivers to park on residential streets, clogging them and making them unsafe.

Commissioner Melissa Kingston, whose district includes Lower Greenville, also said she wasn’t on board yet. Historically, she said, the city has used parking restrictions there to manage the mix of restaurants, bars, and retail that flank both sides of the street.

“It’s really the only way we can do it legally under state law,” she said. She worries the area would become even more dense with bars and restaurants while its adjacent residential streets fill with cars.

Wade agreed there might be a couple more restaurants moving in. But a bar, he said, would still be subject to site plan reviews and other constraints that would make sure it’s compatible with the neighborhood. Neighborhoods that already have resident-only parking would still be able to enforce that rule. The city would also use its curb management plan to help control the flow of parking-seeking motorists. A curb management plan uses signs, curb markings, and meters to incentivize or disincentivize people from parking in specific areas.

Jay Blazek Crossley runs the Austin-based nonprofit [Farm & City](#), which lobbies state and local lawmakers to improve policy and planning around housing, public transit, and pedestrian safety. He helped steer the city of Austin to get rid of bar parking mandates, followed by parking

minimums altogether. “It is immoral and wrong that cities require parking at bars and require bars to subsidize you driving drunk,” he said at a recent day-long housing summit hosted by the Dallas Housing Coalition. “There’s no benefit, and we’re OK with supporting the legislature to just tell cities they’re not allowed to do this.”

Ideally, the city would quit using parking minimums as a way to manage land use, instead using tools such as zoning to address problem businesses or traffic issues.

“There are a lot of other zoning or land use mechanisms to address the nuisance that comes with the land use,” said Andreea Udrea, the city’s deputy planning and development director. “I would use caution to say that we want parking requirements just because we don’t want these uses. Let’s talk about those uses when we are going to do code reform, instead of incentivizing people to drive.”

In the end, it boils down to what residents see for their city’s future, Udrea said.

“It’s a matter of what do you want the city to be?” she said. “Do you want the city to be cars and parking lots, or do you want the city to be usable? We can just look outside the window and we can count the parking lots in downtown and ask, ‘Is this what we want for the city?’”

Thursday’s meeting will include a public hearing on the code. The City Plan Commission could vote on the matter as early as January before it goes to the City Council. The proposed changes to the code can be found [here](#).

HERE'S HOW TO GET PAID TO CHANGE YOUR COMMUTE HABITS IN DALLAS-FORT WORTH

Regional transportation planners are testing creative ways to tackle congestion

By Amber Gaudet
Dec. 5, 2024



Signage for the LBJ TEXpress lanes is seen from the Joe Ratcliff walkway in Dallas on Nov. 19, 2024. (Azul Sordo / Staff Photographer)

Dallas-Fort Worth residents who regularly travel the TEXpress lane network can get exclusive savings and prizes as part of a new pilot program through the North Central Texas Council of Governments.

Motorists might already be familiar with the [GoCarma app](#) if they've downloaded it to access high-occupancy vehicle discounts on the network. But a new pilot will also invite select users to join a rewards program that tracks their driving patterns and allows them to earn points — which are used to enter them in gift card drawings — if they change those habits.

It's a novel approach to tackling congestion in the region, which has ballooned following the COVID-19 pandemic, [at least according to one study](#).

The council introduced the app in 2020 to encourage motorists to carpool by offering 50% toll discounts to high-occupancy vehicles during peak periods. But planners also want to test what

incentives will encourage drivers to travel outside peak congestion hours, or take less-congested routes.

“We’re also looking at scenarios where they could transfer to like a transit line that’s parallel to a corridor, so there’s multiple scenarios that we’re going to be testing,” NCTCOG senior program manager Natalie Bettger said.

It works like this: GoCarma users who opt-in to the program and meet the criteria — namely regularly traveling in one of the corridors that planners are studying during a peak period — will be invited to sign up for rewards. They will receive prompts to tweak how they drive, and the app will record when they do. That earns users points, and more points means they have a higher chance of winning one of the monthly drawings for gift cards.

Participants can also snag points for filling out surveys about their driving.

First-place winners get a \$2,500 gift card, with second-place winners getting \$750 and third-place \$200.

About 220 users have already signed up for the first scenario planners initiated along Interstate 35W. It asks drivers to tweak their commutes to travel outside of peak hours, while the next will take place on Interstate 35E and prompt drivers to take an alternate route when there’s high congestion.

“What we look at from a regional operations congestion-type scenario is, is it worth us to do programs like this versus maybe add additional capacity to roadways, right?” Bettger said. “So, can we help balance that load across multiple hours of the day, rather than everybody squeezing into two peak periods? So if we can distribute that and get our roadway infrastructure to maybe last longer and reduce congestion and improve air quality it might be less expensive for us to do programs like this than add a bunch more capacity out there.”

The data that planners collect will help inform future efforts to ease gridlock as the region keeps growing.

“The real goal is to give them information so they can make choices, and give them an incentive to possibly take less congested choices, and that way, it helps us balance that congestion on our roadways,” Bettger said.

The pilot program ends Dec. 25. Dallas-Fort Worth drivers can download the GoCarma app on the App Store and Google Play.

NEW STRETCH OF TOWN CREEK HIKE AND BIKE TRAIL LINKS WEATHERFORD COLLEGE TO NAMESAKE CITY

By Glenn Evans

Dec. 7, 2024

Weatherford College got in on the city's hike-and-bike trail network on Wednesday, with a ribbon cutting of a new stretch linking the campus with Austin Elementary.

The three-quarter mile stretch brings the Town Creek Hike and Bike Trail to a little more than five miles.

Greater aspirations are also in planning stages and will link Weatherford with an existing trail to Mineral Wells State Park.

"Stand by, hold on," Mayor Paul Paschall told some 40 supporters at the campus trailhead. "Because the best is yet to come for our trail system."

The new, paved stretch is the third in a connected city trail network that began in 2011.

It was funded by a \$1.2 million Texas Department of Transportation grant of which the city is contributing \$240,000, or 20%.

The money was obtained through the North Central Texas Council of Governments, one of several partners. In addition to the city, TxDOT and the council of governments, those include Weatherford ISD and the community college.

Weatherford College President Tod Allen Farmer later said the new link will draw his students into their host city — and the city to the campus.

"It goes across Weatherford College property, and it connects the college to the city trail system," Farmer said. "So now, all our citizens can walk or jog or walk their dogs and come up on our beautiful campus. and our students can go the other way.

"It connects them to the city, and more important it puts the 'community' back in 'community college.' We've got a beautiful trail. And most important, we've got public entities that are working together for the benefit of the taxpayers and the city of Weatherford."

HIGH-SPEED RAIL EFFORTS IN TEXAS HAVE GAINED MOMENTUM. THE TEXAS LEGISLATURE AND DONALD TRUMP MAY CHANGE THAT

By Joshua Fechter
Dec. 10, 2024

The illusive dream of high-speed rail in Texas has become foggier as President-elect Donald Trump prepares to take office and state GOP lawmakers intent on throwing up roadblocks to rail return to Austin next month.

Over the last two years, high-speed rail ambitions in Texas showed signs of life. Amtrak revived and took the lead on a [long-mulled high-speed rail route between Dallas and Houston](#). North Texas transportation planners advanced the idea of extending that line to Fort Worth and Arlington. A glut of federal transportation dollars under President Joe Biden's administration and increased congestion on Texas interstates pushed some local leaders to make the case for boosting even conventional passenger rail between the state's major urban areas.

Where those efforts will go during a second Trump administration remains to be seen. Trump, rail advocates and experts say, has offered few clues about how he will approach high-speed rail during his second term — after the Biden administration backed federal financial support for expanding rail.

But in the Republican-dominated Texas Legislature, anti-rail efforts will likely persist when lawmakers convene in January.

Some rail backers still see reasons for hope. For one, congestion on Texas roadways amid the state's robust economic growth has become interminable. Combine that with an expected \$20 billion budget surplus, and state lawmakers could be amenable to exploring rail options, said Peter LeCody, who heads the organization Texas Rail Advocates.

"This might be a turning point where the Legislature is starting to wake up and smell the vehicle fumes," LeCody said.

Some lawmakers are trying to lay the groundwork for a statewide high-speed rail expansion. A bill filed by State Rep. John Bucy, an Austin Democrat, would direct the Texas Department of Transportation to jumpstart a high-speed rail line between Dallas, Austin and San Antonio along the congested Interstate 35 corridor. The state agency would have to enter a comprehensive development agreement with a private company to build, maintain and operate the line, which would have to reach speeds of at least 110 miles per hour.

There are no immediate plans for such a train, Bucy said, and it's not clear who would operate it.

Another Bucy bill would allow more state transportation dollars to be spent on high-speed rail as well as other modes of transportation like conventional passenger rail, bicycle lanes and walking paths. The Texas Constitution mandates that most of TxDOT's budget must be spent on building and expanding freeways. If Bucy's bill passes, Texas voters would decide whether to

amend the constitution to allow a greater share of those dollars to be spent on transportation methods other than highways.

“We need to be able to move people,” Bucy said in an interview. “We need to give people other options.”

Still in question is the future of the long-sought Texas Central high-speed rail line between Dallas and Houston. The project, first pitched in 2009, would shuttle passengers at top speeds above 200 miles per hour — turning what’s now a 3.5-hour commute by car to a 90-minute ride by train.

The line would use the same technology used on Japan’s famed high-speed rail network, which connects that country’s major job centers. A 16-car train there can hold more than 1,300 passengers at a time.

Amtrak revived the project last year following a [leadership exodus from Texas Central](#), which had [struggled to acquire land necessary to build the line](#). The route between Dallas and Houston checks a number of boxes that make it ideal for high-speed rail, Amtrak officials have said — namely that it connects two of the country’s largest metropolitan regions and is flat enough to allow trains to reach the velocity necessary to make the journey relatively speedy.

High-speed rail proposals have long faced a steep climb in the Republican-dominated Texas Legislature — where GOP lawmakers are hostile to passenger rail and have particularly sought to stop the Texas Central project. Texas Republicans — including Gov. Greg Abbott, who [once heralded the Texas Central proposal](#) — have sought to prevent state tax dollars from paying for high-speed rail and block efforts to seize the land needed to build it through eminent domain.

State legislators approved a law in 2017 intended to bar Texas Central from receiving state dollars to build high-speed rail.

“If the Texas Central line can be built without state or federal money, without taking private property, it’s fine with me,” said state Sen. Robert Nichols, an East Texas Republican who heads the state Senate Transportation Committee. “But the answer is ‘no, they can’t.’ ... If it was an investment that would pay big dividends, that’s a whole different deal. That is not an investment that’s going to pay dividends. That is a big cost hole that is a bottomless pit.”

That opposition appears likely to persist next year. Republican legislators have introduced proposals to further enshrine obstacles to high-speed rail. A bill filed by state Rep. Cody Harris, a Palestine Republican, would forbid state lawmakers from appropriating funds to pay for anything related to high-speed rail operated by a private entity.

Another bill, by state Rep. Brian Harrison, a Waxahachie Republican, would reverse a 2022 Texas Supreme Court decision allowing Texas Central to seize land necessary to build the Dallas-to-Houston line — a decision that alarmed East Texas landowners in the route’s projected path.

“I am committed to protecting my constituents’ private property rights from the forced taking of their land for this wasteful boondoggle project,” Harrison said in a statement.

Just how those GOP proposals would affect the Texas Central line’s development now that Amtrak has taken the lead on the project — or the development of other high-speed rail lines — isn’t clear.

How the Texas Central line could be built without state dollars is difficult to imagine, rail advocates and experts said. The projected cost of the Dallas-to-Houston route is more than \$30 billion, up from an earlier \$12 billion estimate — money that would have to come from federal and private sources.

“This project needs tens of billions of dollars and we don’t appear to be close to that,” said Eric Goldwyn, program director at the Marron Institute of Urban Management at New York University.

Andy Byford, senior vice president of high-speed rail development at Amtrak, said in November that officials are still figuring out how exactly to pay for the project, which hasn’t gained federal approval.

Byford told reporters earlier this year that Texas Central has acquired about 30% of the land needed to build the line but has maintained that acquiring the remaining land through eminent domain would be a last resort.

Officials pursuing a high-speed rail route connecting Dallas, Arlington and Fort Worth hope to do so entirely with private dollars. Michael Morris, transportation director for the North Central Texas Council of Governments, said he expects private rail operators like Brightline — which owns a route that runs from Orlando to Miami and is pursuing a high-speed route between Los Angeles and Las Vegas — will take interest if the route gains federal approval.

Such a project would reduce congestion and improve safety on freeways while sprouting economic development in the form of housing, offices and restaurants near stations in each city, Morris said.

Separately, Morris said he plans to push state lawmakers to create a new state agency solely focused on high-speed rail efforts.

Another mystery is how Trump will approach passenger rail during his second term.

In his first term, Trump canceled more than \$900 million in federal dollars to help pay for California’s beleaguered high-speed rail line between Los Angeles and San Francisco, funds that Biden would later reinstate. Vivek Ramaswamy — an entrepreneur Trump tapped to lead an effort alongside Tesla CEO Elon Musk to slash government spending and pare federal regulations — this week called for ending federal support for the California line, which he dubbed a “wasteful vanity project.”

Trump struck a different tone on the campaign trail this year, openly wondering why the United States doesn’t have high-speed rail of its own.

“They go unbelievably fast, unbelievably comfortable with no problems, and we don’t have anything like that in this country. Not even close,” Trump said [during a conversation with Musk hosted on the social media site X](#). “And it doesn’t make sense that we don’t, doesn’t make sense.”

Outside of high-speed rail, state and local officials are looking for ways to ease congestion on Texas’ increasingly busy interstates and give Texans another way to move around the state.

Using federal dollars, TxDOT is examining how to boost passenger rail service on an existing Amtrak route from Houston to San Antonio. State transportation planners also are studying [how](#)

[to reinstate a conventional Amtrak line](#) between Houston and Dallas, a separate effort from the high-speed project.

Amid robust growth along the Interstate 35 corridor, officials in Travis and Bexar counties have restarted efforts to boost passenger rail frequency between the Austin and San Antonio regions.

Boosting any kind of passenger rail isn't enough to ease overall congestion, Goldwyn said, adding that state and local officials should also back efforts to make urban areas more walkable and easier to traverse by bicycle or public transit.

Passenger rail "is one tool we can use to help solve that problem, but we need to do a lot of other things as well," he said.

IS HIGH-SPEED RAIL DOOMED IN TEXAS?

By Mark Goodman
Dec. 11, 2024

The Texas Tribune [took the temperature](#) of legislators ahead of the 89th session, which begins January 14. After [Amtrak entered the high-speed rail arena](#), the North Central Texas Council of Governments—the regional entity that secures state and federal dollars for infrastructure projects—went into planning hyperdrive. Dallas already has a federally approved station in the Cedars for a line to Houston. But the NCTCOG began getting buy-in on [an extension to Arlington and Fort Worth](#), which could eventually connect to the western United States.

But Donald Trump is the president-elect, and the Texas Legislature has a Republican supermajority. Joshua Fechter at the Tribune charts how Gov. Greg Abbott and many Republican lawmakers have worked to prevent state dollars from going to rail projects; the Texas Department of Transportation is constitutionally mandated to spend its money on highway expansions. And while one Austin Democrat has filed a bill to allow voters to decide whether to amend that rule, it surely faces a difficult climb to passage.

Elsewhere, Republican lawmakers have filed bills to reverse a Texas Supreme Court decision that allows for the seizure of land through eminent domain for the rail, and Fechter quotes experts as being skeptical that the \$30 billion Dallas-to-Houston route can be built without state money. (The Dallas-to-Fort Worth line is presently estimated to cost \$6 billion, although its future without the Houston line is uncertain.)

What becomes clear is why the NCTCOG has been so aggressive in moving this forward over the past year. Getting federal approval for the line is paramount, and the agency knows the political winds are shifting.

IRVING WEEKLY

FORT WORTH CITY COUNCIL APPROVES GRANT APPLICATION FOR SAFE STREETS PROJECT

By Irving Weekly staff

Dec. 12, 2024

On Tuesday, the Fort Worth City Council approved a resolution to apply for the 2025 Transportation Alternatives Program grant from the North Central Texas Council of Governments (NCTCOG) and the Texas Department of Transportation (TxDOT). The grant, totaling \$5,099,220, would fund the McPherson-Summer Creek Safe Streets project, aimed at improving safety and accessibility along key routes in the area.

The project will focus on designing and constructing bike lanes and safety enhancements along McPherson Boulevard and Summer Creek Road. The goal is to create a safer connection to several community destinations, including three schools—Summer Creek Middle School, North Crowley Ninth Grade Campus, and North Crowley High School—as well as the Chisholm Trail Skate Park, Community Center, and various commercial and residential developments.

The bike lanes will be installed along McPherson Boulevard, Hulen Street, and Summer Creek Drive, with no plans to remove existing lanes from the roads.

The project is part of broader efforts by NCTCOG to enhance mobility in Fort Worth. Additionally, the agency has been conducting the [Fort Worth76104 Transit Needs Assessment](#), which identifies strategies to improve access to essential services in underserved areas of the city.

[Public feedback](#) on the draft recommendations will be accepted through February 17.

HOODLINE

FORT WORTH CITY COUNCIL ADVANCES SAFE STREETS PROJECT WITH BID FOR \$5M GRANT

By Nate Simmons

Dec. 12, 2024

Fort Worth is taking strides towards safer, more efficient streets with a resolution passed by the Fort Worth City Council on Tuesday. This resolution is a push to secure a significant grant for the McPherson-Summer Creek Safe Streets project through the 2025 Transportation Alternatives Program, supervised by the North Central Texas Council of Governments (NCTCOG) and the Texas Department of Transportation (TxDOT). If obtained, the grant amounting to \$5,099,220 could transform local roads into more bike-friendly and safe zones, as per the [City of Fort Worth](#).

With these funds, the city aims to lay the groundwork for a network of bike lanes and safety enhancements along McPherson Boulevard and Summer Creek Road. The intended areas for improvement are heavily trafficked corridors, critical in connecting an array of local amenities and educational institutions—the project promises a safer path to three schools, including Summer Creek Middle School and North Crowley Ninth Grade Campus, and North Crowley High School, a regional park and a community center, as well as a patchwork of commercial and residential developments. Notably, the project is designed to maintain the existing lanes on the roads while adding this new infrastructure.

In a deeper commitment to revamping Fort Worth's mobility, NCTCOG has also invested energy in the Fort Worth 76104 Transit Needs Assessment in association with Transportation and Public Works (TPW) and the FW Lab. This effort seeks to pioneer transit solutions to break barriers in access to fundamental services such as healthcare, food, and employment. Notably, a public meeting held in November on the city's Historic Southside gathered community input and spotlighted the transit situation in the 76104 ZIP code area.

The transit assessment, scheduled for completion by the end of 2025, has highlighted several key areas for project suggestions. These proposals range from a "transit loyalty program" that incentivizes regular riders to strategies for increasing bus efficiency, such as prioritizing traffic signals, expanding on-demand transit services during peak hours, and extending bus service times to serve the 76104 community better. Pop-up events and pedestrian access studies are also on the agenda, aiming to promote better connectivity and raise transit awareness. Public commentary on the draft recommendations is being encouraged until Feb. 17, reflecting Fort Worth's commitment to ensuring these transit services evolve hand in hand with community needs.

ELECTRIVE

U.S. FUNDS REPLACEMENT OF OVER 2,400 ICE TRUCKS AND BUSES WITH ZEV ALTERNATIVES

By Carla Westerheide
Dec. 12, 2024

The U.S. Environmental Protection Agency announced \$735 million in funding for a total of 70 applicants and more than 2,400 zero-emission heavy-duty vehicles.

It is the first time the agency has handed out subsidies through its 'Clean Heavy-Duty Vehicles Grant Program.' The selection of the above-mentioned applicants is still tentative, the EPA specifies. They are spread across 27 states, three Tribal Nations, and one territory.

While not all recipients are named in the EPA's statement, it does mention that more than 35 million dollars will go to Boston Public Schools to replace 125 school buses with zero-emission ones and install 125 fast chargers "with advanced load management and sharing capability." Saint Louis Public Schools will receive just over ten million dollars to replace 30 school buses.

A total of 60 million dollars will go to the North Central Texas Council of Governments (NCTCOG). The latter will award rebates to replace 234 vocational vehicles with 234 zero-emission ones and will launch a call for projects at a later date. According to the EPA, most of the subsidized vehicles will be battery-electric, mainly box trucks, step vans, and waste collection vehicles. However, it expects to also fund "a few hydrogen fuel cell vehicle pilot projects."

The 'Clean Heavy-Duty Vehicles Grant Program' was created as a result of the US Inflation Reduction Act (IRA). Its goal is to accelerate the adoption and deployment of eligible Class 6 and 7 zero-emission vehicles. The main use of the EPA funding will thus be the replacement of existing internal combustion engine Class 6 and 7 heavy-duty vehicles with eligible zero-emission ones. However, the agency specifies that the money can also be invested in "clean vehicle infrastructure, as well as the training of workers to deploy these new zero-emission technologies."

"From zero-emission freight vehicles to clean school buses for kids, the Biden-Harris Administration is advancing the next generation of clean transportation that will help reduce pollution and make our nation's cities and communities healthier," said White House National Climate Advisor Ali Zaidi. "When paired with our investments in zero-emission port infrastructure and freight corridors, this Administration's sector-wide approach to decarbonising transportation is delivering economic, social and environmental benefits to communities in every corner of the country."

KERA NEWS

BUSINESSES COULD BE FINED IF NORTH TEXAS DOESN'T IMPROVE ITS AIR QUALITY

By Pablo Arauz Pena

Dec. 13, 2024



Fort Worth's skyline, as seen from Arlington's landfill in April 2022. Regional leaders say the state could start fining private businesses contributing to poor air quality.

Regional leaders are grappling with the possibility of fines for private companies that could be contributing to consistently poor air quality throughout North Texas.

During a meeting of the Regional Transportation council, leaders heard details of the 2024 air quality report on ozone level pollution. The report shows that the region's average level of ozone exceeded federal standards set in 2015.

According to staff at the North Central Texas Council of Governments, most of the region has been considered in "nonattainment" for ozone pollution set by the Environmental Protection Agency for several years, much of it caused by growing traffic congestion and heavy polluting industries.

"This is a critical issue," said transportation director Michael Morris. "Private sector companies will soon be fined for noncompliance of this particular standard, and the state needs to get out in front of their responsibility with regard to that."

As a result of noncompliance, leaders have been getting letters from the Texas Commission on Environmental Quality warning of fines for private businesses for being out of compliance with air quality standards. Councilmembers didn't indicate which businesses would be fined.

Jenny Narvaez, program manager for air quality at NCTCOG, told the council that the highest levels of ozone pollution were concentrated in and around northwest Tarrant County.

Tarrant County's Precinct 4 commissioner Manny Ramirez, who represents the area, said the state needs to take greater responsibility to provide guidance.

"If there are control measures that the state recommends local governments and businesses take, they've got to publish that, and it's got to be something feasible and actionable," Ramirez said. "But I think the exercise of just, you know, saying we're on a naughty list over and over again, it's not productive."

Morris added that he believes there are some sources of ozone apart from traffic congestion contributing to the quality in the most polluted areas that "may or may not be regulated," such as coal plants outside of the region.

Air quality monitors also reported 52 days when ozone levels exceeded EPA standards, the highest number of days since 2012.

Narvaez said NCTCOG sent a letter to the Texas Commission on Environmental Quality, signed by RTC chair and Dallas County Judge Clay Lewis Jenkins, to find and "clarify" contributors to elevated ozone levels and take steps to reduce emissions from traffic.

"Something's happening somewhere that our businesses are about to get fined for, that is going to cause people to move elsewhere, and we're going to lose jobs," Jenkins said. "So we really need to get on top of this."

Morris encouraged local leaders to continue communicating with the TCEQ ahead of the region's 2027 deadline to reach ozone level attainment.

NBC DFW

DALLAS TRAFFIC DEATHS THIS YEAR TOP 2023, LEADERS PUSH FOR CHANGE ON DEADLIEST STREET

City working with law enforcement partners to increase patrols in “speed danger zones”

By Scott Friedman and Eva Parks
Dec. 13, 2024

The traffic death toll in Dallas has already surpassed last year’s total, with more than two weeks left in 2024, according to an analysis of Texas Department of Transportation data by **NBC 5 Investigates**.

So far this year, 207 people have died in crashes on Dallas streets, compared to 205 in 2023.

On Friday, city and state leaders held a news conference to update plans to address safety concerns on the city’s deadliest roadway: Loop 12. For another year, Loop 12 earned that unwanted title with 21 fatal crashes this year alone.

“Five years, my friends. Citywide, nearly 500 accidents involving serious injury have taken place on Loop 12,” said State Sen. Royce West (D-Dallas) at a news conference at Dallas City Hall.

West stepped forward to address the concerns on Loop 12 earlier this year, on the heels of an NBC 5 investigation that identified systemic dangers on the loop. Dangers include high speeds, an outdated roadway design, and a lack of safe places for pedestrians to cross the street.

In one spot near Loop 12 and Bonnie View Road, **NBC 5 Investigates** found five pedestrians had died in less than a year. The death toll at that location has since increased to seven.

“The information that was provided by your station helped us focus with laser certainty on trying to get something done and bringing together the city, the state,” West said in an interview with **NBC 5 Investigates**.

In the wake of NBC 5’s reporting, West pulled together TxDOT, the City of Dallas and the North Texas Central Council of Governments. They have pledged to install more than a dozen new protected pedestrian crossings on Loop 12 over the next 18 months.

The city and state also lowered the speed limit on the loop and installed bold new speed signs, even speed limit numbers painted on the pavement. They have also promised to re-examine the road’s design to help address the high speeds.

Dallas police joined West at Friday’s news conference. Interim Chief of Police Michael Igo revealed the city is using new software to identify stretches of road where speeds are too high.

“It’s based on GPS tracking and it monitors those vehicles that are going through those areas,” said Igo.

When the software flags a speed danger zone, police can deploy additional officers to that location to conduct speed patrols.

It’s really given us some good feedback on areas we needed to address,” Igo said.

Dallas City Councilwoman Carolyn Arnold said Friday that she is seeking help from other regional law enforcement agencies to assist Dallas police with controlling speeds on Loop 12.

"We are reaching out to all law enforcement and public safety partners to help us in this corridor," Arnold said.

Meanwhile, the city is also pleading with drivers to help reduce speeds and deaths.

Igo said drivers would notice an increased speed enforcement presence on Loop 12, and he urged people to call 911 to report extreme speeds and erratic driving.

"I'm encouraging everybody to slow down because you will see police officers on that stretch of the road," Igo said.

EPA AWARDS \$735M THROUGH CLEAN HEAVY-DUTY VEHICLES GRANT PROGRAM

By Melina Druga

Dec. 16, 2024

The U.S. Environmental Protection Agency (EPA) recently awarded 70 applicants more than \$735 million in Clean Heavy-Duty Vehicles Grant Program grants.

Grants were awarded to 27 states, three tribal nations, and one territory and will assist with the purchase of more than 2,400 zero-emission vehicles.

The program will accelerate the adoption and deployment of eligible Class 6 and 7 zero-emission vehicles. Funding also can be used for zero-emission vehicle refueling infrastructure, work force development and training, and project implementation costs.

There are more than 3 million Class 6 and Class 7 vehicles currently in use nationwide. The vehicles emit higher levels when compared to newer vehicles of harmful pollutants such as greenhouse gases, fine particulate matter, and nitrogen oxides.

Approximately \$523 million in funds were awarded to projects in areas with fine particulate matter and ozone National Ambient Air Quality Standards while approximately 70 percent will support the purchase of clean school buses.

Awardees include:

The North Central Texas Council of Governments was awarded \$60 million to issue rebates to program beneficiaries for the replacement of approximately 234 vocational vehicles with zero-emission vehicles.

Boston Public Schools was awarded \$35.08 million to replace 125 diesel and propane school buses with zero-emissions electric units and to purchase 125 direct current fast chargers.

HOODLINE

FORT WORTH'S MANNY RAMIREZ APPOINTED AS CHAIR OF TEXAS JUVENILE JUSTICE BOARD

By Susan O'Brien

Dec. 14, 2024

In a recent move by Governor Greg Abbott, Manny Ramirez has been appointed as the new chair of the Texas Juvenile Justice Board. The Board, which oversees the state's Juvenile Justice Department, is responsible for creating and executing the regulations that guide the department's operation.

Manny Ramirez, hailing from Fort Worth, brings a wealth of experience from his time as a Tarrant County Commissioner and a police officer with a career spanning 15 years. In his law enforcement tenure, he has filled various roles, such as detective, sergeant, and assignments within the U.S. Department of Homeland Security's National Gang Unit, according to details from a [state press release](#). Further, Ramirez is no stranger to leadership positions, having previously led the Fort Worth Police Officers Association, a body comprising of 1,800 members.

In addition to his law enforcement and association leadership, Ramirez has been an active participant in his community. His engagement spans across various organizations including the Fort Worth Chamber and the Fort Worth Club. His counsel further extends to the Salvation Army of North Texas Advisory Council. He has also contributed to transportation as a member of the North Central Texas Council of Governments Regional Transportation Council and has taken initiative by founding the Northwest Regional Infrastructure Alliance.

His academic credentials include a Bachelor of Science in Criminal Justice from Tarleton State University and a Master of Business Administration from Texas Christian University. Prior to his new role as chair, he was already serving on the board since December 2023 and has experience as a gubernatorial appointee to the Texas Department of Motor Vehicles, Ramirez fosters a vision of growth and strong governance within the realm of juvenile justice.

DALLAS-HOUSTON BULLET TRAIN ONCE AGAIN IN LEGISLATURE'S CROSSHAIRS

Will Trump convince Texas to give high-speed rail a chance?

Dallas Morning News Editorial Board
Dec. 17, 2024



A Brightline train is shown at a station in Fort Lauderdale, Fla., on Jan. 11, 2018. A Dallas-to-Houston line is achievable if state lawmakers don't get in the way during the coming session. (AP Photo/Wilfredo Lee, File)

Building a high-speed rail line from Dallas to Houston is an achievable goal. The question is whether lawmakers will prepare for the future or stand in the way of progress.

Connecting two of Texas' largest cities and economic powerhouses through high-speed rail would slash the commute time from around four hours on a highway to less than one and half by train. That's a lot less suffering on Interstate 45.

Even as people keep moving to Texas, jamming city roads and highways, the Texas Legislature appears intent on putting up more barriers to high-speed rail. The Texas Tribune recently reported that [lawmakers have already filed bills for the upcoming session that would make it more difficult to get a bullet train going in this state.](#)

Hostility toward high-speed rail in the GOP-controlled Legislature is nothing new. A law passed in 2017 prohibits the state from appropriating money to cover costs like planning, construction

and maintenance for high-speed rail operated by private entities. The legislation targeted the proposed line between Dallas and Houston.

One of the bills filed for the 2025 legislative session would further limit the state's ability to fund private entities' high-speed rail projects, while another would prohibit private organizations from seizing land needed for building high-speed rail.

As Texas grapples with congestion, we need an array of transportation solutions to keep people moving between major hubs and ensure the state's continued prosperity. High-speed rail should play a part.

With a new White House administration set to take the reins in January, there might be greater openness to the idea.

President-elect Donald Trump has sent somewhat mixed signals on high-speed rail. He previously axed over \$900 million in federal money intended for a California line between Los Angeles and San Francisco, though President Joe Biden later reinstated it.

Elon Musk and Vivek Ramaswamy, the tycoons Trump tapped as leaders of a new government efficiency initiative for his upcoming term, have spoken out against California's high-speed rail ambitions. Ramaswamy called it "a wasteful vanity project" in a [November post](#) on X, and Musk said in a [May post](#) that it's "easier to build a base on the moon than high speed rail in California."

But in an August conversation with Musk on X, [Trump said it "doesn't make sense" that the United States compares so poorly](#) to other countries when it comes to bullet trains. He praised high-speed rail, saying bullet trains are comfortable and have "no problems."

Perhaps this instance of support will translate to long-term progress. Trump's recognition that the United States is behind other developed nations when it comes to high-speed rail might encourage Texas lawmakers to be more forward-looking.

The proposed rail line between Dallas and Houston got a major boost in 2023 when Amtrak got on board. The project still needs to raise tens of billions of dollars to come to fruition. That's a high enough hurdle without ill-considered legislation that could sap it of its momentum.

FORT WORTH REPORT

NORTH TEXAS COULD LAND MULTIMILLION FAA-PLANNED ADVANCED AVIATION CENTER

By Eric Garcia

Dec. 16, 2024



Many advanced aviation companies have relocated to Perot Field Fort Worth Alliance Airport in recent years. (Courtesy photo | Perot Field Fort Worth Alliance Airport)

North Texas — already home to many next-generation aviation companies, including those in north Fort Worth’s booming Alliance hub — is being considered for a new multimillion federal center for advanced aviation technology.

The Federal Aviation Administration sent a request for information for its planned Center for Advanced Aviation Technologies to the Arlington-based North Central Texas Council of Governments, the agency’s transportation director Michael Morris told local elected and appointed officials at a meeting late last week.

The federal agency is currently seeking input for the planned research and testing center, authorized under the FAA Reauthorization Act of 2024 approved by Congress and signed by President Joe Biden in May. The legislation, co-sponsored by U.S. Sens. Ted Cruz, R-Texas, and Maria Cantwell, D-Washington, as well as two other senators, will provide \$4 billion each year for airport infrastructure projects that increase safety and capacity.

The Center for Advanced Aviation Technologies is also intended to increase integration of advanced air mobility and other emerging aviation services, such as air taxis and vertical-lift aircraft, into the National Airspace System.

“This is the first step of a procurement process,” Morris told members of the Regional Transportation Council on Thursday afternoon. “They’re looking at tens of millions of dollars to create a center of advanced aviation technology. We’re hearing a lot of whispering that they would like to potentially have that in the Dallas-Fort Worth region, so we’re giving you a heads-up that that work is being put together and the partnership (is) being put together through Tier 1 universities and our aviation system.”

The Regional Transportation Council, an independent policy council composed of elected and appointed members from Tarrant, Dallas, Denton and several other surrounding counties, could address the proposal with its support in the future, Morris said.

“To get ready for that, we’ll have the appropriate action on your agenda at an appropriate time,” he said. “We wanted to give you advanced notice on that.”

The FAA’s Southwest regional headquarters is located at 10101 Hillwood Parkway in north Fort Worth near Perot Field Fort Worth Alliance Airport. That office partners with federal, state and local governments to promote aviation safety and education across Texas, New Mexico, Oklahoma, Arkansas and Louisiana. The office also addresses airspace and procedure modernization, runway safety, aviation workforce development, finance, information technology, policy, human resources and civil rights.

The Alliance airport has attracted several advanced aviation companies, including [AVX Aircraft Co., which plans to design, test and build unmanned aircraft for military and commercial uses](#). AVX recently relocated from a small office in Benbrook to a larger, modern facility at Perot Field Fort Worth Alliance Airport to grow the company specializing in advanced vertical-lift technology.



AVX Aircraft Co. has created designs for vertical lift unmanned aircraft, including the RECON-45 drone, left, and multi-mission unmanned vehicles for military and commercial applications. (Courtesy image | AVX Aircraft Co.)

Cruz has championed bringing the advanced aviation center to Texas and hosted a roundtable discussion on the topic at Dallas Executive Airport on Aug. 30. Representatives from 11 aviation-related companies, including Southwest Airlines and Amazon, participated as well as those from Texas A&M University and the system's Autonomy Research Institute in Corpus Christi.

"Texas continues to lead the way in the aviation sector — it's why I am advocating for the center to be based in the Lone Star State," Cruz posted on the X social media platform at the time.

Cruz said companies in the state including commercial carriers, spaceflight, drones and more spotlight that "Texas continues to be on the forefront of flight."

The legislation, Cruz said, "delivers significant wins for Texas and the hundreds of thousands of Texans who work in aerospace."

"The new law," he added, "also establishes an advanced aviation center for testing and approving futuristic aircraft, like air taxis, that Texas is well-positioned to host."

In August, Gov. Greg Abbott appointed nine people, including Southlake resident Kevin Cox, CEO of Ferrovial Vertiports, to the state's Aerospace and Aviation Advisory Committee. The committee assists in Texas' economic development efforts to recruit and retain aerospace and aviation jobs and investments in the state.

The FAA said its requests for information will help inform the aviation industry of the agency's intent to implement a CAAT airspace laboratory, flight demonstration zones and testing corridors to support testing and advancement of advanced air mobility.

The survey will help the agency assess estimated costs and the level of interest and capabilities of qualified industry, academic, research and government entities.

The council of governments said the University of Texas at Arlington, University of North Texas in Denton, Southern Methodist University in Dallas and the Richardson-based University of Texas at Dallas are involved in the procurement process for the FAA center.

Input for information requests must be submitted by 6 p.m. Jan. 6, the FAA said.

COUNTY'S MASTER THOROUGHFARE PLAN SET FOR APPROVAL NEXT YEAR

By Ashley Terry
Dec. 19, 2024

Hood County's Master Thoroughfare Plan is officially on the road to adoption — literally.

On Dec. 11, the City of Granbury hosted a joint workshop with the Hood County Commissioners Court, as well as representatives from Cresson and Johnson County, to review the next steps and explore the possibility of adopting the plan as soon as next year.

Aside from a few tweaks to the proposed road developments discussed during the county's last workshop in September, it was revealed that the wheels are now in motion for the final approval.

The Master Thoroughfare Plan — also called MTP — is a long-range plan that serves to guide the location, size and timing of roadway improvements needed to support a city's growth.

"(An MTP) is important because it ensures mobility safety, it allows the county to preserve right-of-way for future corridor needs, it reduces emissions, improves air quality, and it also allows the county to plan financially for improvements that will be needed in the next 20-30 years," said Ryan Jones, team leader at Teague, Nall & Perkins Inc., during the last workshop Sept. 30.

Jones explained that the county's current plan also dates back to 2000 — meaning it's time for an update.

According to the current population forecast presented by Jones, Hood County is expected to experience a 75% growth in population by the year 2050. With a 2023 population of 65,000, the forecast projects that in almost 30 years, Hood County's population will rise to around 114,000.

"Hood County is experiencing a lot of growth," he explained. "I was just noticing on the drive this morning coming on 377 from Fort Worth that (there were several) development signs. Y'all are experiencing a lot of growth, so this is an important project to plan your thoroughfares, and open population and travel."

Through a partnership with North Central Texas Council of Governments, TNP was able to gain access to a comprehensive regional model that supports entities like Hood County in assessing their growth forecasts. The project is also bolstered by a steering committee comprised of local government officials, educational representatives and municipal staff — all working alongside TNP and Texas Department of Transportation to ensure that the proposed improvements align with public feedback and real-world experiences.

With the kickoff of the MTP discussion in March — followed by several workshops and special board meetings — Jones revealed that the project is "really close to wrapping up."

"We're really getting close to adoption," he said. "We're foreseeing that happening in March of next year barring any major feedback that would change the direction that we receive today."

PROPOSED ROAD IMPROVEMENTS

The main objective of the Master Thoroughfare Plan is to alleviate traffic congestion. Jones noted he frequently encountered resident concerns about traffic issues on State Highway 144, U.S. Highway 377, Farm-to-Market Road 167, and State Highway 171 near Cresson.

"One of the things that we heard, and it was communicated, was there was a need for more mobility to the east and to the south," he said. "Highway 144, and U.S. 377 are currently kind of bottlenecks for all the traffic congestion trying to make its way up to DFW, so one of the goals that we had was to implement some new thoroughfare routes that would move traffic south to 67 and eventually east of Chisholm Trail, just to provide additional mobility to DFW. We wanted to prioritize which improvements are needed near term and which improvements are needed long term, and ultimately, we're consolidating all this information into an organized plan to implement these improvements."

During the first workshop, 18 congestion and safety issues were identified, along with 18 potential solutions. After reviewing the data with NCTCOG, however, the team realized that evaluating all 18 alternatives would be overwhelming, so they prioritized them down to six key corridors deemed necessary for immediate attention — referred to as the "priority corridors."

The six priority corridors are listed below:

- **Pecan Plantation South Access** — will gain new access routes to the south.
- **Strouds Creek Connectivity** — addresses safety concerns for a residential neighborhood that often becomes isolated during floods.
- **Old Granbury Road Improvements** — currently two lanes, the road is projected to require expansion to four lanes due to increasing traffic demands.
- **Fall Creek Highway Relief Route** — identified as a congested north-south route that needs additional connections to accommodate planned development in the area.
- **Mitchell Bend Highway Extension** — aims to improve access to the southeast part of the county, which is currently somewhat cut off by the lake.
- **Misty Meadows Drive Extension** — proposed to enhance access for nearby schools by connecting to the loop.

After configuring in the six priority corridors to the transportation model, the results showed that the improvements would have a positive impact regionally for the county.

Jones explained that the team examined changes in traffic volume by comparing the base 2045 model with the new corridors. To visualize this data, they created a color-coded map: green indicates a reduction in traffic volume, yellow shows minimal impact, and orange or red signifies an increase.

"What we saw was with these six priority corridors implemented into the model, you saw Highway 144 turn green, you saw 377 turn green and you saw parts of Fall Creek Highway turn green," Jones said. "That means traffic is getting pulled off of those corridors and moved elsewhere throughout the roadway network so overall, we were very pleased with the results that we saw after implementing these corridors into the model."

REFINEMENTS

After meeting with representatives from the City of Granbury and Johnson County, a few tweaks and refinements were needed to be made to the plan based on the feedback.

The changes are listed below:

- Additional connectivity to County Road 1000 and County Road 916.
- Realignment of Fall Creek Highway Relief Route away from Putteet Hill.
- Realignment of the east thoroughfare on Massey Road to County Road 1131 in Johnson County.
- Revised south access to Pecan Plantation.
- Extension of Temple Hall Highway into Parker County.
- Upgraded Meander Road from Old Granbury Road to Weatherford Highway from a collector to a minor arterial, allowing for a four-lane expansion.

NEXT STEPS

As for the next steps in the process, Jones explained that the plan is to incorporate any new feedback from the joint workshop into the final MTP report and map. Once all the proposed changes have been addressed, the team will recommend that the plan be adopted by the county.

"Once that happens, the real important next step is going to be identifying and securing funding for these priority corridor improvements," he said. "It's great to have a plan in place, but we're going to need to have funding in place as well, so we see that as a very important next step that we would love to continue the conversation and help you guys figure it out."

DISCUSSION

Following the presentation, City Manager Chris Coffman asked if a roundabout could be implemented at the intersection of Meander Road and Old Granbury Road. Jones explained that a roundabout would likely not be possible due to the location of the railroad and right-of-way constraints.

Cresson Mayor Ron Becker also thanked Johnson County Commissioner Rick Bailey for working on this project, as he highlighted the importance of cross-county collaboration.

Bailey shared that he was happy to participate in the discussion — especially due to unprecedented growth in the region.

"Whatever impacts here impacts the whole region," Bailey said. "We're so far behind the curve on these little narrow county roads ... We're just grateful ... because so many folks are leaving the metroplex and looking for rural areas such as Hood County and Johnson County. The representation that we've got council members just working together, I think it's all going to be a real positive move. Our generation may not be here to see all of the work, but our kids and grandkids are going to be a lot safer because of what we're doing today."

Precinct 4 Commissioner Dave Eagle also pointed out that Hood County's population was just 1,845 in 1970. He expressed his belief that the projected population of 114,000 by 2050 may be an underestimate and could actually be even higher.

FUNDING CONCERNS

Coffman also brought up a concern to both Jones and the commissioners court about how the county will be funding the MTP.

Precinct 2 Commissioner Nannette Samuelson stated the court will be researching grants and other types of funding, while Jones explained that any federal funds for construction will likely require a local match in addition to the federal funds. He explained that often this involves a funding split, with 20% coming from local sources and 80% from federal, state or grant funds.

“Are we looking at a two-to-three-year window on applying for those grants?” Coffman asked.

“I think we need to get started now,” Jones replied.

Place 2 Councilman Eddie Rodriguez said his concern is that after putting in hours of work required for the road improvements, the plans would never come to fruition due to a lack of funding.

“Up until this point, we've spent all this money for the study, and we've had all this input on what Granbury needs, what Johnson County needs, what Hood County needs, and then we'll put it on the shelf because we don't have funding,” Rodriguez said. “That's my concern.”

“We'll be working with NCTCOG and partners in Johnson County since they've been through this before,” Samuelson explained. “We're not going to let it sit on the shelf.”

“We're going to have to work some of this stuff into our budget,” Eagle added.

“Thank you,” Coffman replied. “That's what I was hoping to hear.”

Samuelson also suggested that the county could collaborate with Bailey to learn what steps Johnson County took on its MTP.

“During the last meeting Judge (Ron) Massingill forwarded a letter to (Rep.) Shelby Slawson and (Sen.) Brian Birdwell letting them know that we were close to adopting an MTP,” Samuelson said. “So, the communication's already been happening with our legislators.”

A public hearing notice will be printed in a future edition of the Hood County News when the adoption of the MTP is expected to take place.

DEMAND FOR FORT WORTH-AREA RIDESHARE PROGRAM BOOMS

By Eric Garcia
Dec. 18, 2024



Trinity Metro's On-Demand rideshare program has seen more passengers in 2024 than last year. (Courtesy image | Trinity Metro)

Fort Worth's transit agency is seeing more demand for its rideshare program.

Ridership is up 52% in 2024 for the Trinity Metro On-Demand program over 2023. So far, more than 290,000 people — about 100,000 more than last year — have used the service that operates in geographic zones across Fort Worth and Mansfield, agency data shows.

The program, [initially called ZIPZONE](#), was rebranded and operates with distinctive black vans with white lettering in the Alliance, Mercantile, Northside, Southeast, Southside, South Tarrant and Tarrant County College Northeast Campus areas. The program launched this year in Mansfield.

At \$2 per ride, the service is a cheaper alternative to comparable services offered by Lyft or Uber.

Monthly ridership data shows that the program has performed better in 2024 with thousands more riders overall.

In January 2024, for example, the service drew 25,281 passengers — up from 22,776 passengers in the same month last year.

Ridership dipped slightly over August and September 2024 compared to 2023. In August 2024, the on-demand service counted 27,789 passengers, a drop of 193 people from August 2023.

September 2024 had a similar decrease as 25,883 riders used the service, 70 people less than in September 2023.

That decrease could be attributed to the service's on-time performance, which dropped slightly for much of 2024 but stayed above 90% most of the year, data shows. The lowest on-time performance rate in 2024 occurred in September 2024 when a rate of 83.8% was recorded. That rate was nearly 10 percentage points lower than the 93% recorded in September 2023.

Fort Worth Mayor Mattie Parker has supported transit solutions since she first campaigned for office.

"You cannot pour enough highway concrete to create the transportation needs for DFW," she said Dec. 4 at the Society of Commercial Realtors luncheon at River Crest Country Club. "At the same time, I'm thankful that our city is not saddled with huge, multibillion-dollar bond projects to build out transit, or saddled with legacy systems and subways like they have in New York or Boston that are incredibly aged and very expensive, because for us, we now can rethink transit into the future. I do not think at all it is too far-fetched in the next few years to have flying taxis to take you different places."

[Mansfield Mayor Michael Evans told the Regional Transportation Council](#), an independent policy body of the North Central Texas Council of Governments, in March that there was "a great need" for the on-demand ride program in the southern Tarrant County city.

"We believe that this helps to also jump-start our economy as we continue to grow with our neighbors," he said.

The need for [a one-year pilot program](#) for Mansfield, south of Arlington, grew as the city has seen a 244% increase in residents 65 and older, as well as a 58% increase in disabled residents.

Those residents would likely use the rideshare program for crucial medical visits and trips to local grocery stores, said Ralph Zaragoza, the emerging mobility manager at Trinity Metro. Service started July 15, with operating hours from 7 a.m. to 7 p.m. weekdays. The service will include connections to other Trinity Metro bus and rail services through the Tarrant County College Southeast Campus in Fort Worth.

Trinity Metro said the rideshare vans help reduce the number of vehicles on local roads.

Business editor Bob Francis contributed reporting.

FORT WORTH RESIDENTS DISCUSS TRANSPORTATION ISSUES IN DISTRICT 10

By Cody Thorn
Dec. 18, 2024

Fort Worth City Council member [Alan Blaylock](#), who represents District 10, held a transportation workshop Dec. 12 at [Truett Wilson Middle School](#) in Haslet.

Officials from the city of Fort Worth, [Tarrant County](#), [TxDOT](#), the city of Haslet and [Clevon](#) talked with local residents at the [Northwest ISD](#) school.

In their own words

“Traffic and infrastructure are the No. 1 concerns that my constituents raised with my office,” Blaylock said. “So it’s been an extreme focus of mine from day one and we hear the message consistently. Part of this meeting was to bring some visibility and some understanding to all of the road work that’s happening in this area.”

What you need to know

The city of Fort Worth is looking at the [Moving a Million Master Transportation Plan](#), a comprehensive long-range initiative, which city documents state will be used by transportation planners to build a safe and effective multimodal network for the following types of transit:

- Walking
- Bikes
- Automobiles
- Micro-mobility
- Freight and mass transit

Blaylock said it is important for the city to keep up with expected growth in terms of planning for roads, but also funding for those roads. He pinpointed to work with [North Central Texas Council of Governments](#) to help get funding to build overpasses over railroad tracks in District 10 to help eliminate traffic congestion caused by trains passing through Fort Worth.

“We will keep fighting for these dollars from every possible source,” Blaylock said.

What's happening?

There were stations throughout the middle school cafeteria where residents could talk with officials about traffic concerns, using interactive maps.

The city of Fort Worth plans to add 4,706 total lane miles by 2045, which is a 36% increase from the 2024 total, according to documents provided to residents.

The Moving a Million plan lists five priorities for transportation:

- Fix it first: preserve existing infrastructure
- Project priorities and predictability: cohesive plan for project delivery and funding priorities
- Broadening tax base: connecting the region to global commercial investment
- Managing rapid growth: meet the needs of a growing population, with an estimated growth of 200,000 between 2023 and 20245
- More ways to get around: faster, more efficient options to get to jobs, school and essential services.

STREETS AND TRANSIT COULD DEFINE DOWNTOWN DALLAS IN 2025 AND BEYOND

Debates about how best to move people through the city will determine its future

By Amber Gaudet
Dec. 19, 2024

When it comes to how residents and visitors get around, Dallas is at a crossroads — and whatever road the city takes could remake downtown for decades to come.

While the region grapples with burgeoning suburbs and worsening traffic from 160,000 new residents in the region every year, many are reevaluating whether the vision that made Dallas such a car-centric place region is outdated.

Efforts are underway to make much of the city more dense and walkable by rethinking how to plan for transportation. Among those efforts are recent discussions about [eliminating parking minimums](#) to allow for flexible land uses. Those conversations have also centered around how to rectify Dallas' past urban planning missteps, like [building deck parks to restitch neighborhoods divided by highways](#), or slowing traffic through major thoroughfares like Cesar Chavez Boulevard, which have become increasingly populated by residential developments.

Those initiatives often bump up against efforts to continue prioritizing cars. Dallas is ringed by a network of major highways that carry residents and visitors across the metroplex — and through its city streets. State and local governments want to keep that traffic flowing, like by [expanding parts of Interstate 30 near the city's core](#).

And talks about novel methods of moving people through Dallas are underway, too. Two [regional high-speed rail projects](#) could put the city at the threshold of new technology that some, including officials with the North Central Texas Council of Governments, say represents the future of transportation. But with a station in the Cedars and a route [potentially through the heart of the city](#), it would also transform Dallas' landscape.

At the same time, some of the cities that make up DART, Dallas-Fort Worth's largest transit agency — which connects downtown Dallas to the rest of the region — are [considering funding cuts](#). That would likely mean [major service interruptions](#) and increase Dallasites' dependence on cars.

HOODLINE

COPPELL POLICE FORCE WELCOMES TRIO OF NEW OFFICERS WHO GRADUATED FROM REGIONAL ACADEMY

By Sofia Vasquez

Dec. 19, 2024



Courtesy of Coppel Police Dept.

The Coppel Police Department has added fresh faces to its ranks, with three new officers joining the force after graduating from the North Central Texas Council of Governments Regional Police Academy.

The department shared the news on its social media, announcing that Jaskaran Singh, Travis Whennen, and Thomas Chung were all sworn in during an afternoon ceremony that gathered family, friends, and colleagues.

The ceremony was a significant moment for the officers and the community they now serve, marking a continuation and commitment to public safety and community partnership in Coppel.

According to the social media announcement by the [Coppel Police Department](#), the room was filled with supporters as family, friends, and members of the new work families witnessed the swearing-in of Singh, Whennen, and Chung, an event that underscores the personal connections and the communal ties such moments engender in those sworn to serve and protect.

The new officers have completed intensive training to prepare them for law enforcement challenges. The program equips them with the skills and knowledge needed to serve effectively in today's complex world.

LANCASTER CELEBRATES \$25M GRANT TO TRANSFORM REGIONAL INFRASTRUCTURE AND CONNECTIVITY

By Rita Cook
Dec. 19, 2024

LANCASTER—Last week, when I attempted to contact Mayor Clyde Hairston in Lancaster, he called me back and apologized for being so busy.

A good busy for the City of Lancaster.

One piece of Lancaster's good news is that the city is celebrating a grant partnership that will fund needed infrastructure improvements.

In this case, Lancaster is joining several other cities in celebrating the awarding of a \$25 million grant that will drive significant infrastructure advancements across the region.

Vershun Ford, Director of Community & Public Relations for the City of Lancaster, said overall, the advancement will enhance connectivity and development in all the participating communities. However, he did not mention the other communities involved alongside Lancaster.

At the awarding of the \$25 million grant recognition luncheon hosted by the North Central Texas Council of Governments (NCTCOG) at their Arlington office, leaders from across the region came together to honor this transformative milestone.

The event featured remarks from Mayor Hairston, who stressed the grant's overall impact on Lancaster's infrastructure improvements.

"This \$25 million grant is not just an investment in infrastructure—it's an investment in the people and future of our community," Mayor Hairston said. "This funding will help us strengthen Lancaster's connectivity and prepare for the growth and opportunities ahead."

Other luncheon attendees included various representatives from NCTCOG, the Regional Transportation Council (RTC), and officials from recipient cities.

Overall, the luncheon celebrated the collaborative efforts that secured this funding and highlighted the importance of regional partnerships in advancing community development.

Vershun said in an email, "This grant will support a range of projects aimed at improving the transportation network, increasing accessibility, and enhancing the overall quality of life for regional residents."

The city did not reiterate its plans to improve transportation methods or describe how increasing accessibility and quality of life would be achieved.

Lancaster did remark it "extends its gratitude to NCTCOG, the RTC, and all who contributed to this achievement. The city remains committed to working alongside regional partners to deliver lasting improvements that serve its residents and the broader region."

According to its website, "The North Central Texas Council of Governments (NCTCOG) is a voluntary association of, by, and for local governments, and was established to assist local governments in planning for common needs, cooperating for mutual benefit, and coordinating

for sound regional development. NCTCOG's purpose is to strengthen local governments' individual and collective power and help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions."

NCTCOG serves a 16-county region centered around the two urban centers of Dallas and Fort Worth.

The Regional Transportation Council is the independent transportation policy body of the Metropolitan Planning Organization, with 45 local elected or appointed officials from the metropolitan area and representatives from each of the area's transportation providers.

TIMELINE SHIFTS FOR MCKINNEY'S LOWER 5 PLAZA PROJECT

By Shelbie Hamilton
Dec. 20, 2024

The [Lower 5 Plaza project](#) in East McKinney will come to fruition later than expected.

The project timeline has been extended as a result of project timeline changes for the SH 5 redevelopment project by the Texas Department of Transportation, Director of Engineering Gary Graham said at [a Dec. 3 McKinney City Council work session meeting](#).

The gist

The project includes a bridge at ground level on the existing SH 5 as well as a park that extends under the roadway and on either side of the bridge between East Virginia Street and Louisiana Street. The project will serve as both a public park and safe pedestrian crossing.

The Lower 5 Plaza initiative was [first considered in 2022](#), with city staff initially presenting three design options. The design style for the project was [selected by McKinney City Council members](#) in April 2023.

The estimated cost to construct the project in the selected design style totaled \$40 million-\$45 million, according to a presentation by city staff at a December council meeting. A [\\$15 million grant was awarded](#) by the U.S. Department of Transportation to the project in March, through the [Reconnecting Communities and Neighborhoods grant program](#).

The project will impact five total properties, which impacts more than 10 businesses, according to city documents.

The update

The project, which is being incorporated into the [reconstruction of SH 5](#), was initially expected to begin construction in 2026. The work on the project is now not expected to begin until 2028.

TxDOT has prioritized other projects in the area as well as other portions of this project, Graham said, causing the timeline change. Delays in utility relocations have also contributed to the change, he said.

"TxDOT has been focusing on the [US] 380 bypass and Spur 399 extension, so it's caused this project to slip a little bit," Graham said.

The environmental impact assessment process for the project is underway and expected to continue until October 2025, he said, noting that there will be a public meeting as part of the process.

The project has also seen changes to the funding plan, Graham said. The project is estimated to cost \$40 million-\$45 million, [the presentation stated](#). Various funding sources were expected to contribute, but the city's portion was estimated to be about \$16 million. Due to changes in

what the federal grant is eligible to be used for, the city-funded portion is now expected to be about \$3 million, he said. The North Texas Council of Governments' portion is \$23 million.

City officials also refined the annual operations and maintenance budget for the planned park, which was previously estimated to be between \$2 million-\$2.5 million. Current estimates now project the annual cost to be about \$1 million-\$1.25 million, according to the presentation.

The cost estimates were created based on 2023 values, Graham said, noting that city officials should expect some cost escalations when it comes time to build the project.

Design work for the park is expected to begin in mid-2026. While renderings currently available for the project show a concept, Graham said city officials also plan to host public meetings in the future to help refine a more detailed design for the park.

What else?

City officials are also considering how to implement additional pedestrian safety improvements and crossings along SH 5. An analysis of pedestrian traffic was conducted at 25 locations on SH 5 between US 380 and Eldorado Parkway, and the data collected will be presented to TxDOT officials in an effort to encourage additional pedestrian crossings being included in the reconstruction project.

However, Graham said the analysis may not result in TxDOT officials electing to add additional pedestrian improvements to the project.

"They may not put additional elements within the project," he said. "We may have to wait until we take the project off [the TxDOT system] to add some additional safety features for pedestrian crossings."

Graham said city officials are considering the addition of traffic signals at Lamar, Standifer and Smith Streets along SH 5, which could also incorporate pedestrian crossing improvements prior to the reconstruction project beginning.

What they're saying

"If we're going to meaningfully grow our downtown area, it's going to be ... where our new city hall is going, and we need good pedestrian crossing in order to do that," McKinney City Council member Patrick Cloutier said.

Also of note

The first phase of the Spur 399 extension project is expected to go to bid in December, Graham said, and begin construction early next year. The project spans from Country Club Road to McMakin Street.

The first phase of the SH 5 reconstruction project is expected to go to bid in mid-2028, and will span from McMakin Street to Power House Street. The project will include TxDOT designing, constructing and funding the bridge that will enable the Lower 5 Plaza project, according to the presentation.

“We will see construction for three years on [Spur 399],” Graham said. “We will then have a little bit of delay, and then TxDOT’s proposed letting date starts mid-2028 for [SH] 5 through the city, so we’re going to see [SH] 5 construction for a long time.”

KERA

HERE'S WHAT YOU NEED TO KNOW ABOUT TEXAS' NEW VEHICLE INSPECTION LAW

By Pablo Arauz Pena

Dec. 20, 2024



Quix State Inspection on Mockingbird Lane in Dallas. The state law is changing and will no longer require total safety inspections for personal vehicles.

A new state law says drivers will no longer need to get an annual vehicle safety inspection starting Jan. 1, 2025.

But in urban counties across Texas, emissions tests are still required to get that registration sticker.

Here's what you need to know about what that means when it comes to getting your vehicle registered.

What's changed

Texas is no longer requiring drivers to get a vehicle safety inspection in order to get their car registered with the Texas Department of Motor Vehicles.

The state Legislature [approved the change to the law during the last legislative session.](#)

House Bill 3297 eliminated mandatory safety inspections for all noncommercial vehicles. Instead of an inspection, drivers will need to pay a \$7.50 inspection replacement fee.

However, the state's 17 most populous counties will still require an emissions test in order to get a vehicle registered.

That means drivers in those counties still need to take their car to an inspection site annually.

What's an emissions test?

An emissions test consists of an engine and exhaust check, along with a visual inspection, to measure the amount of pollutants released meet the legal limit set by the state.

The test is required in certain Texas counties that are considered "nonattainment" for air quality pollutants. That includes most of North Texas, where the North Central Texas Council of Governments says [ozone pollutants are out of compliance with federal standards](#).

"If you fail to get an emissions test, you've essentially failed to properly register your vehicle," said Anthony Moffa, an air quality planner with the council. "The penalty for that is as it always has been. You just get a ticket for an improperly registered vehicle."

The following counties will require emissions test for vehicle registration:

- Brazoria
- Collin
- Dallas
- Ellis
- El Paso
- Fort Bend
- Galveston
- Harris
- Johnson
- Kaufman
- Montgomery
- Parker
- Rockwall
- Tarrant
- Travis
- Williamson

Bexar County will also require an emissions test beginning in 2026.

So to recap, I do need to register my vehicle — and renew it annually?

Yes. And, said Sgt. Billy Ray with the Texas Department of Public Safety, you still need to keep up with maintenance, even if an inspection is no longer required.

"We urge people to still take care of their vehicles, still check your tires, make sure your brakes are working, headlights, tail lights and mirrors are still safe before you drive," he said.

PLANETIZEN

NORTH TEXAS TRANSPORTATION COUNCIL ADVOCATES FOR ROAD SAFETY, RAIL PROJECTS

By Diana Ionescu

Dec. 25, 2024

The North Texas Regional Transportation Council is asking state legislators for funding to improve transportation infrastructure and public transit in the region, reports Eric E. Garcia for Fort Worth Report.

“The council also is advocating for innovative funding methods to expand rail and transit options with the North Central Texas Council of Governments representative area. Those efforts would include requiring expenditures from a portion of the Texas Mobility Fund for regional commuter rail and Class I railroad improvements, supporting dedicated funding for transit and rail via the Texas Department of Transportation’s budget rider and allocating money to the existing Texas Rail Relocation and Improvement Fund.”

The Dallas-Fort Worth area is seeing strong ridership on the rail lines that offer service in the region. The council is calling for a statewide [high-speed rail](#) authority to help coordinate planning efforts for future HSR projects. ““The council advocates lower excessive speed limits, including automated speed enforcement over 90 mph or in construction zones, reducing aggressive driving, increased enforcement of seat belt requirements and improved messaging in construction zones.””

Meanwhile, a proposed state bill would ask voters to decide whether the Texas Department of Transportation, which is currently constitutionally obligated to spend most of its funds on highway building and expansion, should spend a larger percentage on other transportation infrastructure.

NORTH TEXAS LEADERS SEEK FUNDS TO EXPAND, IMPROVE TRANSPORTATION INFRASTRUCTURE

By Eric Garcia

Dec. 23, 2024

As Tarrant County lawmakers prepare to kick off the Texas legislative session Jan. 14, Fort Worth Report journalists are exploring the policies set to be reshaped in Austin. Click [here](#) for more legislative coverage.

North Texas leaders seek funds to improve transportation infrastructure as the 89th Texas Legislature prepares to meet Jan. 14.

The Regional Transportation Council, an independent policy group made up of elected and appointed officials from 16 counties including Tarrant, spotlights funding mechanisms for roads, rail and transit services on its list of 2025 legislative priorities.

The group is seeking “fair-share” allocation of funds for capacity improvements to metropolitan regions or to allow the use of public-private partnerships to advance transportation projects.

The council also is advocating for innovative funding methods to expand rail and transit options with the North Central Texas Council of Governments representative area. Those efforts would include requiring expenditures from a portion of the Texas Mobility Fund for regional commuter rail and Class I railroad improvements, supporting dedicated funding for transit and rail via the Texas Department of Transportation’s budget rider and allocating money to the existing Texas Rail Relocation and Improvement Fund.



89th TEXAS LEGISLATURE

(Ella Scott-Dean | Fort Worth Report)

The funding requests come as Fort Worth is [seeing a boom in passenger rail services](#), including those offered by Amtrak as well as for the Trinity Metro [transit agency's two commuter lines](#), TEXRail and the Trinity Railway Express. Bus ridership is also up as Trinity Metro [moves toward color-coded routes](#) and simplified fares.

The North Texas population boom will require significant transit options, Michael Morris, transportation director for the council of governments, said.

“As NCTCOG and the Regional Transportation Council plan for 2050, the critical question is: Can local governments reduce congestion through land-use density, resulting in higher holding capacities and shorter trip lengths with a balance of jobs to housing?” Morris wrote in a [commentary published in the Fort Worth Report](#) in July. “In other words, how can cities help reduce traffic congestion while providing opportunities for jobs and housing near the workplace?”

Morris said the Regional Transportation Council is conducting a strategic review of public transportation authorities as part of the group's Transit 2.0 initiative.

“This initiative lays out a series of tasks to reimagine what our public transportation system will look like in a quarter-century,” he said. “One of these tasks involves increased density around existing rail stations.”

The creation of a high-speed rail authority was among the Regional Transportation Council's [initial legislative priorities](#), but that item has been revised. Now, the council seeks a review with TxDOT and the Legislature to consider “options related to the creation of a new state high-speed rail authority” as proposed high-speed routes from Houston to Dallas and Fort Worth and Arlington to Dallas are considered.

The group said its priorities will encourage “retainment of eminent domain authority in (its) current statute to allow planning and development of new and/or expanded transportation corridors, including high-speed rail, commuter rail, freight rail, roadways and tolls.”

The council said it also will “support high-speed rail development in Texas and its superior safety history.”

Fort Worth Mayor Mattie Parker has said the proposed rail project is “an integral part of our transportation future and it will include Tarrant County.” She said the project would greatly benefit Fort Worth, now the 12th largest city in the nation.

Support of innovation in higher-speed transportation, transit, autonomous vehicles and freight is also on the priorities list.

State Rep. John H. Bucy III, D-Austin, has filed a bill to direct TxDOT to enter a developmental agreement with a private company to build, maintain and operate a high-speed rail line between Dallas, Austin and San Antonio along Interstate 35, one of the state's busiest highways.

Through House Bill 483, Bucy also seeks to provide more state money for high-speed rail projects and other transportation initiatives, including passenger rail and bicycle lanes, since the Texas Constitution requires TxDOT to spend most of its budget on freeway construction and expansion. If approved, the bill would ask Texas voters to decide whether to amend the constitution to provide more money for transportation infrastructure rather than highways.

“We need to be able to move people,” [Bucy told the Texas Tribune](#). “We need to give people other options.”

The effect of incoming President Donald Trump’s administration for federal transportation projects such as high-speed rail is not yet known.

The Regional Transportation Council is also seeking dedicated funding for existing transportation authorities as well as providing tools to aid transit agencies as they support transit-related developments planned in North Texas, including the Fort Worth area. Officials also want to maintain local control over such projects.

The council also will pursue the return of about \$80 million in air quality user fees to counties for local initiatives.

Traffic safety is a big part of the group’s legislative priorities.

The council advocates lower excessive speed limits, including automated speed enforcement over 90 mph or in construction zones, reducing aggressive driving, increased enforcement of seat belt requirements and improved messaging in construction zones.

The priorities list includes support of a budget rider so that metropolitan planning organizations can receive \$100,000 per year for the next two years to complete a safety action plan.

Leaders also will support the use of private-public partnerships for road projects and tolled managed lanes with local control.

Counties and cities also want expanded tools for land use control to preserve future transportation corridors.

Regional leaders will also support the continued collaboration between local governments, the military, state agencies and the Federal Aviation Administration to “advance regulations for compatible land use, infrastructure and the safe operations of unmanned aircraft.”

Morris told members of the Regional Transportation Council on Dec. 12 that [the FAA is considering North Texas](#) for the site of its planned Center for Advanced Aviation Technologies since the federal agency has a southwest regional headquarters in north Fort Worth.

The aviation agency is currently seeking input for the planned research and testing center, authorized under the FAA Reauthorization Act of 2024 approved by Congress and signed by President Joe Biden in May.

The regional council said it will also support broadband expansion as a mode of transportation and legislation that improves air quality, including enhancement of the state’s emissions inspection and maintenance program, especially for heavy-duty trucks.

THE CITY OF ARLINGTON

ARLINGTON ACHIEVES SILVER STATUS FOR THIRD STRAIGHT YEAR IN DALLAS-FORT WORTH CLEAN CITIES COALITION'S FLEET RECOGNITION AWARDS

By Office of Communication
Dec. 27, 2024

The City of Arlington was awarded Silver status from the Dallas-Fort Worth Clean Cities Coalition for a third year in a row in recognition of its contributions to reduce petroleum use and improve air quality.

The Dallas-Fort Worth Clean Cities Coalition recently recognized 27 local fleets, including Arlington, as part of its annual awards. The winners included nine Gold, eight Silver and 10 Bronze recipients.

Entities were judged based on their contributions recorded in the DFW Clean Cities Annual Survey, with a maximum of 100 points possible. The points included 55 for emissions reduction, 25 for fuel consumption reduction and 20 for partnering with DFW Clean Cities. Gold Level status required 50 or more points; Silver Level status required 40-49; and Bronze Level status required 30-39. Dallas garnered the top score of 79 points.

The award recipients contributed significantly to a regional reduction of more than 33 million gallons of gasoline and 323,100 tons of greenhouse gas emissions through efforts such as idling reduction, adoption of electric vehicles or propane-powered vehicles, and reduced fuel consumption through efficiency. A total of 45 Dallas-Fort Worth area fleets reported their activities.

The City of Arlington was awarded Bronze status in 2020 and 2021 and Silver status in 2022 and 2023.

About the North Central Texas Council of Governments:

NCTCOG is a voluntary association of local governments established in 1966 to assist local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development. NCTCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions.

NCTCOG serves a 16-county region of North Central Texas, which is centered in the two urban centers of Dallas and Fort Worth. Currently, NCTCOG has 228 member governments including 16 counties, 169 cities, 19 school districts, and 27 special districts. For more information on the NCTCOG Transportation Department, visit www.nctcog.org/trans.

About the Dallas-Fort Worth Clean Cities Coalition:

In 1995, the Dallas-Fort Worth (DFW) Clean Cities became one of the first Clean Cities coalitions under the Energy Policy Act's provision for an organization that promotes the use of alternative fuels to lessen America's dependence on foreign sources of petroleum. Dallas-Fort Worth Clean Cities is a locally based, public-private partnership that seeks to advance energy security, protect environmental and public health, and stimulate economic development by

promoting practices and decisions to reduce transportation energy impacts and improve air quality, primarily in the transportation sector.

ARLINGTON CITY COUNCIL WANTS THE TEXAS LEGISLATURE TO FOCUS ON THESE PRIORITIES IN 2025

By Drew Shaw

Dec. 25, 2024

As Tarrant County lawmakers prepare to kick off the Texas legislative session Jan. 14, Fort Worth Report journalists are exploring the policies set to be shaped in Austin. Click [here](#) for more legislative coverage.

Arlington City Council is going into 2025 with a [five-pronged to-do](#) list for the Texas Legislature.

Officials approved Arlington's legislative priorities in early fall. Three guiding principles thread through the city's five categories of priorities for the state's biannual lawmaking frenzy.

The city wants lawmakers to preserve local governments' authority, meet the needs of large cities and minimize unfunded mandates.

Here's what [Arlington hopes for the legislative session](#).

Education

The city lists education as its first priority item and mirrors much of the [Arlington ISD school board's legislative agenda](#).

As lawmakers consider [expanding private school choice](#), Arlington City Council wants the state to ensure transparent and uniform accountability for all schools.

The city also supports:

- More funding for public schools.
- State support for school security improvement.
- More laws targeting fake school violence threats.
- An accountability system that evaluates school performance without over-relying on student test scores.

Land development

As Arlington grows, how the city has navigated land use issues — including zoning, regulating and licensing construction — has become more complex and challenges the city's ability to sustain stable housing and living options for all income levels, according to the legislative agenda.

Arlington expects to reach 400,000 in 2025. In the past 10 years, an estimated 17,000 residents have moved in, according to [World Population Review](#).

The city had 156,016 housing units in 2023, a 2.26% increase from 2022, according to an [annual development report](#) released in March. The population increase spurred a 24.3% rise in nonresidential new construction permits in 2023.

As the state tackles housing and environmental issues, Arlington wants:

- Flexibility for cities to establish minimum lot sizes and carve-outs for existing single-family zoned neighborhoods.
- Discretion to regulate accessory dwelling units and short-term rentals.
- Processes that allow cities to inspect and enforce dorm-style housing regulations.
- Increased state licensing, certification and regulation of group homes serving people with disabilities and care needs.
- Requiring jurisdictional consent for housing finance corporations to operate in a jurisdiction where they were not created.
- Allowing cities to regulate and require monitoring of carbon emissions exceeding permitted limits.

Transportation

Arlington wants lawmakers to support initiatives that expand public transportation funding, while also allowing flexibility to develop, put in place and enforce the city's plans.

The city is the largest in the U.S. [without a fixed public transit system](#). While it does not offer bus or rail services, it offers a ride-sharing, taxi-like service, [Arlington On-Demand](#).

Arlington also asks for designated funding for spaceports in municipal general airports. The city is [planned to hold the future headquarters and manufacturing plant](#) of [E-Space](#), a global telecommunications and satellite manufacturer that could benefit from state-funded launch sites.

Arlington also wants lawmakers to support legislation that:

- Improves mobility and reduces road fatalities.
- Funds municipal general airports, including electric vertical take-off and landing aircraft and vertiports, as well as designated funding for spaceports.
- Aligns with the Texas Department of Transportation's efforts to improve the safety and cleanliness of state roadways across multiple local governments.

Sustainable economy

The city wants the state to support its investments into the Arlington Entertainment District, an economic hub of the city featuring AT&T Stadium, Globe Life Field, Six Flags Over Texas and the Esports Stadium and Expo Center.

In March, the [National Medal of Honor will open](#) its doors in the entertainment district. In 2026, the area will hold [nine matches of the FIFA World Cup](#), which is expected to bring in about \$2 billion to the regional economy.

The city asks lawmakers to continue supporting Texas' [Event Trust Funds Program](#), which helps cities pay costs related to preparing for and hosting large events. Ahead of an event, the

state pre-deposits an event's projected local and state tax revenue into a dedicated event-specific trust fund to cover allowable expenses.

Arlington has used the program to host large events like [WWE WrestleMania 38](#) in 2022 and the 2020 [Big 12 Football Conference Championship Game](#).

Arlington also wants lawmakers to back bills that:

- Make the city's economic development tools more flexible.
- Protect the University of Texas at Arlington against state university consolidation.
- Enhance workforce training and pipeline development.
- Expand the definition of "debt" to include certificates of obligation issues to fund a self-insurance program.
- Preserve the flexibility of election dates for cities to hold bond elections.
- Limit one-off excepted uses for hotel occupancy taxes.

Public safety and emergency management

Relating to public safety, Arlington supports legislation that:

- Modifies requirements for open records requests, specifically removing Texas' law against sharing [licence plates](#) for motor vehicles caught in government recordings.
- Increases funding for 911 services.
- Updates education curriculum for telecommunicators.

DART WANTS CITIES TO RECONSIDER FUNDING CUTS IN THE TEXAS LEGISLATURE

By Pablo Arauz Pena

Dec. 20, 2024

The Dallas Area Rapid Transit board of directors is hoping some of its member cities will reconsider their calls to cut the agency's funding as it approaches a looming deadline to resolve the debate.

On Wednesday, DART CEO Nadine Lee provided an update to the board on the agency's discussions with each member city. Several have passed resolutions seeking to cut their contributions to the agency, citing issues with its governance, services and economic development.

The issue seems to be headed to the Legislature, and the Regional Transportation Committee has said it will pull support for DART's "status quo" funding if the agency [can't reach an agreement with cities by February](#).

"We've had meetings with our cities in the past, but this really brings to fruition the areas of concern," said Carmen Garcia, one of the Dallas representatives on the board.

The letter from Plano

The board [received a letter](#) last week from Plano Mayor John B. Muns asking the agency to, among other things, pay the city back a quarter of its funding from 2024 and 2025 over the next two years.

The letter cites a [recent report by the consulting firm Ernst & Young](#) that provided a snapshot of the agency's spending relative to its cities' contributions.

"The \$65 million inequity highlighted by the Ernst & Young (EY) report is of great concern to the City of Plano," Muns wrote.

The city is asking the agency to sign an interlocal agreement and provide back payment of its sales tax contributions. A majority of DART's revenue comes from a one-cent sales and use tax its member cities pay. Six of those 13 member cities, including Plano, called to reduce that funding by 25% earlier this year.

If the agency doesn't respond, Muns said, the city will continue to pursue changing the one-cent funding model for the agency in the upcoming state legislative session.

Earlier this year, the transit advocacy group Dallas Area Transit Alliance posted a copy of [draft legislation it obtained in on open-records request on the subreddit r/DART](#), which calls to reduce the sales tax by 25%.

The bill hasn't yet been filed so it's unknown who may be sponsoring it, but DART board member Mark Enoch confirmed the bill's existence during the Wednesday meeting.

In response, board members are considering ways to meet the needs of member cities while defending its current funding model from legislative change.

“This is a very serious thing that's fixing happen to DART, and we have the ability to modify that, or just put a little finger in the dike, if we can,” said Enoch, who represents Garland, Glenn Heights and Rowlett.

Enoch said he’s personally spoken to leaders at each member city and plans to ask them if they will reconsider their resolutions to reduce DART’s funding.

“I want to have no resolutions down there on a 25% cut back, because I know what that means for the region and it would be devastating for the region,” Enoch said. “That’s probably not realistic, but we all leave here with responsibilities.”



Question of governance

Lee, DART’s CEO, said several cities have expressed issues with the agency’s governance, claiming that representation for Dallas outweighs that of the suburban member cities. But director Enrique MacGregor, who represents Dallas and Cockrell Hill, shot back, calling it a “false narrative.”

“Some member cities are concerned that Dallas controls the decision making process, and if anybody feels that way, all they need to do is look at the voting record on any controversial issue that we’ve dealt with, and you’ll see that that is not the case,” MacGregor said.

The board also discussed concerns by member cities over how directors are picked to serve, also known as apportionment.

Representation on the 15-member board is based on cities' populations, but the board could consider different governance structures that would instead take into account sales tax contributions and employment in each city.

Board Chair Gary Slagel also floated the option of changing the board's apportionment system to an election, where voters would pick who represents them on the board.

"I understand that elections are expensive, so I think we have to do quite a bit of projecting what it would cost DART to do that," MacGregor said.

Most board members agreed that they want to meet cities' demands in order to stave off calls to cut funding, but Plano representative Paul Wageman said the board is dismissing the cities' concerns.

"We have a meeting today to talk about the needs these cities have and the concerns they have about the level of service and attention that DART pays to them," Wageman said. "Now we're ending this meeting by saying, let's go get the other cities to support DART, because that's telling the six cities: 'Go pound sand.'"

The board plans to meet again on Jan. 8.

IF DALLAS-FORT WORTH TRAFFIC IS DRIVING YOU CRAZY, THESE TIPS COULD HELP

Navigating North Texas highways is an art form

By Amber Gaudet
Dec. 27, 2024



Traffic flows along the Dallas North Tollway near Lemmon Avenue in Dallas.(Elias Valverde II / Staff Photographer)

North Texans, whether newcomers or longtime residents, are all too familiar with the [area's traffic woes](#).

Busy highways can quickly back up with traffic accidents, and drivers often complain about speeding, construction and difficulty navigating the region's web of overlapped roadways.

With the help of readers, here are some tips to help ease your commute:

Use apps

Navigation apps like Google Maps and Apple Maps are helpful, but you might want to think more locally.

The North Central Texas Council of Governments' free trip-planning mobile app and website, [511DFW](#), enhances data from navigation apps with information from local

municipalities. It offers real-time alerts on traffic and transit routes, including details about traffic speeds, electric vehicle charging stations, bike paths and toll lane facilities.

Users can even view traffic camera snapshots, request roadside assistance and report road issues through the app.

Also operated by NCTCOG, the GoCarma app allows North Texas drivers to access high-occupancy vehicle discounts. A [new pilot that transportation planners are operating](#) through the app is offering some users the chance to get paid to change their commute habits, a novel approach to tackling regional congestion.

Go off the beaten path

Being flexible and thinking outside the box has made a difference for some residents. One *Dallas Morning News* reader said knowing, and taking, back roads when main arteries are clogged helps ease an hourlong commute from Mesquite to Dallas.

Public transit or even biking can be one way around traffic, but residents said services need to expand and improve to see more use.

“If 377 through Keller had a viable side path, I would ride a bike on it,” Fort Worth resident Bryson Kloesel said. “I would also like better public transportation, but I don’t see that as very likely in the area.”

Expanding easy access to alternative transportation modes is something transportation planners are thinking about as part of their [approach to tackling mobility](#) over the next two decades.

Plan ahead – and settle in

Traffic delays were [down about 7% across the state last year](#) thanks to several significant road projects, says the Texas Department of Transportation, but Dallas-Fort Worth is still home to some of the most congested roads in the state.

Residents often encounter slowdowns on their commutes, and routine maintenance on lane and exit closures can mean further delays.

DeSoto resident Jonathan Villalobos said he comes across an accident pretty much every day on his hour-and-10-minute drive, but distractions like podcasts help make the long ride more enjoyable.

Being prepared can help, too.

Drivers can sign up for alerts about upcoming road and lane closures through the Texas Department of Transportation and the North Texas Tollway Authority, and even keep tabs on ongoing projects through [TxDOT’s online project tracker](#).

Public transit users can sign up for Dallas Area Rapid Transit service alerts or [view them online](#) when planning their trip.

How officials plan to tackle the region’s transportation issues will help shape residents’ roadway experiences in 2025 and beyond. While you’re thinking about how your commute could be better, reach out to local, regional and state officials with your ideas.

LOOKING BACK AT 2024 – CHECK OUT 11 LOCAL GOVERNMENT STORIES FROM FRISCO

By Alex Reece
Dec. 27, 2024



Ring in the new year by revisiting some of *Community Impact's* 2024 coverage of Frisco's local government and Frisco City Council, including news about the city's budget, an in-the-works partnership agreement for a performing arts center, firefighter propositions, a citywide license plate camera program and more.

1. [Frisco officials rename 2 parks to honor local history, mayoral legacy](#)

Frisco City Council members unanimously approved renaming Central Park and Davis Park as Seei Park and Rogers Settlement Park, respectively, during a March 5 meeting.

2. [Frisco officials look to the future following fire proposition election](#)

Canvassed results from the May 4 election show a majority of Frisco's voters opposed two propositions that aimed to bring new structures to the city's fire department.

Proposition A would have implemented civil service, a system with a citizen commission and tests to assess the hiring, discipline and promotion of firefighters. Proposition B would have introduced collective bargaining, allowing chosen representatives to negotiate for the

department's annual city contracts, pay, staffing requirements and other rules.

The propositions both failed with 52.31% and 58.26% of the votes against, respectively. Frisco City Council members formally accepted the election results during a special-called May 14 meeting.

3. Frisco's homestead exemption to remain the same for FY 2024-25

Frisco City Council members are expected to keep the city's homestead tax exemption at 15% for the next fiscal year.

City staff recommended keeping the rate at 15% because projections show Frisco's taxable base will dip slightly in fiscal year 2024-25 due to revalues and adjustments, according to a June 25 council work session presentation.

4. 'Good to be here': Frisco unveils new brand, spending initiative for The Rail District

Frisco officials say the new brand, initiative and a designated downtown liaison will encourage spending in The Rail District throughout its ongoing reconstruction.

The Rail District's new brand—giving the city's historic downtown a new, cohesive color scheme, identity and tagline—was unveiled at a launch party Sept. 12.

5. Frisco's FY 2024-25 budget lowers tax rate, updates utility fees

Frisco's budget for fiscal year 2024-25 includes a new tax rate as well as raises for its employees and additional funding across multiple departments, including the Frisco Public Library.

Frisco City Council members approved a \$273.42 million general fund budget and a \$0.425517 per \$100 valuation property tax rate during a Sept. 17 meeting.

6. Frisco Center for the Arts still a possibility, final decision to come 2025

Frisco officials will continue looking into the feasibility of building and operating a Broadway-capable performing arts facility.

During a Sept. 17 Frisco City Council meeting, council members confirmed they are still interested in the Frisco Center for the Arts project and on track to choose a location for it in January 2025. A final decision on the project is expected in July 2025.

7. Frisco Council launches \$182M Toyota Stadium refresh: 'a world-class project'

Plans to turn land around Toyota Stadium into a mixed-use district and renovate the stadium itself are in motion as Frisco looks to provide a better venue for both soccer and non-athletic events.

“We're going to create a sports epicenter right here in Frisco, Texas,” FC Dallas President Dan Hunt said.

Frisco City Council members approved three agreements during a Sept. 17 meeting that make up a multimillion-dollar, public-private partnership to renovate Toyota Stadium and build a mixed-use district around it.

8. Frisco Police unveil citywide license plate camera program

A network of 81 license plate recognition cameras will soon be installed at intersections across Frisco, officials said.

Frisco City Council members approved a \$434,150 agreement with Flock Safety, the security software company behind the technology, to install 81 license plate-reading cameras during an Oct. 15 meeting.

Flock license plate cameras cannot capture who is driving a car, meaning it cannot use facial recognition, and will only know who a car is registered to, according to an Oct. 1 council work session presentation. The system also cannot be used for traffic enforcement and does not collect data on the speed the car is traveling.

9. Frisco police receive \$95K for World Cup security training

Frisco City Council members accepted a \$95,000 grant Oct. 15 for the city's police officers to begin preparing tactical teams for potential 2026 FIFA World Cup scenarios.

The grant, which will fund one year of study and training, comes from the North Central Texas Council of Governments and Urban Areas Security Initiative. It will pay for dual tube night vision equipment and training to enhance a tactical response team's capabilities, according to meeting documents.

10. Voters could see higher pay for City Council, more on a 2025 Frisco city charter election ballot

Following a six-month review period, the 2024 Frisco City Charter Review Commission compiled a list of potential amendments that, if approved, could be considered by voters in a May 2025 election.

A breakdown of the 10 proposed amendments were presented and acknowledged by Frisco City Council members during a Dec. 3 meeting.

City officials have until a Feb. 4, 2025 council meeting to review the proposals and determine if any other items should be added to the list of amendments as well as compose official ballot language, according to a statement included in the meeting documents.

11. Frisco updates cell tower ordinance as officials hope to bring in better coverage

While it could be a while before projects are announced or progress is felt, Frisco officials said an updated cell tower development ordinance should make it easier to add what city staff say is much-needed coverage.

Frisco City Council members approved the updates during a Dec. 3 meeting. The approval comes just a few weeks after officials postponed it to allow further conversation with cell carrier representatives.

IN FORNEY

NCTCOG HONORS TOP PARTNERS FOR MOBILITY AND CLEAN AIR INITIATIVES

Press release

Dec. 30, 2024

The North Texas Council of Governments (NCTCOG) recently awarded several North Texas cities for championing advancing mobility and clean air initiatives.

The event featured the presentation of the Air North Texas Partner Awards and the Dallas-Fort Worth (DFW) Clean Cities Fleet Recognition Awards. It highlighted distinguished examples of awarded Federal Discretionary Grant Projects.

The City of Grand Prairie received the Partner of the Year award for consistently sharing Air North Texas' advertising content through social media, billboards, newsletters, and promotional items.

The City of Plano earned Outstanding Education. The city informed residents about air quality and Clean Air Action Day with various educational programs.

The City of Dallas was awarded Outstanding Initiative. In addition to launching other efforts designed to address air quality and promote clean air practices in Dallas, the city held an Air Sensor Summit.

The City of Cedar Hill received Outstanding Outreach and the Arlo Ambassador award. The city was commended for its outreach efforts, which utilized various methods to engage residents. The Arlo Ambassador award was also awarded for its fun and creative use of Arlo, Air North Texas' mascot.

According to a press release from the NCTCOG, Dallas Area Rapid Transit (DART) was awarded Gold status for the sixth consecutive year. At the same time, the cities of Carrollton and Dallas, along with Dallas Fort Worth International Airport, earned Gold for the fifth straight year.

Air North Texas is a public awareness campaign dedicated to improving the region's air quality. It encourages participation from individuals, businesses, and governments. For more information, visit AirNorthTexas.org.

ARE FLYING TAXIS IN ARLINGTON BY 2026 REALISTIC? MAYOR SAYS YES, EXPERTS AREN'T SO SURE

By James Hartley

Dec. 30, 2024

It would be 11 years later than predicted in *Back to the Future Part II*, but Arlington's mayor feels certain flying taxis are coming to the city before international soccer fans flock to North Texas for the 2026 FIFA World Cup.

Mayor Jim Ross announced with dramatic flair during [his State of the City address](#) recently that the city will take commercial transit [to the skies by 2026](#). Experts told KERA News that might be a stretch, but it's not implausible.

The air taxis would be [based out of Arlington's airport](#), according to the city.

The most likely scenario is that Arlington has the equipment and infrastructure for special demonstrations during the World Cup, according to Ernest Huffman, aviation planning and education program manager at North Central Texas Council of Governments.

Huffman said getting flying taxis to Arlington won't depend as much on determination or hard work by city leaders as regulations and technology.

"There's a few things that we're going to need in place," Huffman said. "We're not looking to have flying taxis as a viable transportation mode for the World Cup games. All we're looking to do is demonstrate the technology for the World Cup games."

Flying taxis: The 'oh, wow' factor

Legally, Huffman said he doesn't think flying taxis will be viable for public use until 2027. At that point, he said the price and availability will seriously limit its use and prevent it from being a widely used service.

It's not stopping Ross from pushing for the taxis by 2026, though.

"We expect it to be done in time for the World Cup," Ross said. "Theoretically, when it's all done and we expect it to be done for the World Cup in 2026, you can be flying these air taxis right into the Entertainment District."

He wants those flying taxis to be an "oh, wow," factor when visitors from across the globe arrive in Arlington for the nine World Cup matches the city will be hosting.



Aerialoop engineering manager José Barzallo, left, assists Arlington Mayor Jim Ross as he flies a drone May 8, 2024, at the Bob Duncan Center at Vandergriff Park. (Camilo Diaz | Fort Worth Report)

The concept of flying taxis isn't new, even outside science fiction.

The Federal Aviation Administration told KERA News in an emailed statement that it's been working to get [regulations ready for flying taxis](#). The agency has already made progress, finalizing rules for [flying taxi pilot and instructor qualifications](#). Most of them are expected to be electric vertical takeoff and landing, or eVTOL.

The administration has also been working with three companies to [approve designs for eVTOL taxis](#). Archer Aviation and Joby are the furthest along, with certification expected soon.

But they likely won't look like what's been depicted in Back to the Future, Star Wars or The Jetsons.

Instead of a normal-looking car that soars around the skies, they'll probably look more like the military Osprey, a vertical takeoff and landing aircraft. The civilian flying taxis would be smaller with enough space for two to four passengers and likely have more propellers.

They'll also be electric instead of fuel powered.

Arlington hopes to be the first city in America with these or eVTOL taxis through Overair, a company that recently moved its operations to Arlington. The company is currently working on its first eVTOL aircraft, [the Butterfly](#).

Overair did not respond to a KERA request for interview.



A CV-22 Osprey assigned to Air Force Special Operations Command prepares to land during an aerial demonstration at Wittman Regional Airport, Wis., July 30, 2021. The Osprey is a vertical takeoff and landing (VTOL) aircraft like the electric versions (eVTOL) Arlington leaders want to use as taxis in the city. (Senior Airman Miranda Mahoney | Air Force Special Operations Com)

Obstacles on the horizon for flying taxis

Huffman said the biggest hurdles to clear will be regulations.

Flying taxis won't require too much special infrastructure. Much of what they would need is easy to build.

Takeoff and landing happen at one of two places: vertipods and vertiports.

Vertipods would be most commonly seen and would look similar to a helicopter pad. In Arlington, they might be in places like a parking lot at one of the stadiums, downtown or somewhere at UT Arlington's campus. They don't need to be flashy as long as they provide a safe designated place to land.

Vertiports will require a bit more. Huffman said they'll be two or three stories tall and offer places to park and charge eVTOL aircraft. They're more likely to be seen at major airports but could also be found in downtown areas with taller buildings where the elevation would be a benefit.

Huffman said neither of those will create too many issues when implementing flying taxis.

Those regulations will be the toughest hurdle for cities like Arlington.

Each company producing eVTOL aircraft will have to get certification from the FAA, and that can take years.

Price will be an obstacle when eVTOL does become available.

Jinzhu Yu, an assistant professor of civil engineering at UT Arlington, said early adopters should expect to pay high prices for trips through the skies of North Texas. He's been working with the Council of Governments in research to predict the price of flying taxis.

“What we’re looking at in terms of passenger per mile, the range is pretty wide,” Yu said.

Right now, that range looks to be about \$4 per mile to \$11 per mile for passengers. Uber is expected to charge around \$5.70 per mile.

“If we use that number in our model, there will be very few flying taxi trips,” Yu said. “Flying taxis are similar to other technologies where in the very beginning it’s very expensive but as technology improves or infrastructure develops, those costs are going to go down.”

In the end, he expects Uber will try to make it below \$3 per mile. In the long run, eVTOL is expected to relieve traffic congestion, reduce emissions and draw tourists who might come to Arlington just to try out flying taxis.

But as these air taxis take to the skies in larger numbers, Yu said noise will become something to consider. The Butterfly, Overair’s model, currently produces about 55 decibels of noise, according to the company’s website. That’s about the same [noise created by a household refrigerator](#), according to Yale Environmental Health and Safety.

That could still get loud, though, especially with dozens of aircraft producing the same sound as a fridge. Yu said it’s something the eVTOL industry will have to keep an eye on and might need to make improvements.

Huffman said flying taxis are eventually expected to be autonomous, too. That, he said, will likely come around 2030. Cities and regional transit authorities adopting eVTOL taxis as part of public transportation will probably be quite a bit later than that.

While Arlington works to get flying taxis in the city, Ross wants to make sure people know the city has other big plans for transit in the city. He wants to see a high-speed rail connect Arlington to Dallas and Fort Worth and has talked previously about gondolas taking passengers over the streets of the city, especially in the Entertainment District.

3 BIG IMPACTS THAT HELPED SHAPE ALLIANCE IN 2024

By Mark Fadden
Dec. 31, 2024



H-E-B and Fort Worth city officials gather to cut the ribbon for Fort Worth's first H-E-B store surrounded by confetti. (Mark Fadden/Community Impact)

The AllianceTexas project in North Fort Worth celebrated its [35-year anniversary in 2024](#). The development has created more than 66,000 jobs and left a \$119.8 billion economic impact on the region since its inception.

Here's a list of three impacts in the Alliance area that will continue to help shape the region in years to come.

1. H-E-B unveils new North Fort Worth store

The grocery giant, which opened April 10, is located in the Alliance area of Fort Worth at 3451 Heritage Trace Parkway.

The Alliance store features:

- 128,650 square feet
- A full-service pharmacy
- An outdoor essentials department
- A True Texas BBQ restaurant

- A bakery
- A deli
- Fresh sushi
- Handmade tortillas made daily
- Curbside and home delivery

This store marks the fifth H-E-B location in the Dallas-Fort Worth area. The Alliance store is led by the store's top leader Chase Bowman and employs about 750 people, 90% of whom are from the local area, Bowman said.

2. USDOT awards \$80M to launch Smart Port at AllianceTexas

The U.S. Department of Transportation bestowed an \$80 million grant to increase supply chain resilience by providing real-time tracking of goods and services as they move through the new Smart Port at AllianceTexas.

The Smart Port is a \$262 million public-private partnership between the following entities:

- Texas Department of Transportation
- City of Fort Worth
- City of Haslet
- North Central Texas Council of Governments
- Hillwood

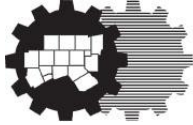
A news release states the project includes \$96 million of private sector investments and connects the AllianceTexas Inland Port to the Dallas-Fort Worth regional, state and national transportation networks, which include the Texas Connected Freight Corridor, Interstate 35 and Interstate 45.

3. AllianceTexas building to be renovated for use in new media designation

Fort Worth City Council approved the city's second media production development zone, or MPDZ, Dec. 10. Included in the new zone is the Alliance Center East No. 3 building in the AllianceTexas development.

According to city documents, creating the MPDZ allows Alliance Center East No. 3 to be renovated into a soundstage and production hub that can accommodate both large-scale film productions and long-term television tenants.

Recent TV and film projects produced in the city include "Miss Juneteenth," "12 Mighty Orphans," "Yellowstone" and "Landman."



North Central Texas
Council of Governments

PRESS RELEASE

Contact: Brian Wilson
(817) 704-2511

bwilson@nctcog.org

NCTCOG TO HOST HYBRID PUBLIC MEETING NOV. 11

Public comments on transportation, air quality topics will be accepted through Dec. 10

Nov. 6, 2024 (Arlington, TEXAS) – The North Central Texas Council of Governments (NCTCOG) will seek input on several important transportation initiatives during a public meeting at noon Monday, Nov. 11.

The session will be held at NCTCOG's offices, located at 616 Six Flags Drive in Arlington. Those unable to attend in person can watch the discussion live at PublicInput.com/nctcogNov24. Participants can also call 855-925-2801 and enter code 7348 to engage in the conversation. Public comments will be accepted until Dec. 10.

The first presentation will focus on the North Central Texas Regional Transit 2.0 initiative. This program explores strategies for collaboration among transit authorities and city leaders, along with potential policy recommendations for meeting future regional needs.

NCTCOG staff will also present on the development of Mobility 2050, Dallas-Fort Worth's next long-range transportation plan, which will forecast the transportation needs over the next quarter-century. For information, visit NCTCOG.org/planinprogress.

An introduction to the 511DFW Travel Information System will also be provided during the public meeting. This system is designed to provide real-time information about roadway conditions, transit options and roadside assistance in the Dallas-Fort Worth area. The bilingual service is set to launch in November and will be accessible online and via a mobile app, available for iOS and Android devices. For information, visit 511dfw.org.

In addition, there will be an opportunity for online review and comment on proposed modifications to the Transportation Improvement Program. This is a multi-year plan that tracks regional transportation projects funded by federal, state and local sources.

Information on Map Your Experience, air quality programs and funding opportunities, Try Parking It and business engagement will also be available online for review and comment.

Residents planning to use transit to attend the meeting can take advantage of \$6 round-trip rides from the CentrePort/DFW Airport Station to NCTCOG via the Arlington Transportation app. To download the app, visit ArlingtonTX.gov/ondemand. For special accommodation related to disabilities or language interpretation, contact 817-695-9255 or email jcastillo@nctcog.org.

About the North Central Texas Council of Governments:

NCTCOG is a voluntary association of local governments established in 1966 to assist local governments in planning for common needs, cooperating for mutual benefit and coordinating for sound regional development. NCTCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions. NCTCOG serves a 16-county region of North Central Texas, which is centered in the two urban centers of Dallas and Fort Worth. For more information on the Transportation Department, visit www.nctcog.org/trans.

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PRESS RELEASE

Contact: Brian Wilson
(817) 704-2511

bwilson@nctcog.org

Malcolm Mayhew
(817) 704-5699

mmayhew@nctcog.org

NCTCOG Honors Top Partners for Mobility and Clean Air Initiatives

Air North Texas Partner Awards, DFW Clean Cities Fleet Recognition Awards and Federal Discretionary Grant Projects announced at Dec. 12 Recognition Luncheon

Dec. 30, 2024 (Arlington, Texas) – The North Texas Council of Governments (NCTCOG) held a recognition luncheon on Dec. 12 to celebrate its partners' achievements in advancing mobility and clean air initiatives. The event featured the presentation of the **Air North Texas Partner Awards** and the **Dallas-Fort Worth (DFW) Clean Cities Fleet Recognition Awards** and highlighted distinguished examples of awarded **Federal Discretionary Grant Projects**. Details about each presentation are below.

The Air North Texas Partner Awards recognized four regional cities for their dedication to a cleaner North Texas:

- **The City of Grand Prairie** received the Partner of the Year award for consistently sharing Air North Texas' advertising content through social media, billboards, newsletters and promotional items.
- **The City of Plano** earned Outstanding Education. The city informed residents about air quality and Clean Air Action Day with a variety of educational programs.
- **The City of Dallas** was awarded Outstanding Initiative. In addition to launching other efforts designed to address air quality and promote clean air practices in Dallas, the city held an Air Sensor Summit.
- **The City of Cedar Hill** was presented two awards: Outstanding Outreach and the Arlo Ambassador award. The city was commended for its outreach efforts for utilizing various methods to engage residents. The city was awarded the Arlo Ambassador award for its fun and creative use of Arlo, Air North Texas' mascot.

Air North Texas is a public awareness campaign dedicated to helping improve the region's air quality by encouraging individuals, businesses and governments to become involved in the process. For more information, visit AirNorthTexas.org.

*

The DFW Clean Cities Coalition recognized 27 local fleets for their efforts to reduce petroleum use and improve air quality, as part of its annual **Fleet Recognition Awards**. Through operating alternative fuels instead of conventional fuels (i.e. gasoline and diesel) and adopting other emission reductions strategies, these fleets contributed to a regional reduction of 33.8 million gallons of gasoline equivalent, 323,100 tons of greenhouse gas emissions, and 60 tons of

nitrogen oxides, which contribute to local nonattainment of the federal ozone standard. The winners included nine Gold, eight Silver and 10 Bronze recipients:

Dallas Area Rapid Transit (DART) was awarded Gold status for the sixth consecutive year, while the cities of Carrollton and Dallas, along with Dallas Fort Worth International Airport, earned Gold for the fifth straight year. Other entities bringing home the top honor were Trinity Metro and the cities of Denton, Grand Prairie, Irving and Southlake.

The winners of the Silver recognition were the cities of Arlington, Fort Worth, Frisco, Lancaster, Lewisville and North Richland Hills, along with Dallas ISD and Lazer Spot Inc.

The following were honored with Bronze status: Birdville ISD, Span Inc., Bimbo Bakeries, Tarrant County, Denton County, the towns of Flower Mound and Addison, and the cities of Benbrook, Mesquite and Plano.

In addition, six cities were recognized for a decade of fleet reporting: Carrollton, Cedar Hill, Lancaster, Lewisville, Rockwall and Watauga. For more on the fleet awards including the entities also recognized as Shining Stars, visit DFWCleanCities.org.

*

NCTCOG also announced at the luncheon distinguished examples of **Federal Discretionary Grant Projects** awarded to the North Texas region in 2024. These grants will help fund critical transportation initiatives across the region, focusing on enhancing connectivity, safety and infrastructure. See the table below for grants recognized.

Project	Project Details	Grant Type & Cost/Award Amounts
Interstate Highway (IH) 30 Dallas-Farmers Market/Heritage Village Deck Park	Construct three decks reconnecting the Cedars neighborhood to the Farmers Market neighborhood in downtown Dallas via an extension of Old City Park.	Reconnecting Communities & Neighborhoods Program Project Cost: \$60M Grant Award: \$20M
Klyde Warren Park – Phase 2.0	Expand Klyde Warren Park by 1.7 acres via a new deck stretching from Pearl Street to west of Akard Street.	Reconnecting Communities & Neighborhoods Program Project Cost: \$79.8M Grant Award: \$20M
Southern Gateway Park – Phase 2	Expand Southern Gateway Park by 2.3 acres over IH 35E between Marsalis Avenue and Ewing Avenue.	Reconnecting Communities & Neighborhoods Program Project Cost: \$67M

		Grant Award: \$25M
McKinney SH 5 – Lower 5 Plaza	Construct an urban pedestrian crossing by reconstructing SH 5 on a bridge above a sunken plaza between Louisiana and Virginia streets. The plaza would create a safe bicycle/pedestrian connection between downtown McKinney, the future City Hall and East McKinney neighborhoods.	Reconnecting Communities & Neighborhoods Program Project Cost: \$30M Grant Award: \$15M
Dallas County Inland Port (DCIP) Multimodal Connectivity Project	Reconstruct Belt Line Road and Sunrise Road to serve rapidly urbanizing yet historically disadvantaged area within the Dallas County Inland Port.	Rebuilding American Infrastructure with Sustainability & Equity (RAISE) Program Project Cost: \$87M Grant Award: \$25M
Cotton Belt/Silver Line Rail Trail	Construct a 5.2-mile portion of Phase 2 for the Cotton Belt/Silver Line Rail Trail within Dallas, Richardson and Plano.	Rebuilding American Infrastructure with Sustainability & Equity (RAISE) Program Project Cost: \$42M Grant Award: \$25M
TX Hydrogen & Electric Freight Infrastructure Project	Proposed as a strategy to implement the Interstate Highway 45 Zero Emission & Corridor Plan, as well as facilitate the transition of freight trucking toward cleaner fuels, this project builds up to five hydrogen fueling stations around the Texas Triangle.	Charging & Fueling Infrastructure (CFI) Program – Corridor Grants Project Cost: \$87.5M Grant Award: \$70M
MLK/Cedar Crest Boulevard Complete Street and Safety Upgrades	This project will construct new sidewalks, bicycle facilities, improved bus stops, traffic calming, upgraded signals and Wi-Fi-enabled streetlights.	Safe Streets & Roads for All (SS4A) Program Project Cost: \$27.25M Grant Award: \$21.8M
Alliance Texas Inland Port Project	Through addition of a State Highway (SH) 170/Intermodal Parkway Smart Connected Corridor, institute a seamless platform for elevating inland port physical/technological connectivity with the Texas Triangle.	Multimodal Projects Discretionary Grant (MPDG) Program – INFRA Grant Project Cost: \$261.8M Grant Award: \$80M

About the Regional Transportation Council:

The Regional Transportation Council (RTC) of the North Central Texas Council of Governments has served as the Metropolitan Planning Organization (MPO) for regional transportation planning in the Dallas-Fort Worth area since 1974. The MPO works in cooperation with the

region's transportation providers to address the complex transportation needs of the rapidly growing metropolitan area. The Dallas-Fort Worth metropolitan area includes Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant and Wise counties. The RTC's 45 members include local elected or appointed officials from the metropolitan area and representatives from each of the area's transportation providers. More information can be found at www.nctcog.org.

About the North Central Texas Council of Governments:

NCTCOG is a voluntary association of local governments established in 1966 to assist local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development. NCTCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions.

NCTCOG serves a 16-county region of North Central Texas, which is centered in the two urban centers of Dallas and Fort Worth. For more information on the NCTCOG Transportation Department, visit www.nctcog.org/trans.

About Air North Texas:

Air North Texas is a regional public awareness campaign that includes 39 partners pursuing environmental awareness in North Texas. It was formed by the North Central Texas Council of Governments with support of the Air North Texas Coalition. Partners support the campaign by encouraging residents to commit to actions that improve air quality, such as working from home, bicycling, or walking to the store and packing a lunch. For more information, visit www.airnorthtexas.org.

About the Dallas-Fort Worth Clean Cities Coalition:

NCTCOG was designated by the Department of Energy as the host agency for DFWCC in 1995 and participates in the national Clean Cities and Communities partnership. DFWCC's mission is to improve air quality by promoting cleaner, reliable, accessible, and sustainable transportation technologies. Dallas Fort Worth Clean Cities achieves this through providing guidance to fleets and other drivers about clean vehicle fuels/technologies, coordinating infrastructure planning and readiness, and facilitating best practices around transportation-energy integration. For more information, visit www.dfwcleancities.org

###



REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT PROGRAM – FY 25

JEFF HATHCOCK - PROGRAM MANAGER
REGIONAL TRANSPORTATION COUNCIL (RTC)
ACTION ITEM - January 23, 2025



FY 25 Local & Regional Project Assistance (RAISE) Program

Solicitation Overview – Notice of Funding Opportunity (NOFO)

Funding Availability*

\$75 Million
Planning Grants

\$1.425 Billion
Capital Grants

50% / 50%
Urban / Rural Areas

Cost Sharing (Federal)

Up to 80%
Urban Areas

Up to 100%

- a. Rural Areas
- b. Areas of Persistent Poverty
- c. Historically Disadvantaged

Maximum Award*

\$25 Million
– per Project (All)

\$225 Million
– per State (≤ 15%)

Minimum Award

\$5 Million
Urban Areas (Capital)

\$1 Million
Rural Areas (Capital)

No Minimum
Planning Grants

Other Details

FY 24 RAISE applications scored as “Highly Rated”, but not awarded, are defined as **FY 25 RAISE Projects of Merit** & chosen separately. **Round 1** selections expected to be announced by **January 13, 2025**. Those not chosen must submit revised application by deadline below.

Application Limit = Three (3) per Lead Agency

For planning/budget purposes, NOFO provides application, award, obligation, & expenditure deadlines for **FY 25-26 RAISE funding**:

FY 25:

Application Deadline – January 30, 2025
Award Announcement – June 28, 2025
Obligation Deadline – September 30, 2029
Expenditure Deadline – September 30, 2034

FY 26:

Application Deadline – January 13, 2026
Award Announcement – June 28, 2026
Obligation Deadline – September 30, 2030
Expenditure Deadline – September 30, 2035

Applicant Eligibility

1. State / Territorial Government (*or political subdivision*)
2. Metropolitan Planning Organization (MPO)
3. Local / Tribal Government (*or political subdivision*)
4. Public Agency / Chartered Authority
5. Public Special Purpose District (*including Port*)
6. Multi-Jurisdictional Group of Above Entities

Project Eligibility

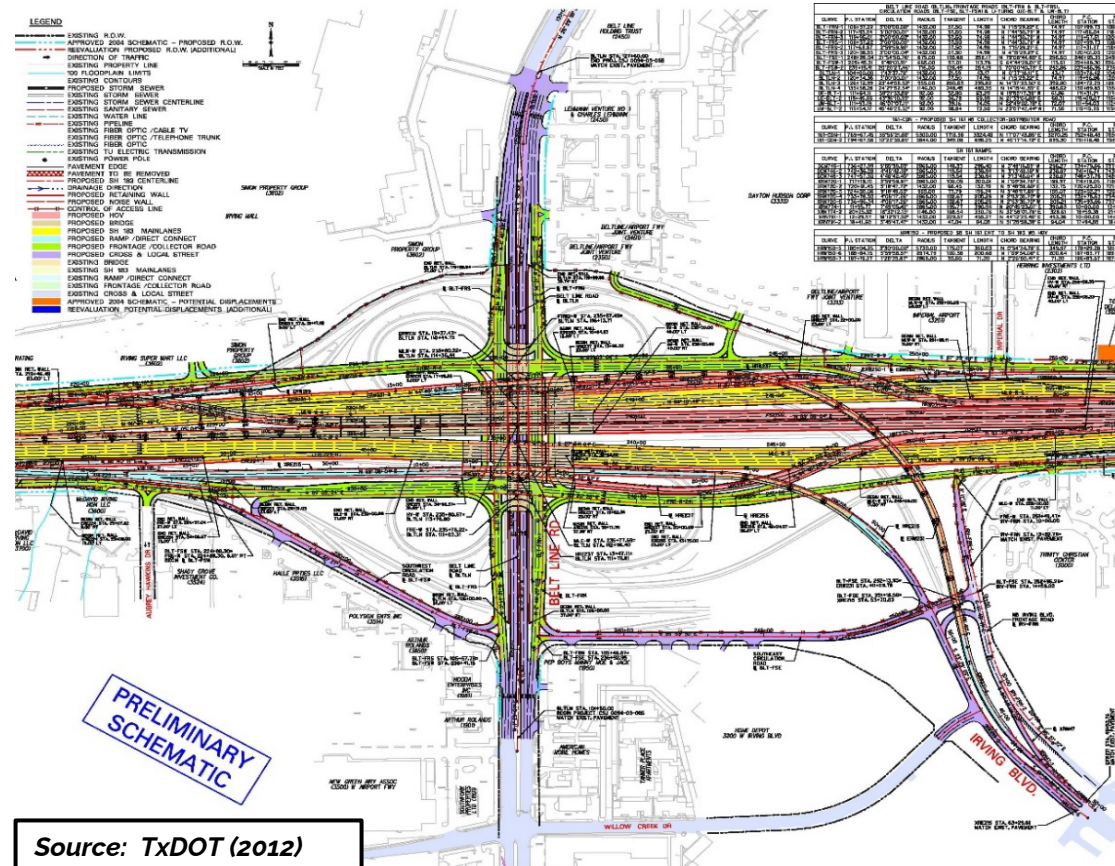
1. Highway, Bridge, or Road (*Title 23*)
2. Public Transportation (*Chapter 53 of Title 49*)
3. Passenger / Freight Rail / Intermodal
4. Port Infrastructure (*incl. inland / land ports of entry*)
5. Airport Surface Transportation (*pt. B, subtitle VII, Title 49*)
6. Stormwater Improvement (*aquatic species habitat*)
7. Tribal Surface Facility (*vested Federal title / maintenance*)
8. TOD / Non-Motorized / Mobility On-Demand

Impact of Round 1 Selections*:

- **Trinity Metro awarded \$25 Million for TEXRail Near Southside Extension Project** (*one of seven TX projects*)
- **With 109 projects chosen for \$1.32 billion, less than \$200 million nationwide remains for Round 2 selections**

FY 25 RAISE Program – Draft Candidate Project List & Details

EAST: SH 183/SH 356/Belt Line Road Interchange (Irving)

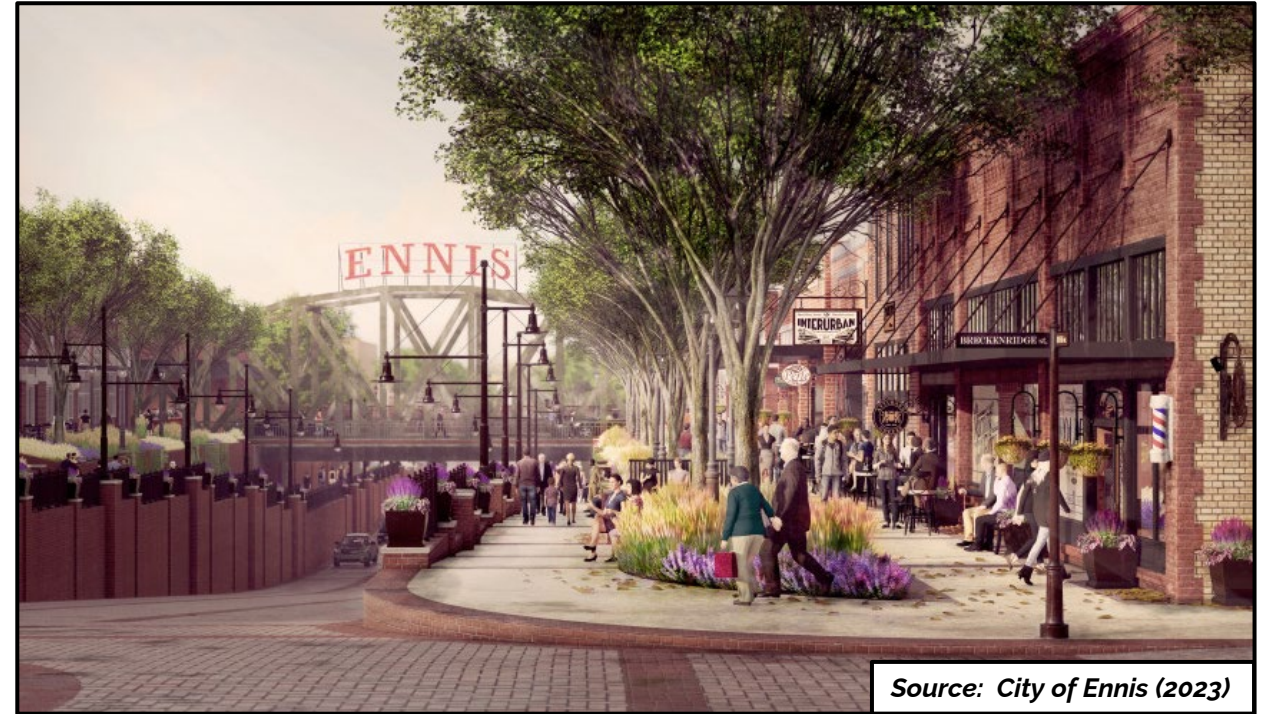
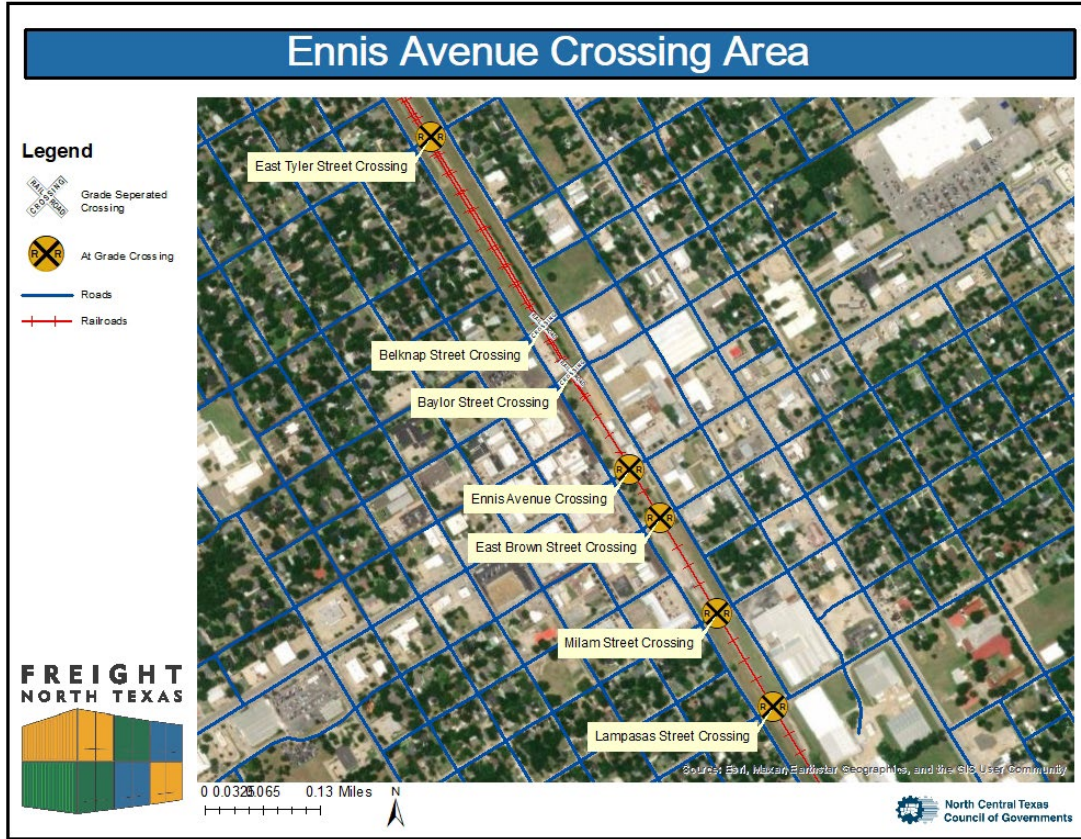


PROJECT		COST/FUNDING BREAKDOWN				
TITLE	DESCRIPTION/LIMITS	URBAN/RURAL	NON-FEDERAL	FEDERAL (Other)	FEDERAL (RAISE)	TOTAL COST
SH 183/SH 356/Belt Line	Reconstruct SH 356/Belt Line Rd interchange as an ultimate SH 183 breakout project.	URBAN	\$241,250,000 (69.7%)	\$80,000,000 (23.1%)	\$25,000,000 (7.2%)	\$346,250,000

Non-Federal: \$15M (TxDOT PE) + \$15M (TxDOT ROW) + \$15M (TxDOT Utilities) + \$100M (TIFIA Loan) + \$70M (RTR – SH 183 Corridor) + \$26.25M (Category 2/CMAQ/STBG/RAISE Match)
Federal (Other): \$80M (Category 2/STBG/CMAQ)

FY 25 RAISE Program – Draft Candidate Project List & Details

EAST: Ennis Avenue/UPRR Grade Separation (CSJ# 0172-12-007)



Repackaging of FY 24 Railroad Crossing Elimination Program (RCEP) application, submitted in September 2024.

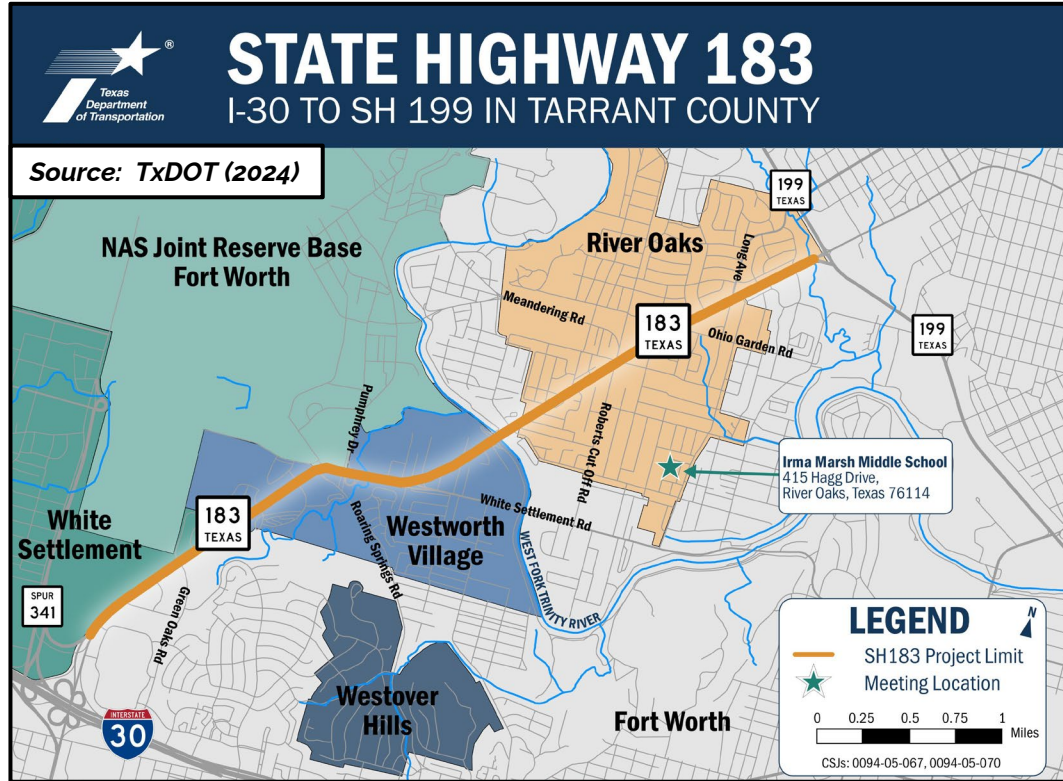
PROJECT			COST/FUNDING BREAKDOWN			
TITLE	DESCRIPTION/LIMITS	URBAN/RURAL	NON-FEDERAL	FEDERAL (Other)	FEDERAL (RAISE)	TOTAL COST
Ennis Avenue/UPRR	Build grade separation for Business US 287 under UPRR corridor in Downtown Ennis.	RURAL	\$21,360,000 (33.0%)	\$23,440,000 (36.2%)	\$20,000,000 (30.8%)	\$64,800,000

Non-Federal: \$7M (City of Ennis; includes \$5M NCTCOG loan to be repaid by City, not counted in total) + \$12,36M (TxDOT – ROW & RAISE Match) + \$2M (UPRR)

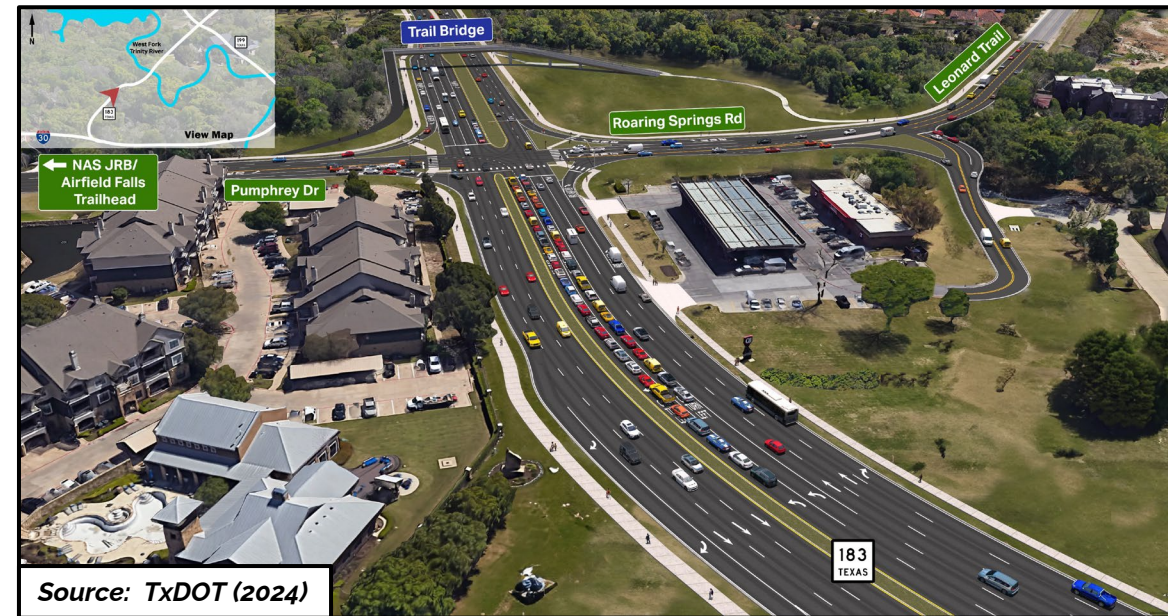
Federal (Other): \$21,44M (RTC Category 2 & Surface Transportation Block Grant funds) + \$2M (TxDOT Category 11 – District Discretionary funds)

FY 25 RAISE Program – Draft Candidate Project List & Details

WEST: SH 183 – Pumphrey Drive Breakout Project (CSJ# 0094-05-070)



Looking North at Pumphrey Drive & Roaring Springs Road:



Project total does not include \$6M previously approved in 2025-28 TIP (\$3M - Engineering, \$3M - ROW)

PROJECT			COST/FUNDING BREAKDOWN			
TITLE	DESCRIPTION/LIMITS	URBAN/RURAL	NON-FEDERAL	FEDERAL (Other)	FEDERAL (RAISE)	TOTAL COST
SH 183/ Pumphrey	Rebuild SH 183 junction with Pumphrey Dr & Roaring Springs Rd for improved multimodal capacity, safety & NAS JRB accessibility.	URBAN	\$7,000,000 \$7,200,000 (20.0%)	\$16,800,000 \$16,400,000 (45.6%)	\$11,200,000 \$12,400,000 (34.4%)	\$35,000,000 \$36,000,000

Non-Federal: ~~\$4.2M~~ \$4.1M (TxDOT Category 2 Match - Construction) + ~~\$2.8M~~ \$3.1M (TxDOT RAISE Match - Construction)

Federal (Other): ~~\$16.8M~~ \$16.4M (TxDOT Category 2 - Construction)

FY 25 Local & Regional Project Assistance (RAISE) Program *(cont.)*

Schedule

November 1, 2024	FY 25 RAISE Program: Notice of Funding Opportunity (NOFO) Release
December 6, 2024	STTC Information
December 12, 2024	RTC Information
December 20, 2024	Finalize Candidate Project Details <i>(for posting of January 2025 RTC Agenda)</i>
January 15, 2025	RTC Letter of Support Deadline <i>(for projects submitted by partnering agencies, please send requests to Taylor Benjamin – tbenjamin@nctcog.org or Jackie Nolasco – jnolasco@nctcog.org)</i>
January 23, 2025	RTC Action
January 24, 2025	STTC Endorsement
January 30, 2025	FY 25 RAISE Program: Application Deadline – Grants.gov
February 27, 2025	Executive Board Endorsement <i>(due to postponement of January 2025 RTC Meeting)</i>

FY 25 Local & Regional Project Assistance (RAISE) Program *(cont.)*

Requested RTC Action

Request approval for:

- Proposed projects to submit for funding consideration through FY 25 RAISE Program:
 - ▣ *SH 183/SH 356/Belt Line Road Interchange*
 - ▣ *Ennis Avenue/UPRR Grade Separation*
 - ▣ *SH 183 – Pumphrey Drive Reconstruction Project*
- Allocation of new RTC funds:
 - ▣ *SH 183/SH 356/Belt Line Road Interchange*
 - \$100M in Category 2/Surface Transportation Block Grant (STBG)/Congestion Mitigation Air Quality (CMAQ) funds (including \$20M non-Federal match) via future **Regional 10-Year Plan/Unified Transportation Program (UTP) updates and/or Transportation Improvement Program (TIP) revisions**
 - **\$70M in Regional Toll Revenue (RTR) funds, specifically surplus revenues from the SH 183 corridor**
- Administratively amending NCTCOG & State TIPs, as well as other planning & administrative documents, to include proposed projects **and funding** if selected for FY 25 RAISE Grant awards

CONTACT INFORMATION

Natalie Bettger

Senior Program Manager
(817) 695-9280
nbettger@nctcog.org

Lori Clark

Senior Program Manager
(817) 695-9232
lclark@nctcog.org

Dawn Dalrymple

Senior Program Manager
(817) 608-2319
ddalrymple@nctcog.org

Christie Gotti

Senior Program Manager
(817) 608-2338
cgotti@nctcog.org

Chris Klaus

Senior Program Manager
(817) 695-9286
cklaus@nctcog.org

Dan Lamers

Senior Program Manager
(817) 695-9263
dlamers@nctcog.org

Arash Mirzaei

Senior Program Manager
(817) 695-9261
amirzaei@nctcog.org

Karla Windsor

Senior Program Manager
(817) 608-2376
kwindsor@nctcog.org

Amanda Wilson

Senior Program Manager
(817) 695-9284
awilson@nctcog.org

Jeffrey C. Neal

Senior Projects Manager
(817) 608-2345
jneal@nctcog.org

Jeff Hathcock

Program Manager
(817) 608-2354
jhathcock@nctcog.org

USDOT BIL: <https://www.transportation.gov/bipartisan-infrastructure-law>

USDOT Grant Portal: <https://www.transportation.gov/bipartisan-infrastructure-law/bipartisan-infrastructure-law-grant-programs>

USDOT (Upcoming Schedule of Grant Opportunities): <https://www.transportation.gov/bipartisan-infrastructure-law/key-notices-funding-opportunity>

USDOT RAISE Grant Program: <https://www.transportation.gov/RAISEgrants>





North Central Texas Council of Governments

November 1, 2024

**Mr. Eric Gambrell
Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street, Suite 1800
Dallas, Texas 75201**

Dear Mr. Gambrell:

This letter is in response to your October 21, 2024, correspondence, which is attached. You requested that the North Central Texas Council of Governments (NCTCOG), including its employees, agents, and representatives, preserve and refrain from deleting, spoliating or destroying documents and/or information generally related to high-speed rail, high-speed rail between the cities of Dallas and Fort Worth, and ancillary items potentially impacting the ongoing high-speed rail discussions. NCTCOG acknowledges your demand and has taken steps to cause such documents/information to be preserved. Responses to your other letters are forthcoming.

Should you have any questions, you can reach me at 817-695-9278.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Kirkpatrick', with a large loop at the end.

**Ken Kirkpatrick
General Counsel**

**KK:bw
Attachment**

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

October 21, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: Request to Preserve (and Not Destroy and/or Spoliate) Documents

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

You did not respond to or confirm receipt of my October 9, 2024 letter to you as I reasonably requested. You received that letter by both email and, as now evidenced by the signed return receipt, by certified mail. You have also not confirmed that you have, as reasonably requested, instructed Michael Morris, Brendon Wheeler and other representatives and employees of the North Central Texas Council of Government's ("NCTCOG") to refrain from referring to alignment 2(b) as a possible route for any possible future higher speed rail project between Dallas, the Arlington Entertainment District and Fort Worth. The NCTCOG's refusal to communicate is unfortunate.

Resultingly, as Hunt's counsel, I respectfully but formally request and demand that NCTCOG, including its employees, agents and representatives, preserve and refrain from deleting, spoliating or destroying – now or at any time in the future – documents and/or information in NCTCOG's possession, custody, or control evidencing, referencing, regarding or relating to any one more of the following topics, items, subjects, or categories listed below herein.

As you know, documents and information subject to preservation include, but are not limited to: (1) electronically stored information, including but not limited to, e-mails, text messages, voicemail messages, photos, notes, and any other audio or visual notes, media or files, calendar and appointment entries, electronic documents and files on computers, network servers or drives, cloud services, tablets, portable media, and mobile phones; and (2) hard-copy paper documents, including but not limited to, writings, drawings, notations, graphs, charts, photographs, analog sound and/or video recordings, notebooks, journals, calendars, day planners, memoranda, reports, correspondence, contracts, advertising or promotional literature, meeting minutes, notes, and any other paper or media containing handwritten or typed notes. This encompasses not only final versions but also drafts, includes documents maintained anywhere, including for example in homes, offices, or off-site storage, and also applies to documents that come into existence in the

future concerning any of the below subjects or topics. Any program of automatic deletion of data should be suspended to the extent that it might destroy or render inaccessible any document subject to the preservation demand herein. Failure to preserve any of the documents or information described below may have adverse litigation consequences. If NCTCOG has spoliated any of the below-described information or documents, please specifically detail and describe the spoliated material and provide a detailed description of the events and circumstances that resulted in such spoliation.

SUBJECT MATTER OF DOCUMENTS AND INFORMATION TO BE PRESERVED

- High-speed rail, including without limitation, possible future high-speed rail between Dallas, the Arlington Entertainment District and Fort Worth;
- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and any other person or entity regarding high-speed rail, including without limitation, possible future high-speed rail between Dallas, the Arlington Entertainment District and Fort Worth;
- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and the Federal Railroad Administration, the Federal Transit Administration, the Texas Department of Transportation, the Department of Transportation, the Environmental Protection Agency, the Surface Transportation Board, Texas A&M University and/or any other federal or state governmental entity (and/or any of their respective administrators, office holders, appointees, employees, agents, attorneys or representatives) regarding high-speed rail;
- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and the National Railroad Passenger Corporation (a/k/a Amtrak) and/or any of its respective administrators, appointees, employees, agents, attorneys or representatives, including Andy Byford) regarding high-speed rail;
- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and any railroad company or business, including but not limited to the Union Pacific Railroad and/or any of their respective administrators, appointees, employees, agents, attorneys or representatives) regarding high-speed rail;
- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and the City of Arlington (and/or any of their elected officials, employees, agents, or representatives) regarding possible future high-speed rail between Dallas, the Arlington Entertainment District and Fort Worth;

- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and Matthews Southwest, Inspire Dallas (and/or any of their respective agents, representatives, affiliates, related entities, officers, members, partners, or owners);
- Any communication between NCTCOG (and/or any of its agents, representatives or employees) and any other persons or entities regarding what Inspire Dallas refers or has referred to as the “Rail District.”
- The Master Agreement between the City of Dallas and Hunt executed April 29, 1975 relating to Reunion (the “Master Agreement”) and/or any other contractual or legal rights of or accruing to Hunt;
- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and any other person or entity regarding Hunt or any of its employees, agents, representatives, affiliates, owners, businesses, properties, or developments;
- Any hold up or delay of any planned projects in the City of Dallas by NCTCOG in an attempt to force agreement by the City of Dallas on matters relating to high-speed rail;
- Any potential alternatives to possible future high-speed rail between Dallas, the Arlington Entertainment District and Fort Worth;
- Any studies, strategies, analyses, or reports created, authored, drafted or received (in whole or in part) by NCTCOG or any of its representatives, employees, agents, consultants, independent contractors, experts or representatives regarding high-speed rail;
- Any possible transportation or transportation system from Arlington or Dallas to the DFW International Airport that has been considered, planned or discussed at any time in the last five years;
- All agreements, contracts, agreements to agree, letters of intent or letters of understanding regarding or relating to high-speed rail, whether NCTCOG is a party or not;
- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and any other person or entity regarding any environmental analysis or environmental impact statement relating to high-speed rail;

- Any possible station for high-speed rail located anywhere in the City of Dallas, including without limitation any discussion regarding land, businesses, development, and/or landowners in the vicinity of any possible Dallas station;
- Potential final locations (including dimensions and height) of any possible Dallas station for high-speed rail, including without limitation as discussed in the May 29, 2020 Environmental Impact Statement regarding Dallas to Houston high-speed rail that the final dimensions were preliminary and not determined as part of such environmental impact statement but would be subject to future planning, design, consideration, discussion, permitting and approvals;
- The location of any possible Arlington station for high-speed rail, including without limitation any communications regarding that subject;
- The location of any possible Fort Worth station for high-speed rail, including without limitation any communications regarding that subject;
- Any draft, potential, partial, possible or final economic impact study or analysis regarding high-speed rail;
- The 2017 Alternatives Analysis Final Report, Dallas-Fort Worth Core Express Service, prepared by the Federal Railroad Administration;
- The representation by NCTCOG that “thousands” of Texas A&M University students would supposedly “conveniently make day trips between Fort Worth and College Station” to take classes, including but not limited to any alleged support for that NCTCOG statement;
- Any analyses, reports, conclusions or studies relating to any potential or possible benefit to the City of Arlington as a result of a high-speed rail station in the City of Arlington;
- Any legal analyses, conclusions, or opinions drafted by legal counsel of or for the NCTCOG that have been shared with any persons other than NCTCOG;
- Any communications between NCTCOG (and/or any of its agents, representatives, or employees) and any other person or entity regarding any potential adverse impacts or negative consequences of or relating to possible future high-speed rail between Dallas, the Arlington Entertainment District and Fort Worth, including without limitation regarding (1) Martyrs Park, (2) Simmons Park or Trinity Park, (3) West Dallas, (4) dividing neighborhoods, (4) diverting conventioner dollars to the Arlington Entertainment District, (5) sound and noise pollution, (6) sight and visual pollution, (7) impacts to private property, (8) impact upon buildings and shared structures in the vicinity of any proposed alignment, (9)

Ken Kirkpatrick
General Counsel
October 21, 2024
Page 5

aerial infrastructure complexity, (10) effects to the environment, (11) loss of tax revenue by the City of Dallas, the County of Dallas, the Dallas Independent School District, Parkland Hospital and any other taxing jurisdiction, (12) impact upon commercial development, and/or (13) reapportionment of tax revenues.

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please courteously and professionally confirm your receipt of this letter as well as compliance with its requests and demands.

Sincerely,

Eric Gambrell

Eric Gambrell



North Central Texas Council Of Governments

November 4, 2024

Mr. Eric Gambrell
Akin, Gump, Strauss, Hauer & Feld, LLP
2300 N. Field Street, Suite 1800
Dallas, Texas 75201

Dear Mr. Gambrell:

This letter is in response to your October 9, 2024, correspondence, which is attached. You requested that I "instruct" staff, specifically Michael Morris and Brendon Wheeler of the North Central Texas Council of Governments (NCTCOG), from referring to Alignment 2B as a "possible route for any possible future higher speed rail project" between Dallas and Fort Worth.

1. Alignment 2B (East of Hyatt with Pedestrian Lobby) is, in fact, a possible route for High Speed Rail between Dallas and Fort Worth pending the City of Dallas economic impact study.

On August 8, 2024, the Regional Transportation Council (RTC) directed staff with respect to the Dallas Alignment Options to 1) advance engineering and stakeholder coordination on the Concept West of Downtown to the same engineering level as Alignment 2B and 2) review opportunities in NEPA¹ to maintain the option for Alignment 2B, pending results of the City of Dallas economic impact study. This is to ensure that both options are available following the conclusion of the economic impact study when the City of Dallas advises the RTC on which option it supports.

Your letter complains of purported contradictory statements by NCTCOG staff. Unfortunately, it misses the proper context of the evolving conversation about the potential high speed rail alignments over the past several months culminating in a path forward at the August RTC meeting. I encourage you to watch the June, July, and August RTC meetings.² If so, you will note that the Motion to Approve the above two-pronged RTC direction to staff in August was made by a Dallas City councilmember, with the comment of leaving both options (West and East of the Hyatt) open until the economic impact study was complete for the City of Dallas to "weigh in on". Other City of Dallas councilmembers indicated Dallas was "tapping the brakes" until Dallas reconsiders its position. The above direction to staff was passed unanimously by the RTC, including Dallas' six RTC representatives (5 councilmembers, and one citizen representative). Thus, it does appear that Alignment 2B is possible, as is the Concept West of Downtown, pending further action by the City of Dallas and the RTC.

¹ National Environmental Policy Act (NEPA) (42 U.S.C., §§4321, *et seq.*).

² See NCTCOG website for video archive of RTC meetings – www.nctcog.org/trans/involve/video

November 4, 2024

2. Alternative 2B (or any other alternative) is not "legally precluded" by the 1975 Master Agreement (Master Agreement) related to Reunion between City of Dallas and Hunt Affiliated Entities.

Your letter asserts that Alignment 2B is "legally precluded and could never be approved" as it would "unlawfully" interfere with the rights of the City of Dallas and Hunt Entities under the Master Agreement. Your assertion is not legally correct. The Master Agreement may have implications on the range of impacts to be evaluated associated with Alignment 2B, along with other alternatives, and whether such impacts can be avoided or mitigated as part of the environmental review process required by NEPA. The Master Agreement may impact what position the City of Dallas ultimately takes and the position of the RTC. The Master Agreement may also, along with a variety of other considerations, impact whether an environmental decision is ultimately rendered by the Federal Transit Administration (FTA) regardless of which alternative is approved locally. However, the mere existence of the Master Agreement does not "legally preclude" or make Alternative 2B or any other alternative under consideration "unlawful".

Your letter provided excerpts of the Master Agreement, now nearly 50 years since execution. I have heard anecdotally that it has been amended a number of times since the original execution, and sections may have been superseded. This may or may not be accurate. To that end, NCTCOG staff is interested in learning more about the Master Agreement and potential implications to the alignments under consideration. NCTCOG will be requesting a meeting between the City of Dallas (program and legal staff) and NCTCOG to understand more about the current status of the Master Agreement. NCTCOG would like to extend an invitation to you and your client as well. Please advise if you are amenable to such an invitation.

Given the position of the RTC and the City of Dallas, I decline to "instruct" my client as you have requested. Please advise if you, and your client, are interested in attending a meeting on the Master Agreement. We would welcome your input and insight. You can reach me at (817) 695-9278.

Sincerely,



Ken Kirkpatrick
General Counsel

KK:tmb
Attachment

Akin Gump Strauss Meuer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

October 9, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The strictly limited purpose of this letter is in reaction to disturbing comments made by the North Central Texas Council of Governments ("NCTCOG"), through its representative Brendon Wheeler, to the Trinity Park Conservancy on October 4, 2024. The statements made by Mr. Wheeler related to possible future higher speed rail between Dallas, the Arlington Entertainment District and Fort Worth.

Mr. Wheeler stated that "NCTCOG's position" and "hope" is the approval of alignment "2(b)" for its proposed higher speed rail concept. Mr. Wheeler's statements are directly contrary to the recorded public statements on July 11, 2024 by NCTCOG (through its representative Michael Morris) that "*alignment . . . 2(b) [is] no longer possible.*"¹

Stating the obvious, NCTCOG has, and at all relevant times has had, actual knowledge that alignment 2(b) is legally precluded and could never be approved as it would unlawfully contravene and directly interfere with the rights of both the City of Dallas and Hunt under their Master Agreement relating to Reunion, executed on April 29, 1975.

As a courtesy, certain of the sections of the Master Agreement which would prohibit an above-ground 2(b) alignment are attached.

The Master Agreement was filed of public record on July 8, 1975 and has been a publicly filed document at all times since. This conferred upon NCTCOG legal knowledge of the terms of the Master Agreement. NCTCOG has further publicly acknowledged the existence and enforceability of the Master Agreement (and has taken actions in recognition of rights of Hunt and the City of Dallas thereunder).

¹ Mr. Wheeler's comments further suggest a predetermined result, contrary to the NCTCOG's statements that it is conducting a *bona fide* analysis of route alternatives.

Ken Kirkpatrick
General Counsel
October 9, 2024
Page 2

Additionally, NCTCOG has conceded in the past that alignment 2(b) would contravene the Resolution unanimously passed by the City Council of the City of Dallas on June 12, 2024 (codifying the Dallas City Council's opposition to above-ground higher-speed rail in Dallas' Central Business District).

It is requested and anticipated that you will instruct Mr. Morris, Mr. Wheeler and other representatives and employees of NCTCOG to refrain from referring to alignment 2(b) as a possible route for any possible future higher speed rail project between Dallas, the Arlington Entertainment District and Fort Worth.

Please confirm your receipt and review of this letter.

Sincerely,



Eric Gambrell

(f) OPTION, pursuant to which the City is granting to Hunt an option to purchase the tract designated as the "Houston Loop Tract" (herein so called) on the Master Plat (the "Houston Loop Tract Option").

(g) INDEMNITY AGREEMENT, pursuant to which Hunt is agreeing to indemnify and hold the City harmless from any loss which the City may sustain by reason of Hunt's failure to timely pay the Existing Liens, as hereinafter defined.

3. City and Hunt both desire to more fully express the terms and provisions of the Master Agreement dated April 9, 1974, by a restatement and clarification contained in this document, which after the execution hereof by the parties hereto shall be deemed to be the complete Master Agreement between the parties.

4. It is the intent of the parties, as expressed herein and in the other documents described in Paragraph 2 preceding being contemporaneously executed herewith (this agreement and such other documents being herein called the "Basic Documents"), that all property owned by the parties within the Agreement Area shall be developed by the parties individually, but subject to the terms and conditions contained in the Basic Documents. Further, it is contemplated that the parties will cooperate as fully and completely as possible with each other in order to insure that all development pursued by either party within the Agreement Area shall be done in a first class manner, aesthetically consistent with the other party's development within the Agreement Area.

5. It is presently contemplated by the parties hereto that a hotel and/or theme tower will be constructed by Hunt on the area designated "Hotel and Theme Tower" on the attached Master Plat pursuant to the terms and provisions contained herein. In conjunction therewith, it is the intent of the parties that Hunt will construct a reflecting pool within the North Open Space Area pursuant to the terms and conditions contained herein. It is further contemplated that Hunt may, at its option, construct a similar reflecting pool and/or other improvements within the area referred to as the "South Open Space Area" (herein so called) on the attached Master Plat.

6. It is presently contemplated by the parties that the City will construct some type of municipal activity center, pursuant to the terms and conditions contained herein, within the area designated as the "Municipal Activity Center" (the "MAC") on the attached Master Plat. It is the intent of the parties that the area between the Houston Street Viaduct and the Jefferson Street Viaduct will be used by the City for surface fringe parking. However, it is contemplated by the parties that the City will, at some future time, construct some form of multi-level structured parking within such area (the "City's Structured Parking"), and that Hunt may, at its election, construct some type of commercial structure or structures over a portion of the City's Structured Parking within the area referred to as the "Viaduct Air Rights" (herein so called) on the attached Master Plat, pursuant to the terms and conditions contained herein.

7. Although not immediately contemplated, it is the expressed intent of the parties that the Houston Loop Tract and the Post Office Tract shown on the attached Master Plat shall, in time, be developed for municipal and/or private purposes by the parties hereto. It is also contemplated that, at the parties' election, either or both of these tracts may be utilized for both municipal and private uses simultaneously and that, pursuant thereto, joint and/or individual private and municipal structures may be constructed on either or both of said tracts.

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8. In connection with the contemplated development, it is the intent of the parties that Hunt will, within the area of the Leased Air Rights, construct some form of connecting passageway between the existing Union Terminal Building and the proposed Hotel (as hereinafter defined).

9. It is presently contemplated by the parties hereto, that, in conjunction with the other contemplated development within the Agreement Area, all streets shown on the Master Plat within the Agreement Area, save and except Hotel Street shall be constructed by the City pursuant to the terms and conditions contained herein. It is presently contemplated by the parties hereto that Hotel Street shall be constructed by Hunt.

10. As a condition to, and in further consideration for, the Exchange of Properties, Hunt and the City have agreed to certain terms and conditions which will control the development of all real property owned by either party lying within the Agreement Area.

NOW, THEREFORE, in consideration of the mutual covenants, representations, warranties, and agreements contained herein and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto covenant and agree as follows:

ARTICLE I

REFERENCES

1.1 Master Plat. The Master Plat indicates the approximate location of all tracts and areas within the Agreement Area and of all streets, structures, and other improvements within the Agreement Area, the construction of which is presently contemplated by the parties hereto. All references in this Master Agreement to named Streets, tracts, areas, structures, and/or improvements, unless otherwise indicated, are references to those shown on the Master Plat. None of such references shall be deemed to permanently name any street, park, or other area within the Agreement Area, and Hunt may from time to time designate names of streets, parks, and other areas which shall be compatible with normal City requirements and compatible with the area, and may submit the same to the City for approval, which approval shall not be unreasonably withheld.

1.2 Master Utilities Plan. The approximate location of all existing utilities presently in use, both public and private, including drainage lines, are shown on the utilities plan attached hereto as Exhibit "X" and made a part hereof (the "Master Utilities Plan"). All references to specific utility lines are references to those shown on said Master Utilities Plan.

ARTICLE II

PROHIBITION ON CONSTRUCTION

2.1 Prohibition on Hunt's Construction. It is contemplated by the parties that Hunt will commence construction of a hotel and/or theme tower, and/or a bridge connection between such hotel and the Union Terminal Building, costing a minimum of Twenty-Five Million Dollars (\$25,000,000.00) (collectively referred to herein as the "Hotel"), by April 9, 1978. Therefore, it is hereby agreed that Hunt will not commence construction of any alternate structures on any of the property described in Exhibit "B" prior to the first to occur of the following: (a) commencement of construction of the Hotel; or (b) by April 9, 1976.

provided, however, the amount of such reduction shall in no event exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00).

7.6 Definition of Costs. The term "costs" whenever used herein in connection with any streets or the Young Street Railroad Underpasses, shall mean the total of all costs of engineering, construction (including relocation of existing utilities necessitated thereby pursuant to Section 9.4 hereof), inspection, adequate appurtenant drainage, sidewalk facilities, landscaping, wing walls to the extent that they are part of the structural support for the Young Street Railroad Underpasses, and the Hotel Street retaining wall (any other retaining wall being specifically excluded from the definition of "costs").

ARTICLE VIII
OPEN SPACES

8.1 Intent. It is the intent of the parties that all development within the Agreement Area shall be of a first-class nature. Pursuant to this intent, it is contemplated by the parties that certain portions of each party's property shall be utilized by the public for recreation and relaxation. It is the intent of the parties that such areas shall be grassy and may contain fountains and/or other ornamental-type improvements intended to enhance the aesthetic beauty of the area. It is further intended that such areas be maintained in a neat, clean, and attractive manner so as to enhance the aesthetic beauty and attractiveness of the entire Agreement Area. Pursuant to this intent, Hunt agrees to construct a reflecting pool (the "North Reflecting Pool") within the North Open Space Area as soon as reasonably practicable after Hunt commences construction of the Hotel. Hunt shall pay all expenses of construction of the North Reflecting Pool and, subject to the approval requirements of Section 13.2 hereof, shall, in its sole discretion, determine and control the design and construction thereof.

8.2 Construction of South Open Space Area. The City hereby agrees to construct the South Open Space Area (herein so called) within the area described on Exhibit "B" attached hereto and made a part hereof, which construction shall include; but shall not be limited to, landscaping and a general program of beautification of the South Open Space Area. In connection with such construction of the South Open Space Area, the City shall comply with the provisions of Section 13.2 hereof. The City shall complete construction of the South Open Space Area for use by the public by the earlier to occur of the following:

(a) April 9, 1979, or

(b) Six (6) months from the date upon which Hunt commences construction of the North Reflecting Pool.

8.3 South Reflecting Pool. Hunt shall have the right, but not the obligation, to construct a reflecting pool (the "South Reflecting Pool") and/or any other improvements within the South Open Space Area. If Hunt elects to construct the South Reflecting Pool and/or any other improvements in the South Open Space Area, then, in such event, the costs of designing, planning and constructing all such improvements shall initially be funded by the City, and such costs shall be paid in either of the same two alternative manners set forth with respect to the payment of costs for Hotel Street in Section 7.5(a) hereof. Upon completion of each such improvement, Hunt shall incur an obligation, and such obligation shall then vest, to reimburse the City for one hundred percent (100%) of the costs of each such improvement on the basis of a thirty (30) year amortization of such costs at the City's normal rate of interest;

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(b) Other Uses. The City Property other than that used in connection with the Transportation Center and for open space areas, will be dedicated solely to general municipal purposes. Some of the specific municipal purposes which are presently contemplated by the parties include a sports center, a performing arts center, a library, or other municipal facilities consistent with a development of the nature and magnitude intended and contemplated by the parties hereto. It is hereby agreed that the City shall have the right to include within such municipal facilities those supporting and ancillary facilities which are usually and customarily included within such municipal facilities, including concessions.

11.2 Location of FGT System. The parties agree that the City shall have the right to locate and operate an FGT System under any street located within the Agreement Area. The City shall have the right to locate such FGT System on the Hunt Property, at a location mutually agreed upon by the parties hereto, provided such system does not unreasonably interfere with Hunt's use of the remainder of the property. If such FGT System is located upon the Hunt Property, the City shall, at its sole expense, provide adequate support for such system as well as for any existing street or structure which has been constructed by either party on the property under which such FGT System is to be located. In addition, in the event that the FGT System is constructed under Hunt's property and no improvement is then located above such system, the location of such system shall leave Hunt's surrounding property in a condition that it will be possible, with normal and usual construction techniques, to bridge such system with support from adjoining land such that commercial structures of a size and quality commensurate with others in the Agreement Area may be built over the land which such FGT System traverses.

11.3 Disposition of Surplus City Property. The parties hereby agree that if the City at any time, or from time to time, should decide that it no longer has a use for any portion of the City Property, the City shall dispose of such property (the "Surplus City Property") in the following manner. The City shall give Hunt written notice of the City's intent to declare such property as surplus, and shall grant Hunt an option to purchase such property from the City within sixty (60) days after receipt of such notice. If Hunt elects to exercise such option, Hunt shall deliver written notice of such election within such sixty (60) day period to the City. The purchase price for any such property, other than the tract of property referred to as the "Viaduct Tract" on the Master Plat and more particularly described on Exhibit "P" attached hereto and made a part hereof, shall be determined as follows: The City's acquisition costs of such property shall be added to all interest costs incurred by the City in connection with its ownership of such property from the acquisition date until the receipt of written notice from Hunt electing to exercise the option granted hereunder (the "Total Cost"). If such property is sold to Hunt within five (5) years from the date the City acquired such property, then the purchase price which Hunt shall pay the City for such property shall be exactly equal to the Total Cost. However, if the City has owned such property for more than five (5) years prior to Hunt's exercise of the option created hereby, then, in such event, the purchase price

ARTICLE XIII

APPROVAL AND TIE-IN OF FACILITIES

13.1 Coordination. Each of the parties hereto will strive reasonably to coordinate the design, timing, engineering, construction, operation, and maintenance of its respective improvements to promote the most favorable image and atmosphere possible within the Agreement Area, while achieving a minimum of conflict and interference with the development of the other party.

13.2 Improvements Built by One Party on Its Own Property. Sixty (60) days prior to the commencement of construction by either party of a major structure on such party's property, such party (the "Constructing Party") shall submit a copy of plans showing elevations and exterior design for the contemplated improvement to the other party (the "Reviewing Party"). The Reviewing Party shall have approval rights as to aesthetics, elevations, and exterior design of such improvement. If the Reviewing Party disapproves of the aesthetics, elevations, and exterior design of such improvement, it shall indicate such disapproval by delivery of written notice to the Constructing Party within thirty (30) days after receipt of such plans. Such notice shall contain proposed modifications to the plans for the improvement acceptable to the Reviewing Party. If the Reviewing Party fails to deliver such notice to the Constructing Party within said thirty (30) day period, then, in such event, the Reviewing Party shall be deemed to have approved of the aesthetics, elevations, and exterior design of the improvement involved. If the Reviewing Party does deliver such notice within the time period specified and the Constructing Party finds the proposed modifications to the plans contained therein to be unacceptable, then, in such event, the Constructing Party shall deliver written notice to the Reviewing Party stating that the proposed modifications are unacceptable within thirty (30) days after receipt of the Reviewing Party's notice proposing such modifications. In such event, the Constructing Party shall have the right to seek arbitration of the issue involved pursuant to Section 26.8 hereof. If the Constructing Party fails to deliver such notice within such thirty (30) day time period, then the Constructing Party shall be deemed to have approved of the modifications proposed in the Reviewing Party's notice. It is understood that all approvals permitted or required under this Section 13.2 shall not be unreasonably withheld. It is further understood that the intent of this Section 13.2 with respect to reasonable approval is to insure that any major structure subject to such approval shall comply with all current ordinances of the City, including zoning ordinances, and that such structure(s) shall be compatible with the other major structures built in the Agreement Area.

13.3 Connecting Deck. It is the intent of the parties that the Union Terminal Building and the Hotel be connected by an enclosed mall (the "Connecting Deck") which will be constructed by Hunt. Prior to commencement of construction of the Connecting Deck, Hunt shall submit to the City for the City's approval copies of the architectural plans and specifications for the construction of the Connecting Deck. The City shall have sixty (60) days after receipt of such plans and specifications within which to review and approve them, which approval shall not be unreasonably withheld. If, within such sixty (60) day period, the City determines that such plans and specifications are unacceptable, then, in such event, the City shall deliver written notice to Hunt indicating the modifications to the plans and specifications which the City will require to be made prior to approving such plans and specifications. If the City fails to deliver such notice to Hunt within such period of time, then, in such event, the City shall be deemed to have approved the plans and specifications for the Connecting Deck. If the City delivers such notice to Hunt within the time period specified, and Hunt finds any of the proposed modifications unacceptable, then, in such event, Hunt shall deliver written notice to the City stating that the proposed modifications are unacceptable within thirty (30) days after receipt of the City's

Akin Gump Strauss Hauer & Field LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

November 5, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: "Anecdotal" Comment Regarding the Master Agreement

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter¹ is to reply to the "anecdotal" comment in your letter of yesterday responding to my letter from nearly a month ago regarding the Master Agreement between the City of Dallas and Hunt relating to Reunion, executed on April 29, 1975 (the "Master Agreement"); namely, your claim that "[you] have *heard anecdotally* that [the Master Agreement] has been amended a number of times since the original execution, and sections may have been superseded."

As the North Central Texas Council of Governments (the "NCTCOG") is (and has at all relevant times been) actually aware as a matter of Texas law, the Master Agreement amended the April 9, 1974 Master Agreement. Certain supporting provisions specifically provided to the NCTCOG as attachments to my October 9, 2024 letter are true and correct copies from the April 29, 1975 Master Agreement. Those terms are fully enforceable by their express terms, have not been "superseded," and legally preclude any above-ground "2(b)" alignment. NCTCOG knew all of this when yesterday's letter was sent.

Your "anecdotal" comment is further disconcerting given NCTCOG's public and recorded acknowledgement of the existence and enforceability of the Master Agreement, which it never disputed. NCTCOG has even recently taken affirmative action in overt recognition of the legal rights of the City of Dallas and Hunt under that legal document. NCTCOG specifically reported that it altered certain plans to avoid interfering with those admittedly known rights in that instance.

¹ This letter does not intend or extend to reply to various misstatements of fact and law, which may be raised in future correspondence.

Ken Kirkpatrick
General Counsel
November 5, 2024
Page 2

Please also recognize that your “anecdotal” comment is even at odds with other statements in yesterday’s letter, including NCTCOG’s concession of the legal “*implications*” of the Master Agreement on alignment “2(b)” and even more, its admission that the Master Agreement *does* – on multiple levels and bases – legally “*impact*” any possible future attempted approval of alignment “2(b).”

NCTCOG has not ever contested and cannot contest that alignment “2(b)” would directly interfere with the express legal rights of the City of Dallas and Hunt. There can be no “2(b)” alignment as a matter of law. Hunt demands that NCTCOG not interfere with those rights.

As a separate consideration, NCTCOG’s attempts to distance itself from its own statements – quoted *verbatim* – are not supportable. Michael Morris unequivocally stated, in July 2024, that “alignment ... 2(b) [is] no longer possible.” Not possible cannot be interpreted as possible.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

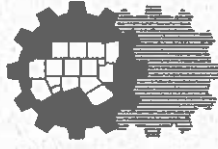
NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell



North Central Texas Council Of Governments

December 31, 2024

Mr. Eric Gambrell
Akin, Gump, Strauss, Hauer & Feld, LLP
2300 N. Field Street, Suite 1800
Dallas, Texas 75201

Dear Mr. Gambrell:

This letter is in response to your October 22, 2024, correspondence, which is attached. You request that I advise staff of the North Central Texas Council of Governments (NCTCOG) to refrain from representing that the location, design, or dimensions (including) height of a Dallas area station are “final, much less finally approved.”

NCTCOG has not represented the Dallas High-Speed Rail (HSR) Station “design” as final. To conduct the environmental analysis required by National Environmental Policy Act (NEPA), a certain level of design is necessary, which is typically the 30 percent design level or as referred to in the 2020 Dallas to Houston FEIS (2020 FEIS) as “final conceptual engineering.” The Dallas HSR station location (horizontal, vertical, and orientation)¹ through final conceptual engineering is established in the 2020 FEIS. The Final Conceptual Engineering Report, included in Appendix F of the FEIS, states the following:

“This Final Conceptual Engineering Report (FCE) documents the key requirements, considerations, design criteria, and approaches that formed the basis of the Project Final Conceptual Engineering (FCE) design that was provided to the FRA study team for environmental analysis to be documented in the Final Environmental Impact Statement, the FEIS. The FCE documents the design at a point in time, November 28, 2018, and provides the “project definition” upon which the environmental analyses are based. Design for the Project would continue to evolve based on the results of ongoing environmental and engineering surveys, utilities investigations, permitting requirements, stakeholder engagement, and constructability reviews, and would likely be refined in response to the findings of the environmental analyses. This report is a companion document to the Final Conceptual Engineering Plans and Details, which define the physical Limit of Disturbance (LOD) or “Project Footprint” and conceptual details for infrastructure configuration, systems, and facilities for the proposed Project construction.”

Unless and until these design parameters change, NCTCOG must incorporate these elements including station height, in its environmental analysis of the Dallas to Fort Worth High-Speed Rail project.

¹ The Final Conceptual Engineering Report that “[t]he station’s tracks would be elevated approximately 73ft (22.3m) above grade, extending over Cadiz Street. The profile elevation at the Dallas Terminal [Dallas HSR Station] was developed to not preclude a possible extension to Fort Worth.” Dallas to Houston High-Speed Rail FEIS, Appendix F, page 97.

Your letter also characterizes the 2020 FEIS approved by the Federal Railroad Administration (FRA) for the Dallas to Houston High-Speed Rail (HSR) project as "dated", "outmoded" and "disassociated." The 2020 Dallas to Houston FEIS is the environmental document of record unless it is refreshed, superseded, or rescinded.

Amtrak Senior Vice President of High-Speed Rail, Andy Byford, stated in a briefing to the Dallas City Council at their March 6, 2024 meeting that, "I think if it sounds like a small matter, but if we were to, if suddenly the question is, should we reopen the [FEIS], the whole question of whether the high speed station should be where it is proposed with all the permits we've got, the ROD [Record of Decision] that's in place, the environmental assessments that have been done, that to me is a massive reopening. And we'll put the entire project at risk. Certainly, in terms of time, timescale, it will put the project back. Putting the timescale back without question adds exponentially to cost and therefore would bring the whole business case into severe question." (Meeting Link/Reference: [Mar 06, 2024 Council Briefing - Dallas, TX](#); Briefing C: Discussion of Major Downtown Transportation Initiatives: Eddie Bernice Johnson Union Station, High-Speed Rail, and Streetcar Expansion, Minutes 2:49:40-2:50:16).

Based on NCTCOG's coordination with Amtrak and Texas Central, we understand that there is no intention to change the horizontal, vertical, and orientation components of the proposed Dallas HSR station, as set by the final conceptual engineering completed in the 2020 Dallas to Houston FEIS. If you learn of any intention of FRA or Amtrak to change these design parameters, please advise. Otherwise, the final conceptual design (horizontal, vertical, and orientation) parameters will continue to be the basis for the proposed Dallas to Fort Worth HSR connection to the west.

Your letter asserts that Alignment 2B would harm and damage Reunion development as the potential for new development adjacent to the new Kay Bailey Hutchison Convention Center. Throughout the environmental analysis NCTCOG has not only looked for ways to avoid, minimize and mitigate any potential environmental and social impacts, but also to *enhance* social and economic opportunities near the proposed alignment. Currently the at-grade Rail District separates the land uses on the east and west sides of the existing rail lines, hindering pedestrian movement which is not allowed at-grade. As an enhancement, we offered to include direct pedestrian access between the proposed high speed rail station, the new Kay Bailey Hutchison Convention Center, Union Station, the Hyatt Regency, *and* the proposed Reunion development through climate-controlled passageways. These passageways would provide access for all of these developments in ways that do not exist today, which is a proposed "enhancement" currently under review.

Your letter asserts that NCTCOG's continued action involving Alignment 2B is in "defiance and disregard" of the City of Dallas Council resolution passed on June 12, 2024. This is not correct. The Council resolution, which is attached for your convenience, provides that "at this time" the Council does not support new above ground passenger rail lines (i.e., high speed rail), in and around downtown. The Council committed to revisit the proposed Dallas to Fort Worth high-speed rail discussion after receiving and considering the economic impact study requested by the City Council in March 2024. NCTCOG understands the study is underway and will be considered by the Dallas Council in due time. Recall that City of Dallas representatives on the

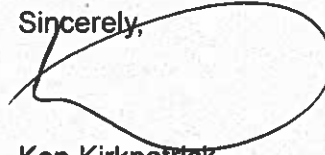
Mr. Eric Gambrell
Page Three

December 31, 2024

Regional Transportation Council supported the direction to RTC staff to leave both the East and West alignment options open until Dallas considers the economic impact study.

Your letter reasserts your previous position that Alignment 2B is legally precluded by the 1975 Master Agreement between the City of Dallas and Hunt-related entities. For the reasons set forth in my response to you on November 4, 2024, this is not correct.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Kirkpatrick", enclosed within a large, hand-drawn oval shape.

Ken Kirkpatrick
General Counsel

KK:tmb
Attachments

cc: Andy Byford, Amtrak Senior Vice President of High-Speed Rail Development Programs

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

October 22, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: "Preliminary" design, dimensions (including height) and location of a possible future Dallas station

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to memorialize that on September 9, 2024, Brendon Wheeler, as an authorized representative of the North Central Texas Council of Governments ("NCTCOG"), conceded that "plans" for a possible future Dallas high-speed rail station, which includes design, dimensions (including height) and location, are at "about 30 percent design phase," which NCTCOG fully understands to be merely "preliminary" and *not* final.

The NCTCOG has unfortunately previously made certain various contravening and misdirecting representations, supposedly relying on a now nearly five (5) year old environmental impact statement¹ that included discussion and "illustrat[ions]" regarding a possible future Dallas high-speed rail station. Initially, the topic of that now dated document is not even possible future higher-speed rail between Dallas, the Arlington Entertainment District and Fort Worth.

The NCTCOG is actually aware that this disassociated environmental impact statement expressly and repeatedly states that the design, dimensions (including height) and location of a possible future Dallas station are not "final." That outmoded document specifically states that, for example, "final dimensions" cannot be "determined" without (and are subject to) future and "more detailed" "planning and design," which would require "[c]oordination with the City of Dallas, DART, local agencies, project stakeholders, and applicable regulatory bodies." Bluntly, there has been no approval of any final location, dimensions (height) or design of any possible future Dallas station.

¹ The limited purpose of this letter does not extend responding to those various representations or to the multiple legal and factual issues surrounding the referenced environmental impact statement, which may be raised in future communications.

Ken Kirkpatrick
General Counsel
October 22, 2024
Page 2

As the lawyer for the NCTCOG, please advise representatives and employees of NCTCOG, including Messrs. Morris and Wheeler, to refrain from representing that the location, design or dimensions (including height) of a Dallas station are final, much less finally approved. Moreover, while yesterday's preservation of documents demand certainly covered the subject matter of this letter, please ensure that NCTCOG preserves and does not spoliage any documents or information related to the statements by Mr. Wheeler regarding the mere precursory nature of any possible future dimensions (including height), design and/or location of any possible future Dallas station.

The so-called "Alignment 2(b)" would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas' new \$3 billion Kay Bailey Hutchison Convention Center.

"Alignment 2(b)," would contravene and interfere with the City's and Hunt's legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG's continued action involving the so-called "Alignment 2(b)" is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please courteously and professionally confirm your receipt of this letter as well as compliance with its requests and demands.

Sincerely,



Eric Gambrell

240876
COUNCIL CHAMBER

June 12, 2024

WHEREAS, in February 2021, the city began development of a master plan for expansion of the Kay Bailey Hutchison Convention Center; and

WHEREAS, on November 8, 2022, Dallas voters approved a new two percent hotel occupancy tax to fund expansion of the Kay Bailey Hutchison Convention Center and improvement of certain facilities within Fair Park; and

WHEREAS, planned improvements at Fair Park following the November 8, 2022 election include renovations to Cotton Bowl Stadium and Fair Park Music Hall; and

WHEREAS, the city is currently examining expansion of the city's streetcar system including a connection to the M-Line Trolley and future connections to Fair Park, the Dallas Zoo, Deep Ellum, Trinity Groves, and Lower Greenville; and

WHEREAS, on April 10, 2024, City Council adopted a historic and cultural preservation plan to broaden the role of the city's historical and cultural preservation efforts beyond the historic preservation program within the Department of Planning and Urban Design;

WHEREAS, on March 6, 2024, City Council was briefed on major downtown transportation initiatives including the Eddie Bernice Johnson Union Station, high-speed rail, and expansion of the streetcar system; and

WHEREAS, City Council requested an economic impact study on the impacts of the Dallas to Fort Worth high speed rail alignment following the March 6, 2024 briefing; and

WHEREAS, for purposes of this resolution, the Central Business District is the area defined by Section 28-114.11 of the Dallas City Code.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That, at this time, except for streetcar expansion projects currently under consideration, City Council does not support construction of new aboveground passenger rail lines through the Central Business District, Uptown, and Victory Park areas.

240876

SECTION 2. That many large projects are underway in the city and, except for streetcar expansion projects currently under consideration, City Council is prioritizing redevelopment of the Kay Bailey Hutchison Convention Center and the needs of Fair Park and other historically significant parks and residential neighborhoods ahead of construction of new aboveground passenger rail lines through the Central Business District, Uptown, and Victory Park areas.

SECTION 3. That City Council commits to revisit the proposed Dallas to Fort Worth high speed rail discussion after it receives and considers the economic impact study requested by City Council at the March 6, 2024 City Council briefing.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.





North Central Texas Council Of Governments

January 2, 2025

Mr. Eric Gambrell
Akin, Gump, Strauss, Hauer & Feld, LLP
2300 N. Field Street, Suite 1800
Dallas, Texas 75201

Dear Mr. Gambrell:

This letter is in response to your October 28, 2024, correspondence, which is attached.

Your letter asserts that actions of the North Central Texas Council of Governments (NCTCOG) staff, specifically Michael Morris, exceeded the authority granted to NCTCOG under Chapter 391 of the Texas Local Government Code. Although the provision in state law you cited regarding NCTCOG's general authority to make plans and recommendations is accurate, it has no bearing on NCTCOG and the Regional Transportation Council's (RTC) federal responsibilities under 23 United States Code, Section 134, as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth metropolitan area.

The legal authority question you raised is related to the RTC's responsibilities under federal law as the MPO Policy body, not NCTCOG's general authority to conduct plans and studies. Specifically at issue is the RTC's authority to allocate funding. As the MPO Policy Body, the RTC has authority to allocate and approve federal and state transportation funds for specific projects through the Transportation Improvement Program (TIP), consistent with the RTC's long-range transportation plan (currently, Mobility 2045) as required by federal law. The RTC considers funding recommendations from staff, but ultimately, RTC has the final decision-making authority in carrying out its federal responsibilities, including the approval of funding for specific projects, no different than local government staff recommendations made at city council and commissioners' courts meetings.

Your letter references statements made by Michael Morris at the January 11, 2024, RTC meeting notifying the RTC that certain projects contemplated by NCTCOG/RTC and City of Dallas staff were "on hold" pending resolution of other policy issues related to high-speed rail. No RTC approved or funded projects were "put on hold" but rather Michael Morris requested City of Dallas projects be approved by the City before RTC action. Such projects and funding details had not previously been approved or endorsed by the Dallas City Council.

These issues were discussed in several meetings before the RTC took action on February 8, 2024¹, including presentation at public meetings in January 2024 leading up to the final RTC

¹ At the February 8, 2024, RTC meeting, there were varying positions of the City of Dallas RTC members on whether to delay RTC action another 30 days or proceed with RTC approval. Omar Narvaez, the Chair of the City of Dallas Transportation and Infrastructure Committee, indicated that such project still needed Dallas Council approval.

January 2, 2025

action. The action included nine projects in Dallas, of which six included a contingency statement. Upon RTC approval of the projects, staff continued coordination with City of Dallas staff and leadership to resolve outstanding issues associated with these particular projects. As the outstanding issues were resolved, the projects were added to the region's transportation funding document, the TIP. On June 13, 2024, the RTC took action to add all six projects to the TIP without any contingency statement.

Your letter characterizes the "one-seat ride" policy as Michael Morris' "personal one-seat ride concept and his individualized preferences for" the Dallas High-Speed rail station. The RTC first approved the one-seat ride policy on March 10, 2016, as part the RTC's long-range plan, Mobility 2040, and it has been reaffirmed numerous times by the RTC in subsequent Mobility Plans and RTC policies concerning high-speed rail. The characterization of the RTC one-seat ride policy as a "personal" policy is incorrect. You may not agree with the policy, but it is a policy of the RTC, and until changed by the RTC, staff will continue to advocate for it.

Your letter reasserts that Alignment 2B would harm and damage Reunion development as the potential for new development adjacent to the new Kay Bailey Hutchison Convention Center. My December 31, 2024, letter responds to this issue and outlines a proposed "enhancement" currently under review.

Your letter reasserts that NCTCOG's continued action involving Alignment 2B is in "defiance and disregard" of the City of Dallas Council resolution passed on June 12, 2024. For the reasons set forth in my response to you on December 31, 2024, this is not correct.

Your letter reasserts that Alignment 2B is legally precluded by the 1975 Master Agreement between the City of Dallas and Hunt-related entities. For the reasons set forth in my response to you on November 4, 2024, this is not correct.

Sincerely,



Ken Kirkpatrick
General Counsel

KK:bw
Attachment

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

October 28, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

*Re: Improperly "Holding" of Important Public Projects for the City of Dallas to Pressure
Votes by the Dallas City Council on an Unrelated Matter under Color of Law*

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The purpose of this letter is to memorialize and detail a particular specific instance of extremely troubling comportment by Michael Morris, while purporting to act under the color of law as an authorized representative of the North Central Texas Council of Governments ("NCTCOG"), a public entity created pursuant to Tex. Loc. Gov't Code § 391.001, *et seq.*¹

Mr. Morris, under the imprimatur of an agent and public employee of a governmental entity, stated on January 11, 2024 that he was intentionally putting on hold multiple important public transportation projects located in the City of Dallas as a means by which to pressure and force the Dallas City Council to vote in favor of his own imagined visions for possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth (specifically including his personal "one-seat ride" concept and his individualized preferences for the dimensions, design and location of a rail station to be located in the City of Dallas).

These public transportation projects put "on hold" by Mr. Morris – *which Mr. Morris readily conceded are "key" to the City of Dallas* – are inarguably completely unrelated to possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth.

Mr. Morris expressly and abusively threatened to continue to put "on hold" these important infrastructure projects – all located in the City of Dallas – unless and until the Dallas City Council voted the way *he* wanted it to vote on this completely different matter (*i.e.*, higher-speed

¹ The scope of this letter does not extend to numerous other concerns, including relating to actions by the NCTCOG and its representatives, which may be included in future correspondence.

Ken Kirkpatrick
General Counsel
October 28, 2024
Page 2

rail connection between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth). He also, as means to obtain a collateral advantage, breached and defied his and NCTCOG's affirmative duties regarding these admittedly important infrastructure projects which Mr. Morris put "on hold."

The excerpted quotes of Mr. Morris' publicly recorded threats speak for themselves:

"I do need to report to you we have been working for close to a year on five or six key City of Dallas items I have them on hold. I can't proceed with these items we've been dealing with for a year or so at the same time we are dealing with other policy issues with regard to high-rail interests. So, I hope to resolve the high-speed rail issues as quickly as possible, permit the Dallas projects to go through public meeting and then un-hold them"

– January 11, 2024 Regional Transportation Council Meeting.

Mr. Morris' conduct is facially improper. Mr. Morris' actions also exceeded the authority granted to the NCTCOG under Tex. Loc. Gov't Code § 391.001, *et seq.* As an example, Tex. Loc. Gov't Code § 391.004 affords the NCTCOG certain jurisdiction to make recommendations to governmental units, but reserves for governmental units the right to either accept or reject those recommendations in whole or in part. *Id.* Mr. Morris is not an elected member of the City Council of the City of Dallas and has no right to use his publicly-funded, non-elected, position to attempt to usurp the will of that body, through threats of punitive retaliation or otherwise.

Unfortunately, these actions have demonstrated misconduct by Morris/NCTCOG as part of a larger pattern of what has been publicly characterized by a number of others as attempted "fear-mongering" and "bullying" of public officials, including through his "ultimatums."

As the chief lawyer and officer of the NCTCOG, you realize that it is your responsibility to immediately instruct Mr. Morris and others at the NCTCOG to refrain from committing *ultra vires* acts, including without limitation these types of pressure tactics and threats under color of law, and implement measures to forestall this misfeasance in the future. Please courteously confirm in detail your acknowledgment and remediation of this problem.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called "Alignment 2(b)" would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas' new \$3 billion Kay Bailey Hutchison Convention Center.

"Alignment 2(b)," would contravene and interfere with the City's and Hunt's legal and lawful rights under their Reunion Master Agreement – in place since 1975.

Ken Kirkpatrick
General Counsel
October 28, 2024
Page 3

NCTCOG's continued action involving the so-called "Alignment 2(b)" is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell



North Central Texas Council Of Governments

January 2, 2025

Mr. Eric Gambrell
Akin, Gump, Strauss, Hauer & Feld, LLP
2300 N. Field Street, Suite 1800
Dallas, Texas 75201

Dear Mr. Gambrell:

This letter is in response to your November 4, 2024, correspondence, which is attached.

Attached is the relevant page of the DFW High-Speed Update, 2024 Newsletter that your letter references so that it can be read in its full context. The statement of "imagine thousands of students who could conveniently make day trips between Fort Worth and College Station on high-speed rail to pursue higher education" is not a claim or estimate of daily trips between the two Texas A&M University campuses. Nor has this been used to support any requirement within the National Environmental Policy Act process for the Dallas to Fort Worth high-speed rail Environmental Assessment.

The discussion on Texas A&M students is to address questions that the project team receives on the utility and potential markets for ridership of the high-speed rail service between the different station locations. Quoted figures and statements from Sandy Wesch, P.E., AICP, and other project team staff are not used in this context to support any ridership projections or to fully quantify overall travel demand. The statement points out just another possible benefit over the long life (50+ years) of this high-speed rail system if it is constructed and put into service, connecting the dots of possible uses given the proximity of the university campus locations in College Station and downtown Fort Worth with the proposed nearby high-speed rail stations.

It is clear to the Texas A&M team building the Fort Worth campus that a "one-seat ride" to the station near the Texas A&M campus will not only benefit the travel of students as indicated in the Newsletter, but also the hiring of faculty living in the Houston or the Dallas-Fort Worth markets and teaching at College Station.

Your letter reasserts that Alignment 2B would harm and damage Reunion development as the potential for new development adjacent to the new Kay Bailey Hutchison Convention Center. My December 31, 2024, letter responds to this issue and outlines a proposed "enhancement" currently under review.

Your letter reasserts that NCTCOG's continued action involving Alignment 2B is in "defiance and disregard" of the City of Dallas Council resolution passed on June 12, 2024. For the reasons set forth in my response to you on December 31, 2024, this is not correct.

Mr. Eric Gambrell
Page Two

January 2, 2025

Your letter reasserts that Alignment 2B is legally precluded by the 1975 Master Agreement between the City of Dallas and Hunt-related entities. For the reasons set forth in my response to you on November 4, 2024, this is not correct.

Sincerely,

A handwritten signature in black ink, appearing to be 'K Kirkpatrick', written over a horizontal line.

Ken Kirkpatrick
General Counsel

KK:bw
Attachments

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

November 4, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG Newsletter – Intentionally Misleading Misinformation

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The North Central Texas Council of Governments ("NCTCOG") published and continues to publicize its *DFW High-Speed Update 2024 Newsletter* (the "Newsletter"). The purpose of this letter is to memorialize and detail one of the misleading misstatements made by NCTCOG in Issue No. 1 of the Newsletter, which it (mis)uses as one of its principal highlighted arguments in the NCTCOG's aggressive advocacy for possible future higher-speed rail between Dallas, the Arlington Entertainment District and Fort Worth.¹

According to NCTCOG representative Sandy Wesch,² "*thousands*" of Texas A&M University students will supposedly "conveniently make day trips between Fort Worth and College Station on high-speed rail to pursue higher education." (Newsletter, Issue No. 1 p. 6). The NCTCOG, when the representation in the Newsletter was published and at all times thereafter, had actual knowledge that this assertion was objectively baseless and categorically untrue.

Under this fictitious claim, these imaginary "thousands" of students admitted to take classes at Texas A&M University's College Station campus would supposedly leave their Fort Worth homes, get in their cars and drive to the possible future Fort Worth underground rail station and, after arriving there, would find parking places and pay for parking (alternatively, they could get from their homes to a bus station, and purchase bus tickets to the underground rail station). Once there, the "thousands" of students would purchase tickets on the yet-to-be-built high-speed train

¹ The scope of this letter does not extend to a discussion of any other misrepresentations, which may be included in future correspondence.

² While NCTCOG represents that Ms. Wesch is a "Project Engineer," in actuality, she retired from NCTCOG years ago but has been party to various personal services contracts involving hundreds of thousands of dollars (separate from NCTCOG retirement benefits).

Ken Kirkpatrick
General Counsel
November 4, 2024
Page 2

to College Station, board the train, ride to Grimes County, get off the train, wait for (and buy additional tickets for) a third vehicle to take the “thousands” of students 26 miles to the College Station campus. Once there, the “thousands” of students would either walk or find other transportation to their classes somewhere on the 5,000-acre campus. Then, after a day of classes, the “thousands” of students would, supposedly, turn around and repeat this complicated and expensive process as they returned to their homes in Fort Worth.

This is the opposite of what the NCTCOG represented as “convenient” for students at Texas A&M University-College Station to get to and from their homes in Fort Worth.

Of interest, this hypothetical journey would take longer than simply driving to College Station, requiring a six-hour round-trip commute (further, the monthly cost of tickets for the imaginary “thousands” of students would be greater than the cost of rent should they elect to stay in an apartment in College Station).

This groundless assertion is further logically nonsensical in that the NCTCOG states it is wholly based on the Texas A&M System’s Fort Worth plans for a classroom building primarily for its graduate school level law school and state court facilities, and a separate research facility that would house multiple state agencies. Of course, there is no explanation as to how that development could have any impact or connection in spurring “thousands” of students to spend most of their day commuting *away* from Fort Worth to *not* be in the Texas A&M-Fort Worth classroom building.

This NCTCOG representation is an intentional abuse of the public trust by representatives of a governmental entity created under the laws of the State of Texas. This misleading assertion, the opposite of required legitimate “public outreach,” was intended as a politically-based public relations campaign by NCTCOG.

This false representation constitutes one more violation of the National Environmental Policy Act. It is the opposite of fostering a “transparent process[.]” “transparency” or providing “accurate information” that the NCTCOG has publicly represented is required (*e.g.*, NCTCOG Mobility 2045 Update, pp. 3-39, 3-43). This misfeasance has polluted the NEPA process, legally precluding its efficacy and legitimacy, and any possible future approvals.³

I would respectfully request that you provide to me, by no later than November 6, (1) confirmation that the NCTCOG has removed the Newsletter from the NCTCOG website and is no longer publishing the Newsletter due to its misinformation, (2) confirmation that the NCTCOG has issued a public statement specifying that the Newsletter contained false and misleading information, (3) confirmation that the NCTCOG had no basis in fact to make this false representation, (4) any studies, analyses, or data that NCTCOG is relying upon to support

³ The scope of this letter does not extend to related legal deficiencies, which may be the subject of future correspondence.

Ken Kirkpatrick
General Counsel
November 4, 2024
Page 3

these misleading and false assertions, (5) all communications relating to these false representations, including without limitation all internal communications as well as interviews of any of those “thousands” of Texas A&M University-College Station students who live with their parents in the city of Fort Worth who allegedly stated their intent/desire to take high-speed rail to College Station, and (6) the alleged qualifications and due diligence of Sandra Wesch with respect to making these false representations in the Newsletter.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell - Texas A&M ‘88



High-speed rail delivers state-of-the-art education.

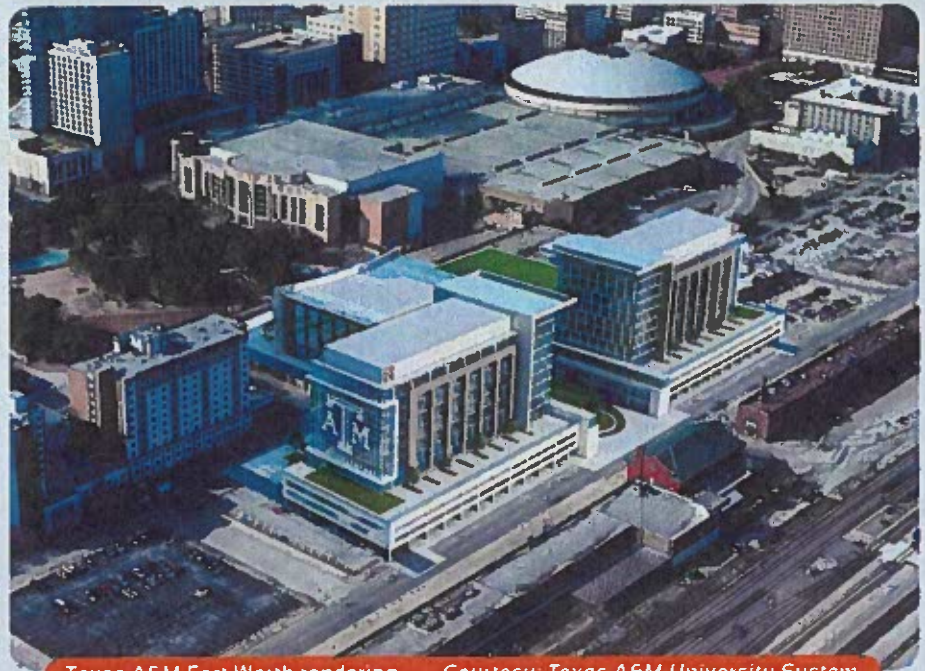
A&M campus under construction in Fort Worth.

Texas A&M University (TAMU) in College Station is the largest university campus in Texas, boasting a student population of nearly 75,000 students. Now its focus is on Fort Worth and the growing metropolitan area.

TAMU broke ground on the eight-story, \$150 million Law and Education Building last year, and the satellite campus will soon begin construction on a Research and Innovation Center and Gateway Conference Center.

"Hundreds of miles apart, talent pools in Dallas-Fort Worth and College Station require lengthy car rides or logistically awkward flights between campuses," pointed out Sandy Wesch, P.E., AICP, NCTCOG Project Engineer and TAMU former student, class of 1987.

Just down the street from the satellite campus is the Fort Worth Central Station area with access to the high-speed rail line.



Texas A&M Fort Worth rendering Courtesy: Texas A&M University System

Students, faculty, and visitors will be able to conveniently hop on high-speed rail and head south to Grimes County, the midpoint station in the Dallas to Houston high-speed rail project. After getting off in Grimes County, passengers will quickly access other transportation modes connecting them to College Station and the primary TAMU campus.

"Imagine the thousands of students who could conveniently make day trips between Fort Worth and College Station on high-speed rail to pursue higher education," continued Wesch.

"The connection between TAMU campuses is obvious, but this extends to other universities, too. Houston residents could take in-person classes at the University of Texas at Arlington, or Fort Worth residents could take classes at Dallas College or the University of Houston. Options really are endless."

Once built, the TAMU Fort Worth campus will consist of three towers occupying four city blocks. This is part of a multi-billion-dollar investment in the southeast side of downtown Fort Worth, joined by other notable projects such as the ongoing renovation of the Fort Worth Convention Center. (see Convention Centers, pg. 2).



According to an article titled "The Most Deadly Roads in Every Country," released by insurance company Budget Direct at the end of 2021, Interstate 45 ranked as the "deadliest" roadway/highway in America.



North Central Texas Council Of Governments

January 3, 2025

Mr. Eric Gambrell
Akin, Gump, Strauss, Hauer & Feld, LLP
2300 N. Field Street, Suite 1800
Dallas, Texas 75201

Dear Mr. Gambrell:

This letter is in response to your November 11, 2024, correspondence, which is attached.

The limited purpose of this letter is to address the claim that North Central Texas Council of Governments (NCTCOG) staff intentionally omitted and “affirmatively determined to not disclose” to the Federal Transit Administration (FTA) findings related to the Interstate Highway (IH) 30 corridor in the Dallas to Fort Worth Core-Express Study (DFWCES), which was conducted by the Texas Department of Transportation, in coordination with the Federal Railroad Administration (FRA). Your letter asserts that NCTCOG failed to disclose this information by omitting it in the August 25, 2023, letter (attached, without enclosures) to FTA requesting the Class of Action Determination for the Dallas-Fort Worth High-Speed Rail (HSR) project.

Both FTA and FRA were well aware of the results of the DFWCES, including the findings related to IH 30. A summary of the DFWCES, including its findings, were included in NCTCOG's Phase 1 Alternative Analysis Final Report.¹ The Phase I Report was developed in coordination with and under the review of both FTA and FRA. To claim that NCTCOG intentionally omitted this information from FTA is misinformed.

While it is correct that in the early stages of the DFWCES the IH 30 corridor was screened out for a variety of factors, including construction complexity and cost, the study was cut short and a full analysis not completed. As summarized in Appendix B of the Phase 1 Report, in late 2016, the DFWCES Environmental Impact Statement effort was placed on hold due to expiration of project funding. The FRA concluded the project in 2017 with the production of an alternatives analysis report. In early 2020, the FRA rescinded the Notice of Intent to prepare an Environmental Impact Statement.

Due to the incomplete results of the DFWCES study, NCTCOG broadened the alternatives analysis (mode and alignment) in the current Dallas-Fort Worth High-Speed Transportation Connections Study to review all alternatives. NCTCOG documented the alternatives analysis process in the Phase 1 Report which identifies the IH 30 corridor out of 43 end-to-end alternatives to advance into the preliminary engineering and environmental analysis and documentation phase. With regular meetings among NCTCOG, FRA, and FTA since 2020 (often monthly), FRA and FTA are well aware of the Phase 1 screening process and recommendations (HSR generally following the IH 30 corridor).

¹ See attached excerpts from Appendix B, Previous Studies Technical Memorandum, pages 12-14.

Mr. Eric Gambrell
Page Two

January 3, 2025

Your letter reasserts that Alignment 2B would harm and damage Reunion development as the potential for new development adjacent to the new Kay Bailey Hutchison Convention Center. My December 31, 2024, letter responds to this issue and outlines a proposed "enhancement" currently under review.

Your letter reasserts that NCTCOG's continued action involving Alignment 2B is in "defiance and disregard" of the City of Dallas Council resolution passed on June 12, 2024. For the reasons set forth in my response to you on December 31, 2024, this is not correct.

Your letter reasserts that Alignment 2B is legally precluded by the 1975 Master Agreement between the City of Dallas and Hunt-related entities. For the reasons set forth in my response to you on November 4, 2024, this is not correct.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Kirkpatrick", written over a horizontal line.

Ken Kirkpatrick
General Counsel

KK:bw
Attachments

Akin Gump Strauss Mauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

November 11, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: *NCTCOG Material Omission in Official Government Request: I-30
Corridor/"2(b)" Alignment Rejected by the Federal Railroad Administration*

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to raise to your attention what appears to be an intentional material omission in the August 25, 2023 letter (the "NCTCOG FTA Letter") from Michael Morris, on behalf of the North Central Texas Council of Governments (the "NCTCOG"), to the Federal Transit Administration (the "FTA").¹

The NCTCOG FTA Letter was relied upon by the FTA, proximately causing and resulting in official action by that government agency, including as part of the FTA's March 4, 2024 National Environmental Policy Act ("NEPA") Class of Action Determination.

Amongst other things, the NCTCOG FTA Letter promoted and proposed an alignment that the NCTCOG has collaterally referred to as the "2(b)" alignment, which incorporates an Interstate Highway 30 corridor (the "I-30 Corridor") route for future possible higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth. As NCTCOG will readily concede, any fatal flaws or other disqualifying factors or negative impacts associated with the I-30 Corridor route would axiomatically constitute fatal flaws and disqualifying factors and negative impacts regarding alignment "2(b)."

¹ The subject matter of this letter does not extend to discussion of other deficiencies and/or misstatements in the NCTCOG FTA Letter (or otherwise), which may be raised in future correspondence.

Ken Kirkpatrick
General Counsel
November 11, 2024
Page 2

NCTCOG, in sending the NCTCOG FTA Letter, affirmatively determined to not disclose to the FTA, in seeking official government action, the findings in the *final* report commissioned by the Federal Railroad Administration (the “FRA”) that the I-30 Corridor alignment has multiple fatal flaws and has already been formally disqualified and determined ineligible as a statutorily or otherwise viable corridor alternative.

More specifically, the Dallas-Fort Worth Core Express Service Alternatives Analysis Final Report requisitioned by and prepared for the FRA (the “I-30 Fatal Flaw Report”) analyzed multiple possible corridors for possible future higher-speed rail between the City of Dallas, the City of Arlington and the City of Fort Worth. The I-30 Fatal Flaw Report summarily and categorically ruled out the I-30 Corridor – and necessarily thereby, the “2(b)” alignment which incorporates the I-30 Corridor route – concluding, as quoted *verbatim* below:

“The results from the analysis of the three study corridors evaluated in the Step 1 Fatal Flaw Review show that the I-30 Corridor possesses considerable obstacles to implementation, including having the greatest engineering challenges, the highest design and construction complexity and construction risks, and the highest capital cost. For these reasons, the I-30 Corridor was dropped from further consideration and did not proceed into the Step 2 Refined Screening.”

The I-30 Fatal Flaw Report continued on to further excoriatingly criticize the I-30 Corridor alignment. As quoted examples, the Fatal Flaw Report refers to the I-30 Corridor route as “present[ing] the most challenges” and “most complexity,” not providing “sufficient room to accommodate a rail alignment,” “especially constrained,” “run[ing] through a heavily urbanized area with dense development adjacent to the existing right-of-way, severely limiting further expansion of the highway . . .,” requiring “[i]nfrastructure costs alone . . . [that] are almost double [other alternatives]. . .,” and having the “lowest ranked financially viable criterion.”

As a result of this long list of officially adjudged fatal flaws, the I-30 Corridor alignment was determined to be unfit – in fact, it was so fundamentally and fatally flawed, it could not even move past the preliminary Step 1 process before being disqualified as a possible alternative. Again, because alignment “2(b)” incorporates the I-30 Corridor route, the finding and conclusion by the FRA that the I-30 Corridor route is fatally flawed and disqualified incontrovertibly requires a finding and conclusion that alignment “2(b)” is likewise fatally flawed and disqualified.

Making this matter and other related actions by the NCTCOG even worse, the I-30 Fatal Flaw Report specifically mentions that it was done “in coordination with . . . NCTCOG” Notwithstanding this participation in what ultimately resulted in a flat and final rejection of the I-30 Corridor alignment, NCTCOG purposely and aggressively pushed for that very route in the

Ken Kirkpatrick
General Counsel
November 11, 2024
Page 3

NCTCOG FTA Letter – never once revealing to the FTA the conclusive I-30 Fatal Flaw Report or the long list of negative preclusions and disqualifiers articulated in that official report.

It is the NCTCOG’s responsibility – and specifically one of your particular duties as the general counsel of a governmental entity – to take all remedial actions to rectify this intentional material omission.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell



The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

August 25, 2023

Mr. David Bartels
Director of Planning and Program Development
Federal Transit Administration, Region VI
819 Taylor Street, Room 14AO2
Fort Worth, TX 76102

Dear Mr. Bartels:

RE: Request for Class of Action Determination for the Dallas-Fort Worth High-Speed Transportation Connections Project in Fort Worth, Arlington, Grand Prairie, and Dallas in Tarrant and Dallas Counties, Texas

The North Central Texas Council of Governments (NCTCOG) in Arlington, Texas would like to initiate the environmental review process for the Dallas-Fort Worth High-Speed Transportation Connections Project (the Project), in compliance with the National Environmental Policy Act (NEPA), its implementing regulations, and related environmental requirements. The Federal Transit Administration (FTA) would serve as the lead federal agency. NCTCOG would serve as the local project sponsor and joint lead agency. This letter is to request a determination by FTA on the NEPA Class of Action for the Project.

The Project is a new, exclusive double-tracked guideway for high-speed rail from downtown Fort Worth to downtown Dallas, a distance of approximately 31 miles. The horizontal alignment generally follows Interstate Highway (IH) 30 right-of-way through Tarrant and Dallas counties (see Enclosure 1). The Project would begin at an underground station in downtown Fort Worth immediately west of the existing Fort Worth Central Station. The alignment would head south and turn east under the IH 35W/IH 30 interchange and align with IH 30 to emerge from the tunnel east of Beach Street. The alignment would continue within the IH 30 right-of-way between Beach Street and Cooper Street, then descend into a tunnel near Center Street. The alignment would continue underground under the IH 30/State Highway (SH) 360 and IH 30/President George Bush Turnpike (PGBT) interchanges. After crossing under IH 30/PGBT interchange, the alignment would emerge from the tunnel on the south side IH 30, west of Belt Line Road. The alignment would be elevated over Belt Line Road and cross over to the north side of IH 30, west of Loop 12. At Hampton Road, the Project would turn to the northeast to align with Main Street. After crossing the Trinity River and IH 35E, the guideway would turn south and follow Hyatt Regency Hotel Drive/Hotel Street and connect to the proposed elevated Dallas high-speed rail station.

August 25, 2023

As proposed, the Project includes the construction of two stations; one in downtown Fort Worth and another near AT&T Way in Arlington; both of these platforms would be underground. On the east end (in Dallas), the Project would connect to the proposed platform/station to be built as part of the Dallas to Houston High-Speed Rail line, which received a Record of Decision from the Federal Railroad Administration in September 2020.

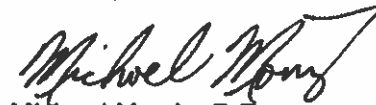
Additionally, a maintenance facility will be required. Several candidate locations have been identified and will require further study (see Enclosure 1). The locations of other ancillary facilities, such as traction-powered substations and necessary fire/life/safety requirements, will be addressed during the development of preliminary engineering.

The Project alignment and mode are the result of an alternative analysis conducted between April 2020 and July 2021. On July 8, 2021, the Regional Transportation Council (RTC), the independent transportation policy body of NCTCOG that oversees the metropolitan transportation planning process as the Metropolitan Planning Organization for the Dallas-Fort Worth region, approved the recommendation of IH 30 as the alignment. Subsequently, on February 10, 2022, the RTC approved high-speed rail as the mode for the Project. The Project is included in Mobility 2045 – 2022 Update (see Enclosure 2). The final report documenting the alternative analysis is available on the Project website at: www.nctcog.org/dfw-hstcs under the "Project Information" tab.

The purpose and need for the Dallas-Fort Worth High-Speed Transportation Connections Project is to create high-speed passenger rail service connecting downtown Dallas and downtown Fort Worth with other high-speed rail service to improve mobility and create more high-speed travel choices in the metropolitan area, as well as the State of Texas. Enclosure 3 is a draft purpose and need statement for the Project.

While the Project would be predominantly within existing public rights-of-way, the Project would have potential environmental effects to the built and natural environs. Enclosure 4 is a table outlining environmental considerations (e.g., potentially affected resources, effects, mitigation). While some environmental resources would be affected, an initial assessment by NCTCOG indicates potential negative impacts associated with the Project are not expected to be significant and/or can be mitigated. As such, NCTCOG believes an Environmental Assessment would be the appropriate class of Action under NEPA.

Sincerely,



Michael Morris, P.E.
Director of Transportation

SW:cmg

Enclosures:

1. Location Map
2. Mobility 2045 – 2022 Update references
3. Draft Purpose and Need Statement
4. Summary of Potential Environmental Effects



Review of Plans and Previous Studies Technical Memorandum

**Dallas-Fort Worth High-Speed
Transportation Connections Study**

December 2020



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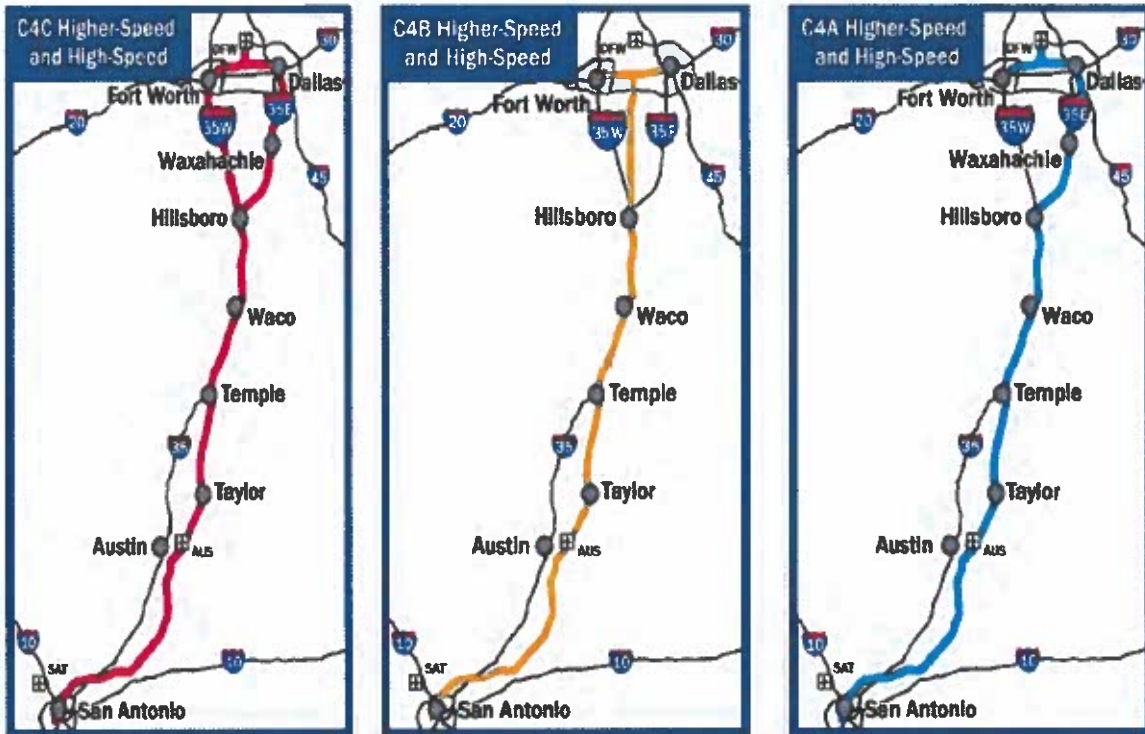
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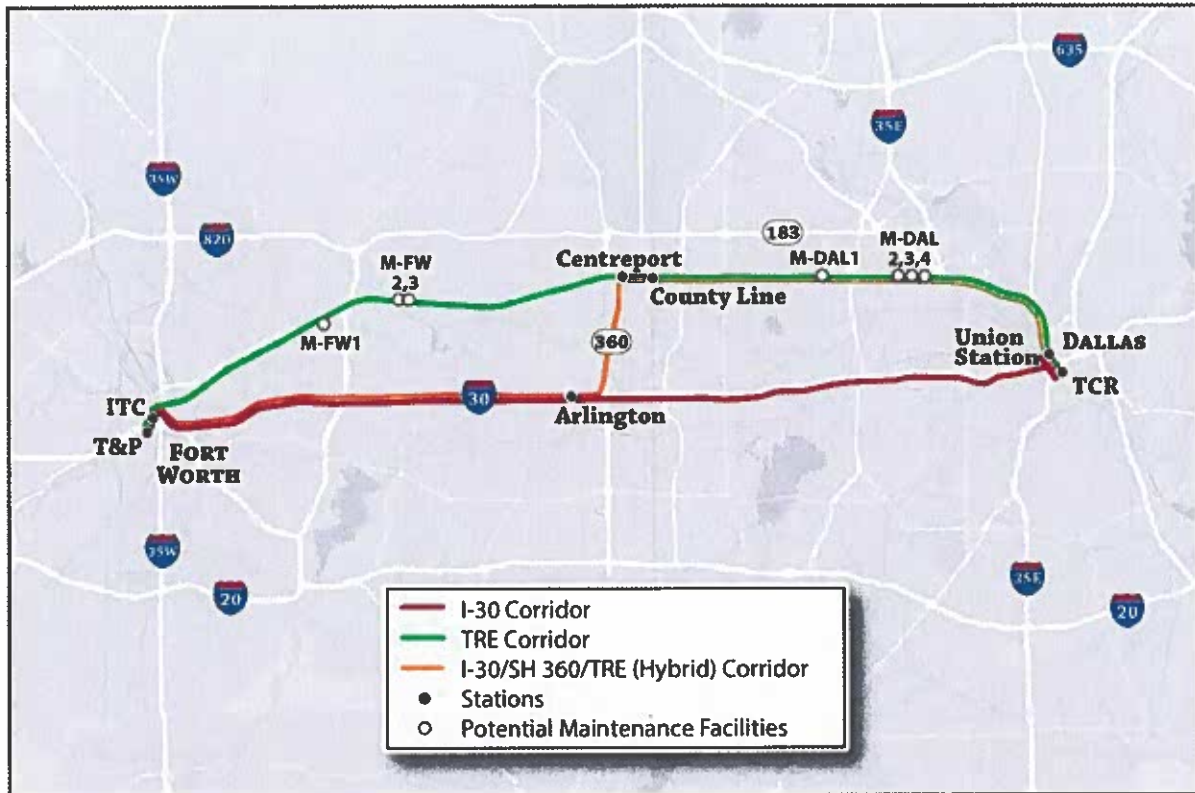
Source: TOPRS Final EIS, June 2017

4.3 DALLAS-FORT WORTH CORE EXPRESS SERVICE

In 2014, TxDOT, in coordination with the FRA, began the process of preparing an environmental study to examine the feasibility of a faster, limited-stop passenger rail service to connect Dallas and Fort Worth to possible future high-speed rail lines being planned. The project was known as the Dallas-Fort Worth Core Express Service or DFWCES. A Notice of Intent to prepare an EIS was published in the *Federal Register* on September 5, 2014.

The DFWCES studied the two corridors between Dallas and Fort Worth (I-30, TRE) as identified during TOPRS (see Section 4.2). Based on input from NCTCOG, a third corridor combining alignment portions of I-30 from Fort Worth to SH 360 and the TRE from SH 360 to Dallas was added for consideration in early 2015. Figure 8 shows the corridors. Three operating speeds were considered for each of the corridors: 90 mph, 125 mph, and 220 mph.

Figure 8. DFWCES Corridors



Source: Figure 3-2, *Dallas-Fort Worth Core Express Service Alternative Analysis Final Report*, 2017

The I-30 corridor best met the draft purpose and need for the study; however, the corridor was determined to be fatally flawed and was eliminated. The alternative analysis determined the I-30 corridor was not consistent with the active planning and construction initiatives of I-30 between SH 360 and downtown Dallas (e.g., I-30 managed lanes, SH 360 interchange). Additionally, the complexity of constructing high-speed passenger rail service within the corridor and impacts on multi-level interchanges in Dallas County [I-30/President George Bush Turnpike (PGBT) and I-30/I-35E] along I-30 would significantly increase the construction cost compared to the other corridor alternatives.

The alternatives analysis recommended two corridors be carried forward for detailed analysis in a future EIS. Both recommended corridors could support train operations at 90 mph and 125 mph, but neither corridor was considered viable for 220 mph service because of the higher costs, corridor lengths, physical constraints, and safety requirements associated with operations at the high speed.

- TRE Corridor
 - Capital cost estimates of \$3.5 billion to \$5.7 billion (2017 dollars) depending on track speed (90 mph or 125 mph) and propulsion technology
 - Better financial viability because of its lower estimated capital cost

Review of Plans and Previous Studies

- I-30/SH 360/TRE (Hybrid) Corridor
 - Capital cost estimates of \$5.3 billion to \$6.7 billion (2017 dollars)
 - Higher projected ridership, by serving Arlington and connecting with other TOPRS services
 - Lower environmental impacts

In late 2016, the DFWCES EIS effort was placed on hold due to expiration of project funding. The FRA concluded the project in 2017 with the production of an alternatives analysis report (<https://www.txdot.gov/inside-txdot/projects/studies/statewide/dfw-core-express.html>). In early 2020, the FRA rescinded the Notice of Intent to prepare an EIS.

4.4 SUPPLEMENTAL ALIGNMENT ALTERNATIVE ANALYSIS FOR DALLAS-FORT WORTH HIGH-SPEED RAIL CORE EXPRESS SERVICE

The purpose of this supplemental alternative alignment analysis was to reexamine alignment alternatives for high-speed rail between Dallas and Fort Worth. The intent was to determine if there were other reasonable alignments that should be reconsidered as part of the DFWCES Draft EIS (see Section 4.3 of this technical memorandum). This study also supported three high-speed rail station planning studies (see Section 5.0 of this technical memorandum).

The study found that although high-speed rail technology has the capability of speeds over 200 mph, it applies to systems that have long reaches of straight, level track and a relatively flat vertical profile. The Dallas to Fort Worth segment is different because the distance between the potential stations (Dallas to Arlington and Arlington to Fort Worth) is approximately 15 miles and the horizontal and vertical alignments would not meet design requirements for 200 mph operations. As a result, the speeds will most likely stay below 125 mph; therefore, the main goal was to provide the alignment that has the least number of curves to promote a faster service.

Eighteen alignments were identified and located in a broad band between Fort Worth and Dallas: the TRE corridor to the north and the IH 20 corridor to the south. The majority of the alignments follow existing transportation corridors, had a lower cost, and were more favorable than establishing a new alignment through areas where there are no roadways or railroads. The study (completed in October 2017) recommended six of the 18 alignment alternatives for further study (see Figure 9).

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com



ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

November 18, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

*Re: NCTCOG Material Omission in Official Government Request: Non-Disclosure of
Certain Significant Adverse Impacts/Fatal Flaws*

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to raise to your attention what appears to be *an additional* intentional material omission in the August 25, 2023 letter (the "NCTCOG FTA Letter") from Michael Morris, on behalf of the North Central Texas Council of Governments (the "NCTCOG"), to the Federal Transit Administration (the "FTA"), which directly led to official action being taken by the FTA. The FTA's consideration and determination would have been influenced by NCTCOG's disclosure of the withheld information.

As stated in my October 9, 2024 letter to NCTCOG (through you, as its counsel), NCTCOG has (and at all relevant times has had) actual knowledge that the so-called alignment "2(b)" is legally barred and could never be approved, including but not limited to because it would unlawfully contravene and interfere with the rights of both the City of Dallas and Hunt under their Master Agreement relating to Reunion, executed April 29, 1975 (the "Master Agreement"). As previously memorialized, NCTCOG has taken official action based on that actual knowledge, thereby formally and publicly affirming the legal enforceability of the Master Agreement.

When NCTCOG finally responded to my October 9, 2024 letter nearly a month later, it unequivocally admitted, among many other things, that the Master Agreement did in fact "implicat[e]" multiple significant adverse "impacts" relevant to any regulatory assessment of alignment "2(b)" under National Environmental Policy Act ("NEPA") statutes and strictures. For emphasis, NCTCOG specifically and bindingly conceded that *one of* the significant negative "impact[s]" that would result from alignment "2(b)" would be the deprivation of legal rights and protections under the Master Agreement.

As you well know, NCTCOG has separately admitted to numerous *other* significant adverse impacts that would occur from alignment "2(b)," foreclosing any possible regulatory approval

Ken Kirkpatrick
General Counsel
November 18, 2024
Page 2

under any circumstance.¹ NCTCOG was also previously provided objective facts, including in my November 11, 2024 letter to NCTCOG, showing NCTCOG's actual knowledge of certain other legally preclusive fatal flaws associated with the statutorily disqualified "2(b)" route.

NCTCOG did not disclose to the FTA the Master Agreement's legal bar to alignment "2(b)." Further, NCTCOG did not disclose numerous other significant adverse impacts that would result from alignment "2(b)."

Beyond those gaping shortfalls, the NCTCOG FTA Letter, including its attachments, was contaminated by misrepresentations and mischaracterizations regarding environmental issues NCTCOG knew would cause significant adverse effects if alignment "2(b)" progressed. NCTCOG actually represented to the FTA that alignment "2(b)" would not "cause significant change in land use," notwithstanding that, even if not otherwise legally precluded, it would forever alter and negatively impact Dallas' Central Business District, including Dallas' new more than \$3 billion Kay Bailey Hutchison Convention Center, Hunt's planned several billion-dollar development in Reunion, and the environmental and economic future of Downtown Dallas.

NCTCOG also *incredibly* claimed that alignment "2(b)" was "not expected to significantly increase noise or vibration levels" – even as that route would have trains careening past historical parks and markers and through Downtown Dallas destroying possible new pedestrian use and walkability and creating massive environmental pollution. NCTCOG even misrepresented that the "2(b)" route "would not separate or divide neighborhoods," a direct affront to neighbors and churches in West Dallas and deceptively deflecting from the fact that this route would totally separate and divide Downtown Dallas neighborhoods – slicing through the middle of the land adjacent to the Kay Bailey Hutchison Convention Center and Hunt's planned Reunion development. The majority of Hunt's Reunion property would be unlawfully isolated and cut off from Dallas' Central Business District. Unfortunately, there are multiple additional examples of mischaracterizations and omissions in the NCTCOG FTA Letter and its exhibits.

On March 4, 2024, the FTA took official action relying upon the representations and undisclosed omissions in the NCTCOG FTA Letter. More specifically, the FTA confirmed that, based on the information (or, as it turns out, the lack of information) in the NCTCOG FTA Letter, it "determine[d] the class of action . . . is an Environmental Assessment" (an "EA") instead of the more rigorous and complex Environmental Impact Statement (an "EIS"). As NCTCOG well understands (and understood when the NCTCOG FTA Letter was sent), an EA is not the proper process for NEPA review given the known and numerous significant adverse impacts.

Even NCTCOG has itself repeatedly conceded that the more rigorous EIS review would be statutorily required for regulatory consideration of possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth (a position

¹ The subject matter of this letter does not extend to a substantive discussion of myriad other significant adverse impacts actually known by NCTCOG, which either have been raised or may be raised in future correspondence.

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General Counsel
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directly inconsistent with NCTCOG's later position in the NCTCOG FTA Letter that an EIS was supposedly not required). For example, in December 2023, NCTCOG twice stated at a publicly recorded meeting of the Regional Transportation Council that, in its own words, an "Economic Impact Study" would be instituted to review possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth.

Moreover, in reporting on the Texas Oklahoma Passenger Rail Study, which it states "seeks to further investigate and develop the Dallas-Fort Worth corridor" for "high-speed passenger rail service," NCTCOG specifically affirmed that an *"Environmental Impact Statement is required."*

NCTCOG has further repeatedly expressly represented to the public that the NEPA review process will take two (2) years. Specifically, NCTCOG has been quoted as stating that this regulatory phase will "last approximately two years." NCTCOG has similarly publicly stated that this process "will last 24 months." Of course, an EA review is a *one* (1) year process, while an EIS is a *two* (2) year process. NCTCOG's own publicly quoted statements conclusively show its own understanding and belief that an EIS is legally required.

Additionally, upon information and belief, the members of the Regional Transportation Council (the "RTC") were also not apprised of the mischaracterizations and material omissions in the NCTCOG FTA Letter. NCTCOG's comportment is the opposite of a "transparent process[]" that NCTCOG concedes is fundamental.

NCTCOG is required to take all action to remediate the situation caused by the NCTCOG FTA Letter and otherwise make full disclosure to the FTA. Please effect your legal responsibilities as the chief legal officer of NCTCOG to do so.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called "Alignment 2(b)" would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas' new \$3 billion Kay Bailey Hutchison Convention Center.

"Alignment 2(b)," would contravene and interfere with the City's and Hunt's legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG's continued action involving the so-called "Alignment 2(b)" is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Ken Kirkpatrick
General Counsel
November 18, 2024
Page 4

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

November 25, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG Material Omission in Official Government Request: City of Arlington's decades of refusal to partner with and pay its fair share for regional transportation precludes Arlington Entertainment District station and, by extension, alignment "2(b)"

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to raise to your attention what appears to be yet another intentional material omission in the August 25, 2023 letter (the "NCTCOG FTA Letter") from Michael Morris, on behalf of the North Central Texas Council of Governments (the "NCTCOG"), to the Federal Transit Administration (the "FTA"), which proximately resulted in official action being taken by the FTA. The FTA's consideration and determination would have been influenced by NCTCOG's disclosure of the withheld information.

NCTCOG admits that the City of Arlington's refusal to join a transit authority precludes an Arlington Entertainment District station, and by necessary logic and law, alignment "2(b)"

NCTCOG has itself publicly and correctly remarked that the City of Arlington has for decades rebuffed "joining a transit authority" such as Dallas Area Rapid Transit ("DART") or Trinity Metro, regional transportation authorities under chapter 452 of the Texas Transportation Code. Tex. Transp. Code §§ 452.001 *et seq.*

The City of Arlington does, in fact, have a long history of taking an isolationist approach regarding regional transportation. For example, Arlington voters have consistently and flatly rejected public transportation proposals – voting them down no less than (3) times.

Jeff Williams, as Arlington Mayor in 2018, made plain that the City of Arlington would not even allow Arlington residents the opportunity to go back to the ballot box to vote on public transportation (for a fourth time) until "it becomes clear high-speed rail is *definitely* going to happen." Of course, NCTCOG would readily agree that imaginations of high-speed rail between

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the City of Dallas, the Arlington Entertainment District and Fort Worth are an ocean away from “definite” (more particularly, alignment “2(b)” is, as a legal certainty, not possible for numerous reasons).¹

The City of Arlington’s insular approach regarding transportation is glaringly evidenced by its sales tax policy. Instead of utilizing a portion of its discretionary sales tax to pay its fair share in joining a regional transportation authority, the City of Arlington routes a half cent of sales tax to develop the Arlington Entertainment District in its concerted plan to (as further discussed below) siphon consumer spending dollars *away* from Dallas *to* Arlington’s sports venues and restaurants/lounges.²

This is a planned strategy by Arlington to not be a regional team player, including regarding public transportation. Quoting NCTCOG, it characterizes this failure to join a transit authority as the City of Arlington’s decades-long refusal to be a “partner with the rest of the [regional transportation] system” here in North Texas.

In stark contrast to Arlington, the City of Dallas is a tried and true regional “partner.” It pays over \$400 million a year for its membership in DART. Several billions of dollars in regional transportation payments have been made by the City of Dallas to DART since its inception in 1984. This massive burden has been and continues to be heavily shouldered by Dallas in the form of a one-cent sales tax used to pay for DART.

Even setting aside the stack of legal deficiencies, statutory preclusions, significant negative impacts, and fatal flaws otherwise beleaguering NCTCOG’s so-called “Environmental Analysis” process regarding possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and Fort Worth,³ *the mere fact that the City of Arlington has failed and/or refused to join a regional transportation authority immediately disqualifies the National Environmental Policy Act (“NEPA”) review proposed by NCTCOG.*

More specifically, the NCTCOG FTA Letter makes clear that one of the primary, fundamental, and anchoring components of its proposed “2(b)” alignment is an “underground” “station” “near AT&T Way in Arlington.” Yet, NCTCOG has unequivocally, affirmatively, and repeatedly stated that this elemental component is not even possible if the City of Arlington is not a member of a regional transportation authority (directly or through a local government corporation). Even

¹ There does not appear to be any information that any public transportation election has been planned or even discussed.

² Given the statutory cap on a city’s sales tax levy, NCTCOG cannot explain how the City of Arlington could even muster the financial wherewithal to pay its fair share to “join” a regional transportation authority and also meet its heavy debt burden resulting from stadium financing in the Arlington Entertainment District.

³ The scope of this letter does not extend to discussion of these collateral legal deficiencies and fatal flaws, which may be raised in future correspondence or in other mediums.

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Michael Morris has shepherded the Arlington City Council: “you don’t get high-speed rail for free.”

As a matter of factual certitude, the City of Arlington has *not* joined any regional transit authority. Under NCTCOG’s *own* construction, there can be no Arlington Entertainment District higher-speed rail station and, in turn, the “2(b)” alignment, incorporating an Arlington Entertainment District station, legally fails (on yet another basis).

NCTCOG intentionally did not raise this admittedly preclusive bar – much less the highly pertinent facts evidencing the route’s fatal flaws and legal failures – in the NCTCOG FTA Letter. This constitutes an additional material omission.

The NCTCOG-supported attempted funnel of monies from Dallas to the Arlington Entertainment District

Notwithstanding the City of Arlington’s generations of refusing, as *NCTCOG* describes it, to be a “partner” with the North Texas region on transportation, NCTCOG has apparently chosen sides with the City of Arlington. NCTCOG has overtly but inexplicably sought to reward the City of Arlington, favoring Arlington’s efforts to divert consumers and funnel tax dollars *from* the City of Dallas and other North Texas communities to the sports venues and restaurants/lounges in the Arlington Entertainment District.

For convenient perspective on this evident “home-court” partiality, NCTCOG has lobbied for Arlington to receive an *underground* station that NCTCOG assures will confer the City of Arlington with “economic development” to get people and their dollars *to* the Arlington Entertainment District. Of course, alignment “2(b)” would not cut through or divide the Arlington Entertainment District, much less careen above-ground through its sports venues or restaurants/lounges. Bluntly, alignment “2(b)” would not force the Ballpark or AT&T Stadium to close, be torn down, or otherwise be adversely economically impacted. Neither would it ruin or squelch plans for the Loews development, including the third hotel, which is the opposite of what alignment “2(b)” would do both the existing and future planned Reunion development.

At the same time NCTCOG, as its states in its own words, is always at the ready to “roll up its sleeves” for its favored City of Arlington, NCTCOG continues to speciously and misleadingly claim that the Dallas City Council is somehow permanently relegated to NCTCOG’s and its unelected administrator Michael Morris’ legally insupportable attempts to force an above-ground route crashing through and economically and environmentally damaging and dividing Downtown Dallas, including the over three-billion-dollar new Kay Bailey Hutchison Convention Center and Hunt’s planned multi-billion dollar development. *See, e.g.,* Tex. Transp. Code § 452.153 (“The location of a station . . . in a municipality . . . must be approved . . . by the governing body of the municipality.”).

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This deportment by NCTCOG constitutes clear disparate treatment: favoritism for one municipality – the City of Arlington (that refuses to be a “partner” with the region on transportation) to the punitive detriment of another municipality – the City of Dallas (that has been a great transportation “partner” to the region).

Conflicts of Interest Due Diligence – Substantial Interest in Arlington Entertainment District Business by Arlington Elected Official and Representative at the Regional Transportation Council

Chapter 171 of the Texas Local Government Code regulates local public officials’ conflicts of interest. TEX. LOC. GOV’T CODE §171.001, *et seq.*; *see also Cross v. Dallas Co. Flood Control Dist. No. 1*, 773 S.W.2d 49, (Tex. App. – Dallas 1989, no writ). That statute prohibits a local public official in Texas from voting on or participating in a matter involving a business entity or real property in which the official has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public. TEX. LOC. GOV’T CODE §171.004(a).

A Texas public official who has such interest is required to file, before a vote or decision on any matter involving the business entity or real property, an affidavit with the city or other applicable local government’s official record keeper, stating the nature and extent of the interest. *Id.* at §171.004(b). In addition, in this circumstance, a Texas public official is required to abstain from further participation in the matter. *Id.*

Instructively accompanying Chapter 171 are both the City of Arlington’s Code of Ethics (“A City official may not participate in a vote or decision on a matter affecting a person, entity or property in which the official has a conflict of interest.”) and NCTCOG’s various conflict of interest policies (“‘Conflict of Interest’ shall mean any situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity . . .”).

A City of Arlington elected official, including any such official sitting on the Regional Transportation Council, who has a significant ownership or other disqualifying interest or involvement in a business that may be economically benefitted by the location of an underground higher-speed rail station in the Arlington Entertainment District may not vote or participate in discussion on possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth.

NCTCOG and the City of Arlington have clearly articulated their joint position that an underground higher-speed rail station along I-30 would greatly financially benefit the businesses in the Arlington Entertainment District, including by funneling entertainment spending there from Dallas and other communities in the metroplex.

Please understand that NCTCOG is required to ensure full compliance with all applicable conflict of interest rules, including but not limited to in relation to any City of Arlington elected

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official also sitting on the Regional Transportation Council who has a substantial interest in a business in the Arlington Entertainment District that would derive economic benefit from an underground higher-speed rail station below the Arlington Entertainment District.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

December 2, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG's "One-Seat Ride" Misdirection

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to raise to your attention what appears to be another category of misleading statements by the North Central Texas Council of Governments (the "NCTCOG"), including through its representative Michael Morris – in this case, NCTCOG's various misdirecting misstatements surrounding its notions of the requirement of a "one-seat ride" for "high-speed rail."

For perspective, the *only* argument NCTCOG has ever mustered that higher-speed rail should careen seventy-five (75) feet above-ground through Downtown Dallas, unlawfully damaging the economic impact of the over three-billion-dollar Kay Bailey Hutchison Convention Center and the planned several billion-dollar Hunt Reunion development, is to provide what it calls a "one-seat ride." NCTCOG proceeds to define "one-seat ride" as a situation where a person "would not be required to transfer [to another vehicle] to reach his or her destination."

NCTCOG's own admissions, as well as applicable law, immediately and completely discredit – on multiple fronts – NCTCOG's sole-articulated basis underpinning its efforts to economically damage the future of the City of Dallas, as well as cause massive environmental and aesthetic harm, in favor of the Arlington Entertainment District.

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NCTCOG's own planned higher-speed rail connections in and out of North Texas preclude and betray the necessity of a "one-seat ride"

NCTCOG's *own* stated plans for higher-speed rail connections in and out of North Texas completely betray its supposed "one-seat ride" policy. To be sure, NCTCOG is offensively planning *against* "one-seat ride" in the North Texas region.

As the clearest examples, NCTCOG's publicized plans for proposed routes (1) north of the metroplex (to Oklahoma City) and (2) east of the metroplex (to Shreveport) both violate NCTCOG's "one-seat ride" dictum. Neither of those routes could ever be part of a "one-seat ride" configuration as they are being designed by NCTCOG to require any Dallas passenger to disembark one train *and get on a second train* to move through the region.

More specifically, NCTCOG (including through Michael Morris) states that its postulated Dallas-Arlington Entertainment District-Fort Worth route must be "grade-separated" – that is, on its own dedicated and exclusive tracks, using exclusive and proprietary track and train technology, that cannot be shared with any other track or train technology. The proposed Houston-Dallas high-speed rail route is also planned to be "grade-separated."

Meanwhile, NCTCOG states that planned higher-speed rail alignments north to Oklahoma City *and* east to Shreveport "need" to be "*at-grade.*" ("[P]lanning indicates a need for at-grade higher-speed passenger rail service from Fort Worth to Oklahoma City.") ("Planning for the proposed corridor extending eastward from Dallas to Shreveport, Louisiana indicates a need for higher-speed at-grade passenger services."). "At-grade" lines, *unlike "grade-separated" lines, can* share their tracks with various other types of trains and technologies.

"At-grade" tracks and "grade-separated" tracks are incompatible. Any person on a train running "at-grade" must disembark that train to board any train that is running on a "grade-separated" track. Likewise, any person on a "grade-separated" track must transfer to a new train to access any "at-grade" route.

As a result, it is NCTCOG that is itself planning against "one-seat ride," hypocritically violating its own "one-seat ride" requirement for the region. According to NCTCOG's own plans, every rail passenger to and from either east or north of the metroplex would have to change trains to access any possible future "grade-separated" line, including both (1) the possible future high-speed rail line between the City of Dallas and the City of Houston and (2) the possible future higher-speed rail line between the City of Dallas, the Arlington Entertainment District, and the City of Fort Worth.¹

¹ Even assuming any need or basis for higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth, this further shows there would be more convenient travel around North Texas if a Dallas to Fort Worth route was not "grade-separated."

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NCTCOG's presented plans for a connection from an Arlington Entertainment District higher-speed rail station to DFW International Airport further debunk its pharisaical "one-seat ride" stance. More specifically, NCTCOG is actually pushing a *five-seat ride* to connect DFW International Airport to its favored but unlawful Dallas-Arlington Entertainment District-Fort Worth route. NCTCOG's own presentation materials actually call for a person at the Kay Bailey Hutchison Convention Center ("KBHCC") who wants to get to DFW International Airport to (1) board a people mover or other form of transportation from KBHCC to the station *preliminarily*-located south of Downtown Dallas, then (2) get on a higher-speed rail train and travel to the Arlington Entertainment District station, then (3) embark an "ATS" vehicle and travel to the TRE Centerport Station, then (4) board a TRELInk bus and travel – with two intervening stops – to DFW Terminal B, and finally, (5) board either TerminalLink or SkyLink to get to Terminal A, C, D, or E.

NCTCOG's cross-platform transfer flip-flop

In maneuvering to force through its illogical and impossible "one-seat ride" agenda, NCTCOG now claims that a "cross-platform transfer" at the station south of Downtown Dallas (*preliminarily* picked for possible future high-speed rail between the City of Dallas and the City of **Houston**) is supposedly unworkable. A "cross-platform transfer," of course, involves a transfer from one train to another.

This position is directly contrary to its repeated prior statements and actions. As you know, it is *NCTCOG* who has repeatedly touted its own "cross platform strategy" to be implemented at the possible future station *preliminarily* designated to be located in the Cedars neighborhood. It has even entered legal contracts *requiring* a "cross-platform strategy" at the possible future Dallas station. Quoting NCTCOG's public representations:

"NCTCOG and Texas Central Railroad are in agreement that the DFWHSTC [Dallas to Fort Worth] corridor will connect to the Texas Central Railroad high-speed rail system via a **cross platform connection.**"

"We have an **interagency agreement** with Texas Central Partners for **our cross platform strategy.**"

Even now, NCTCOG is forced to continue to concede that a "cross-platform transfer" at the preliminary location for high-speed rail between Dallas and Houston in the Cedars neighborhood is an acceptable and reasonable alternative. ("Should regulatory, environmental, financial, or other challenges prohibit the timely development of a one-seat/one-ticket connection through the Dallas station, the region will support and coordinate with high-speed transportation implementers to develop a cross-platform transfer solution . . .").

“One-seat ride” is legally precluded and functionally impossible

NCTCOG’s attempted “one-seat ride” concepts would be legally precluded anyway. It would require an impossible and legally prohibited “predetermination” of (1) the precise technology (including tracks, infrastructure, and trains) and (2) the particular implementer/operator for possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District, and the City of Fort Worth.

First, for “one-seat ride” between the City of Fort Worth and the City of Houston to work, the technology used in the Houston-to-Dallas route would have to precisely match the technology used in the Dallas-to-Arlington Entertainment District-to-Fort Worth route. For example, if proprietary Shinkansen technology and rolling stock (trains) were chosen by the private entities supposedly developing a Houston to Dallas high-speed route, that very same Shinkansen technology would have to be purchased and used in the Dallas to Arlington Entertainment District to Fort Worth route. The multiple other alternate high-speed rail technologies, including technologies being developed **in the United States** and elsewhere, would not be compatible, and, therefore, could not be used.

Even NCTCOG admits it cannot predict what particular technology might be chosen for potential future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth (“the proprietary high-speed rail technology currently being advanced on the TCR project may or may not be selected by a future DFWHSTC implementer.”). NCTCOG has itself accurately reported on other “high-speed” or “higher-speed” rail projects across the country, which utilize or plan to utilize a widely varied patchwork of multiple different and *incompatible* technologies.

As fundamental, it is *NCTCOG* that admits that high-speed rail technology is, in its own words, “rapidly advancing.” (“With new high-speed rail technologies such as maglev (magnetic levitated trains) and hyperloop advancing rapidly, some of these corridors could utilize a technology other than high-speed rail.”). NCTCOG further concedes it needs “additional analysis” of the various and “rapidly” evolving technologies (“Additional analysis is needed to refine the . . . specific high-speed technology” as between “high-speed rail, maglev, or hyperloop technology.”). NCTCOG has been further forced to accede that this quickly changing technology increases the likelihood that different corridors will, in fact, use different and incompatible technologies. That, in itself, makes “one-seat ride” incontrovertibly impossible. Not even NCTCOG would argue that rail across America must be universally saddled with the oldest and most-outdated technology simply to facilitate “one-seat ride.”

Second, even if the ever-changing and varying technologies could somehow match, NCTCOG admits that “one-seat ride” is completely contingent and dependent upon future and unknown financial transactions and business cooperation between the two different operators of the two separate projects. (“Future operational decisions between the two projects will determine the viability of a ‘one-seat’ ride.”). NCTCOG points out that “[t]he . . . Dallas-to-Houston corridor[]

will be funded through private-sector initiatives.” Those “private-sector” Houston to Dallas operators (and/or their lenders) may or may not allow (or be able to come to agreement with) a higher-speed train implementer/operator from another corridor – including a Dallas to Fort Worth route – to use the Dallas to Houston tracks (even if compatible). NCTCOG acknowledges, as it must, that there is just no way to know.

Similarly, NCTCOG states that “[t]he Fort Worth-to-Dallas project will be funded through a public-private partnership.” NCTCOG would readily admit it has no idea who might be the implementers/operators for possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth (even assuming that route could ever come to fruition in the first place). It is the opposite of certain that the future Dallas to Fort Worth operators (even assuming a “public-private partnership” is ever formed) will come to terms to allow the Dallas to Houston operator to run its trains to Fort Worth.

Of course, the only way to ensure access across corridors would be to provide a single operator a monopoly, which, beyond practically impossible, would be illegal. This patently evident uncertainty underscores the glaring irresponsibility of NCTCOG’s push for alignment “2(b)” to crash above-ground through Downtown Dallas even as it cannot provide a single bit of confidence that it could ever even provide for regional “one-seat ride.”

NCTCOG used “one-seat ride” to improperly reject TRE alignments as fatally flawed, even as alignment “2(b)” is, by NCTCOG’s own definition, fatally flawed on multiple bases

It is certainly ironic that NCTCOG, in myopic and aggressive pursuit of its hypocritical and impossible “one-seat ride” campaign, found each of the TRE alignments (alignments 1, 2, 3, 4, and 5) to be supposedly fatally flawed because those routes were purportedly more appropriate for “at-grade” alignment versus a “grade-separated” (a/k/a “closed corridor”) alignment. (“The main differentiator for the alignment analysis was the number of ‘Infrastructure challenges to building a closed corridor’ along a given alignment. The analysis for all five TRE alignments (Alignments 1, 2, 3, 4, and 5) . . . were therefore eliminated from further consideration.”).

Yet, NCTCOG’s own alignment “2(b),” *using NCTCOG’s own standards*, is fatally flawed. First, NCTCOG determined and stated that an alignment for possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth had to “[s]erve a **downtown** Dallas station.” This means NCTCOG found that the route had to go to a station “located in downtown Dallas,” such as the Eddie Bernice Johnson Union Station, or else the route was fatally flawed and disqualified. NCTCOG admits that the proposed station for alignment “2(b)” is not in Downtown Dallas but “*south* of downtown Dallas.”

Second, NCTCOG states that an alignment is fatally flawed unless it meets a “[t]ravel time of 20 minutes or faster from proposed high-speed rail station in Downtown Dallas to Central Station in Downtown Fort Worth.” It is *NCTGOG* who publicly states that the possible future higher-speed

Ken Kirkpatrick
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rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth would require at least “25 minutes.”

In its misleading efforts for “one-seat ride,” NCTCOG conveniently ignores (or alternatively, intentionally conceals) that its proposed alignment “2(b)” is fatally flawed on multiple bases, providing yet another legal disqualification to any supposed ongoing but legally precluded “environmental assessment.”

One-seat ride” does not even apply to the proposed purpose of the “Project” of possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth

Even setting aside all of the above, “one-seat ride” is a NCTCOG-manufactured issue that does not even apply to and is completely irrelevant to NCTCOG’s represented “purpose” of what it refers to as the “Project” of possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth. Quoting NCTCOG, in its express written representations to the Federal Transit Administration (the “FTA”) seeking federal action:

“The purpose of the Dallas-Fort Worth High-Speed Connections project is to create a safe, convenient, efficient, fast, and reliable alternative to existing ground transportation travel options by providing a high-speed passenger rail service on an exclusive guideway **connecting the two largest downtowns in the fourth largest metropolitan area in the United States.**”

NCTCOG likewise stated that the supposed problem to be solved is “roadway congestion . . . in North Central Texas” as “[t]he **Dallas-Fort Worth area** . . . is estimated to be home to 11.4 million by 2045.” NCTCOG similarly represented that the purpose was “improve[d] mobility **between Dallas and Fort Worth.**”

NCTCOG’s own articulated “*purpose*” of the “Project” (currently in a legally beleaguered and procedurally improper “environmental assessment” process) is limited to travel between Downtown Dallas and Downtown Fort Worth. Stated alternatively, the NCTCOG-represented “purpose” does *not* extend to include what NCTCOG and Amtrak have referred to as the completely *separate* possible future high-speed rail line *between the City of Dallas and the City of Houston*.

Travel to Houston, including the boarding process for travelers to Houston, is not within NCTCOG’s represented “purpose” of the “Project.”

“One-seat ride” is simply not relevant to the analysis of the “Project” being “reviewed” – it is just more NCTCOG misdirection. Of course, if NCTCOG attempts to expand the purpose of the “Project” beyond a City of Dallas-to Arlington Entertainment District-to City of Fort Worth

Ken Kirkpatrick
General Counsel
December 2, 2024
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corridor, the current supposed “environmental assessment” is instantly nullified on yet another basis.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

December 4, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: Summary of Correspondence To-Date Exposing NCTCOG Misfeasance Regarding Procedurally and Substantively Deficient "Environmental Assessment" (including Alignment "2(b)")

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The purpose of this communication is to provide a helpful summary of Hunt's recent informative letters to the North Central Texas Council of Governments (the "NCTCOG"), (1) exposing various instances of NCTCOG's (including through its agent Michael Morris) misconduct and misrepresentations regarding possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail, (2) objectively articulating some of the many fatal flaws, unmitigable significant adverse impacts, and multifaceted unlawfulness of the so-called alignment "2(b)," and (3) conclusively showing that the purported current "environmental assessment" is, on many levels, procedurally and substantively deficient and legally void.¹

For certain, there are numerous additional examples and categories regarding the troubling deportment of NCTCOG, which may be raised in future correspondence.

¹ In addition to the letters referenced below herein, Hunt also reminds NCTCOG of (1) the document preservation request dated October 21, 2024, which NCTCOG acknowledges it is required to fully comply with that demand, and also (2) the March 7 and March 22, 2024 letters requesting communications between NCTCOG and the Federal Transit Administration relating to possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail, which NCTCOG agreed to provide (and includes supplementation).

1. Alignment “2(b)” is legally precluded by the Master Agreement between the City of Dallas and Hunt (Letters of October 9 and November 5, 2024)

As we established in our October 9, 2024 letter (and indented in our November 5, 2024 letter), NCTCOG has, and at all relevant times has had, actual knowledge that alignment “2(b)” is legally precluded and could never be approved as it would unlawfully contravene and interfere with the legal rights of both the City of Dallas and Hunt under their publicly filed Master Agreement relating to Reunion, executed on April 29, 1975 (the “Master Agreement”). On October 9, NCTCOG was considerably provided copies of certain of the sections of the Master Agreement that expressly prohibit the 75-foot above-ground “2(b)” alignment. These provisions specifically prohibit, *inter alia*, higher-speed rail traversing above-ground through the Reunion area of Downtown Dallas as proposed in alignment “2(b).”

NCTCOG has publicly acknowledged both the existence and enforceability of the Master Agreement and affirmatively taken actions in express recognition of rights of the City of Dallas and Hunt thereunder. As an example, NCTCOG reported that it altered certain plans to avoid interfering with Hunt’s rights under the Master Agreement. NCTCOG has even admitted to, in its words, the negative legal “implications” of the Master Agreement on alignment “2(b)” because it would adversely “impact” the parties’ legal rights under that contract.

2. The preliminary location of the station south of Downtown Dallas for Dallas-Houston high-speed rail has not been finally approved (October 22, 2024)

NCTCOG continues to misrepresent, including as we demonstrated in our October 24, 2024 letter, that the Dallas station for possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail is somehow required to be 75 feet above-ground at the *preliminary* site for possible future *Dallas-to-Houston* high-speed rail.

First, neither the design, dimensions (including height) nor location of that station have been finally approved *even for the Dallas-to-Houston route* – they are merely “preliminary.” The rough “illustration[s]” NCTCOG relies upon specifically caution that the “final dimensions” (which includes height) cannot be “determined” without (and are subject to) future and “more detailed” “planning and design,” which would require “[c]oordination with [and approval by] the City of Dallas, DART, local agencies, project stakeholders, and applicable regulatory bodies.”

Second, the documents NCTCOG uses are attached to a now outdated *five (5) year-old* pre-pandemic environmental impact statement.

Third, even NCTCOG admits that that the now stale environmental impact statement relating to *Dallas-to-Houston* high-speed rail was done for what even NCTCOG admits is completely “*separate*” and *different* “*project*” than possible future Dallas-to-Arlington Entertainment

District-to-Fort Worth higher-speed rail. NCTCOG knows that environmental impact statement just doesn't control or apply.

3. NCTCOG Improper "Holding" of Important Public Projects for the City of Dallas to Pressure Votes by the Dallas City Council on Unrelated Matter under Color of Law (October 28, 2024)

Our October 28, 2024 letter memorialized Michael Morris' statement on January 11, 2024 that he was intentionally putting "on hold" multiple admittedly "key" public transportation projects slated to benefit the City of Dallas as a means by which to pressure and muscle the Dallas City Council to vote in favor of his own personal visions and attempted demands for completely unrelated possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth. Michael Morris' quoted threats of punitive retaliation, using federal funds as a club for collateral purposes (as if the monies were his own), speak for themselves:

"I do need to report to you we have been working for close to a year on five or six key City of Dallas items . . . I have them on hold. I can't proceed with these items we've been dealing with for a year or so at the same time we are dealing with other policy issues with regard to high-rail interests. So, I hope to resolve the high-speed rail issues as quickly as possible, permit the Dallas projects to go through public meeting and then un-hold them"

– January 11, 2024 Regional Transportation Council Meeting.

This facially improper "ultimatum" is unfortunately part of a larger pattern of what has been publicly characterized by a number of others as attempted "fear-mongering" and "bullying" of public officials.

4. NCTCOG's Intentionally Misleading Information Campaign – Lacking Transparency (November 4, 2024)

On November 4, 2024, we showed that NCTCOG has engaged in an aggressive misinformation political campaign to attempt to forward its unlawful and damaging alignment "2(b)," including through its *DFW High-Speed Update* newsletters.

As a remarkable example establishing that NCTCOG really will "say anything," the Spring 2024 NCTCOG newsletter actually claims that "*thousands*" of Texas A&M University students will supposedly "conveniently make day trips between Fort Worth and College Station on high-speed rail to pursue higher education."

Under this fictitious claim, these imaginary "thousands" of students admitted to take classes at Texas A&M University's College Station campus would supposedly leave their Fort Worth

homes, get in their cars and drive to the possible future Fort Worth underground rail station and, after arriving there, would find parking places and pay for parking (alternatively, they could get from their homes to a bus station, and purchase bus tickets to the underground rail station). Once there, the “thousands” of students would purchase tickets on the yet-to-be-built high-speed train to College Station, board the train, ride to Grimes County, get off the train, wait for (and buy additional tickets for) a third vehicle to take the “thousands” of students 26 miles to the College Station campus. Once there, the “thousands” of students would either walk or find other transportation to their classes somewhere on the 5,000-acre campus. Then, after a day of classes, the “thousands” of students would, supposedly, turn around and repeat this complicated and expensive process as they returned to their homes in Fort Worth.

Of interest, this hypothetical journey would take longer than simply driving to College Station, requiring a six-hour round-trip commute. Further, the monthly cost of tickets for the imaginary “thousands” of students would be greater than the cost of rent should they elect to stay in an apartment in College Station.

This false representation highlights one more violation of the National Environmental Policy Act (“NEPA”). It is the opposite of fostering a “transparent process[,]” “transparency” or providing “accurate information” that the NCTCOG has publicly represented is required (e.g., NCTCOG Mobility 2045 Update, pp. 3-39, 3-43).

5. NCTCOG Material Omission in Official Government Request: I-30 Corridor/“2(b)” Alignment Rejected by the Federal Railroad Administration (November 11, 2024)

We have exposed, including in our November 11, 2024 letter, multiple intentional material omissions in the August 25, 2023 letter (the “NCTCOG FTA Letter”) from Michael Morris, on behalf of the North Central Texas Council of Governments (the “NCTCOG”), to the Federal Transit Administration (the “FTA”).

The NCTCOG FTA Letter was relied upon by the FTA, proximately causing and resulting in official action by that government agency, including as part of the FTA’s March 4, 2024 NEPA Class of Action Determination.

The NCTCOG FTA Letter promoted the “2(b)” alignment, which incorporates an Interstate Highway 30 corridor (the “I-30 Corridor”) route for future possible higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth. The NCTCOG FTA Letter intentionally failed to disclose to the FTA, in seeking official government action, the findings in the *final* report commissioned by the Federal Railroad Administration (the “FRA”), including that the I-30 Corridor alignment has multiple fatal flaws and has already been formally disqualified and determined ineligible as a statutorily or otherwise viable corridor alternative.

Quoting that *undisclosed* report:

“The results from the analysis of the three study corridors evaluated in the Step 1 Fatal Flaw Review show that the I-30 Corridor possesses considerable obstacles to implementation, including having the greatest engineering challenges, the highest design and construction complexity and construction risks, and the highest capital cost. For these reasons, the I-30 Corridor was dropped from further consideration and did not proceed into the Step 2 Refined Screening.”

The I-30 Corridor, on which alignment “2(b)” is based, was found to be so fundamentally and fatally flawed, it could not even move past the preliminary Step 1 process before being disqualified as a possible alternative. This requires a finding and conclusion that alignment “2(b)” – an I-30 Corridor route – is likewise fatally flawed and disqualified.

6. *NCTCOG’s Intentional Non-Disclosure of Certain Significant Adverse Impacts/Fatal Flaws and other Misrepresentations (November 18, 2024)*

Through my November 18, 2024 letter, we put in your hands conclusive evidence of even more material omissions in the NCTCOG FTA Letter. First, that official government communication intentionally failed to disclose to the FTA that the so-called alignment “2(b)” is legally barred and could never be approved, including but not limited to because (as discussed above and in the October 9 and November 5, 2024 letters to NCTCOG) it would unlawfully contravene and interfere with the rights of both the City of Dallas and Hunt under their Master Agreement. We also pointed out that NCTCOG has separately admitted to numerous *other* significant adverse impacts that would occur from alignment “2(b),” foreclosing any possible regulatory approval under any circumstance.

Beyond the long list of material omissions, we also raised multiple other affirmative misrepresentations to the FTA in the NCTCOG FTA Letter. These included the false statement by NCTCOG that alignment “2(b)” would not “cause significant change in land use,” notwithstanding that, even if not otherwise legally precluded, it would forever alter and negatively affect the future economic and urban growth of Dallas’ Central Business District, including the impact of Dallas’ new more than \$3 billion Kay Bailey Hutchison Convention Center and Hunt’s planned several billion-dollar development in Reunion.

NCTCOG also falsely represented to the FTA that alignment “2(b)” was “not expected to significantly increase noise or vibration levels” – even as that route would have trains careening past historical parks and markers and through Downtown Dallas destroying possible new pedestrian use and walkability and creating massive environmental pollution. NCTCOG also misrepresented to the FTA that the “2(b)” route “would not separate or divide neighborhoods,” a direct affront to neighbors and churches in West Dallas and deceptively deflecting from the fact that this route would totally separate and divide Downtown Dallas neighborhoods.

Again, the FTA took official action relying upon the misrepresentations and undisclosed material omissions in the NCTCOG FTA Letter, including by “determin[ing] the class of action . . . is an Environmental Assessment” (an “EA”) instead of the more rigorous and complex Environmental Impact Statement (an “EIS”). As NCTCOG well understands and has repeatedly admitted, an EA is not the proper process for NEPA review given the known and numerous significant adverse impacts. Stated alternatively, as we have cited, NCTCOG has repeatedly stated that the two-year EIS process (versus just a one-year EA process) would be required.

7. *City of Arlington’s decades of refusal to partner with and pay its fair share for regional transportation precludes the Arlington Entertainment District station and, by extension, alignment “2(b)” (November 25, 2024)*

In our November 18, 2024 letter, we pointed out the obvious: (1) the City of Arlington’s refusal to join a transit authority precludes an Arlington Entertainment District station, and by necessary logic and law, alignment “2(b),” (2) NCTCOG continues to improperly favor the City of Arlington over the City of Dallas to foster an export of consumer dollars from Dallas to the Arlington Entertainment District, and (3) state and local conflict of interest rules preclude an Arlington elected official who has a disqualifying interest in an Arlington Entertainment District business that will be particularly benefitted by an Arlington Entertainment District station from participating in discussion or votes at a Regional Transportation Council meeting regarding possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail.

The City of Arlington has for decades rebuffed “joining a transit authority” such as Dallas Area Rapid Transit (“DART”) or Trinity Metro, regional transportation authorities under chapter 452 of the Texas Transportation Code. Tex. Transp. Code §§ 452.001 *et seq.* Arlington voters have consistently and flatly rejected public transportation proposals – voting them down no less than three (3) times.

Instead of utilizing a portion of its discretionary sales tax to pay its fair share in joining a regional transportation authority, the City of Arlington routes a half cent of sales tax to develop the Arlington Entertainment District in its concerted plan to siphon consumer spending dollars *away* from Dallas *to* Arlington’s sports venues and restaurants/lounges. Quoting NCTCOG, it characterizes this failure to join a transit authority as the City of Arlington’s decades-long refusal to be a “partner with the rest of the [regional transportation] system” here in North Texas.

In stark contrast to Arlington, the City of Dallas is a tried and true regional “partner.” It pays over \$400 million a year for its membership in DART. Several billions of dollars in regional transportation payments have been made by the City of Dallas to DART since its inception in 1984. This massive burden has been and continues to be heavily shouldered by Dallas in the form of a one-cent sales tax used to pay for DART.

The mere fact that the City of Arlington has failed and/or refused to join a regional transportation authority immediately disqualifies an Arlington Entertainment District station and therefore, alignment “2(b).” As Michael Morris states, “you don’t get high-speed rail for free.”

NCTCOG has nonetheless overtly but inexplicably sought to reward the City of Arlington for its transportation isolationism, favoring Arlington’s efforts to divert consumers and funnel tax dollars *from* the City of Dallas and other North Texas communities to the sports venues and restaurants/lounges in the Arlington Entertainment District. NCTCOG has proposed that Arlington receive an *underground* station that NCTCOG assures will confer the Arlington Entertainment District with “economic development” to get people and their dollars *to* the Arlington Entertainment District. Of course, alignment “2(b)” would not cut through or divide the Arlington Entertainment District, much less careen above-ground through its sports venues or restaurants/lounges – while at the same time it would ram through and divide Downtown Dallas, including the Hunt Reunion development, causing massive negative economic and environmental damage as we have described. This constitutes clear disparate treatment: favoritism for City of Arlington (that refuses to be a regional transportation “partner”) to the detriment of the City of Dallas (that has been a great regional transportation “partner”).

We also brought to your attention Chapter 171 of the Texas Local Government Code, which prohibits a local public official in Texas, including an Arlington elected official, from voting on or participating in a matter at a Regional Transportation Council meeting involving a business entity or real property in which the official has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public. TEX. LOC. GOV’T CODE §171.004. This state statute is complemented by City of Arlington and NCTCOG conflict of interest and code of ethics policies.

8. “One-seat ride” Misdirection (December 2, 2024)

Our December 2, 2024 letter flatly debunked NCTCOG’s specious “one-seat ride” arguments, including by showing that NCTCOG’s own regional rail proposals betrayed and were planning *against* “one-seat ride,” and by simply reminding NCTCOG of certain of its own prior comments and admissions.

First, we explained that NCTCOG’s routes north and east out of the metroplex were being planned by NCTCOG to actually preclude any “one-seat ride.” We pointed out that, according to NCTCOG, both the Shreveport and Oklahoma City routes “needed” to be “at-grade,” which was incompatible for “one-seat ride” with the planned “grade-separated” Dallas-to-Arlington Entertainment District-to-Fort Worth route. We also detailed that NCTCOG’s plans for a connection from an Arlington Entertainment District higher-speed rail station to DFW International Airport would actually entail a five-seat ride.

Second, we reminded NCTCOG of its prior repeated admissions, agreements and actions supporting a “cross-platform transfer” at a possible future Dallas station, which would completely obviate any “one-seat ride” policy.

Third, we showed that NCTCOG’s “one-seat ride” concepts would be legally precluded anyway as it would require an impossible and legally prohibited “predetermination” of (1) the precise technology (including tracks, infrastructure, and trains) and (2) the particular implementer/operator for possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District, and the City of Fort Worth.

“One-seat ride” is impossible unless, among other things, the same proprietary train and track technology is used for both (1) the Houston-to-Dallas route and (2) the Dallas-to-Arlington Entertainment District-to-Fort Worth route. But, even NCTCOG admits this cannot be known, controlled or even predicted. Even if Shinkansen technology is chosen at some point in the future by the implementer/operator for one of the routes, there can be no assurance that the unknown implementer/operator on the other route will make the same choice. NCTCOG also concedes there can be no confidence that, even if the technology, tracks and trains are the same, the operator of one route would allow another route’s trains to roll on its tracks.

Fourth, we revealed that NCTCOG improperly eliminated TRE Corridor routes from consideration as supposedly fatally flawed because they were allegedly better suited for “at-grade” lines. We demonstrated, as discussed above, that an “at-grade” line would actually be more aligned and compatible with other routes extending from the metroplex. We further pointed out that, ironically, *it is alignment “2(b)” – even under NCTCOG’s own standards – that is the fatally flawed alignment for at least two patently obvious reasons.* NCTCOG considers a Dallas-to-Arlington Entertainment District-to-Fort Worth alignment to be fatally flawed unless the Dallas station is “located in downtown Dallas,” such as the Eddie Bernice Johnson Union Station. But alignment “2(b)” calls for a station *outside of* Downtown Dallas. NCTCOG also states an alignment is fatally flawed unless it can meet a “[t]ravel time of 20 minutes or faster,” yet NCTCOG also concedes that alignment “2(b)” cannot do that.

Fifth, we made plain that “one-seat ride” does not even apply to the proposed NCTCOG-stated purpose of the “Project” of possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail. More specifically, NCTCOG stated to the FTA that the “purpose” of the project is limited to a route “connecting the two largest downtowns in the fourth largest metropolitan area in the United States.” *Travel to Houston, including the boarding process for travelers to Houston, is not within NCTCOG’s represented “purpose” of the “Project.”*

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As this letter denotes, we have, at great length, with specificity, and using NCTCOG's own quoted statements, assisted you in cataloguing some of what is part of a long list of legal (including procedural and substantive) infirmities associated with the "environmental assessment" regarding possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and Fort Worth, including specifically, alignment "2(b)." Please consider your duties as general counsel of NCTCOG, its chief lawyer, in the cessation and mitigation of NCTCOG's misconduct, including in relation to the legally improper "environmental assessment" (including alignment "2(b)").

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

December 9, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG's "2(b)" Alignment is in Reckless Disregard of Dallas neighborhoods, parks, and bridges

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to memorialize additional examples of significant (actually, devastating) and unmitigable adverse environmental impacts that would result from the so-called alignment "2(b)" relating to possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail, legally disqualifying that NCTCOG-manufactured route from further regulatory consideration. Please understand that the below-illustrated instances of NCTCOG's seemingly reckless and open disregard for neighborhoods, bridges, parks (both present and future) and historically important and impactful memorials is far from exhaustive of the numerous *other* economic, urban, environmental and aesthetic threats to the City of Dallas and its residents from alignment "2(b)" (which either have been raised or may be raised in future correspondence).

Alignment "2(b)" will environmentally deface and ruin Martyrs Park

NCTCOG will not dispute that alignment "2(b)" will cause significant environmental pollution to Martyrs Park, a Dallas historical landmark. Indeed, it is *NCTCOG* that admits to the threat of "noise and visual impacts to Martyrs Park" from alignment "2(b)."

Please understand the importance of Martyrs Park. It remembers and memorializes the 1860 lynchings of three slaves, namely Patrick Jennings, the Rev. Samuel Smith, and Cato Miller. A permanent memorial called "Shadow Lines" was installed at Martyrs Park just this year. As reported, this monument includes names of certain persons who died due to racist violence in Dallas between 1853 and 1920, including Jane Elkins, an enslaved bondswoman who was hanged in 1853, and William Allen Taylor who was lynched in 1884.

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As quoted by the *Dallas Morning News*, “Shadow Lines will ensure the horrors and victims of this land are not forgotten.” The powerful and solemn experience this historical landmark provides has been characterized by a leading supporter as follows:

“Once you get into that space where the lynching victims are commemorated, it's just silence . . . And in the silence, you can get in the moment.”

Of course, the overbearing sound and sight pollution caused by alignment “2(b)” would ruin Martyrs Park and its new “Shadow Lines” monument – eviscerating its purpose and experience. This significant environmental injustice and damage to an inarguably historically important memorial cannot be mitigated under the alignment “2(b)” plans as proposed, legally disqualifying it from further consideration under the National Environmental Policy Act (“NEPA”).

Alignment “2(b)” threatens the Trinity River Corridor, including Harold Simmons Park, the Ron Kirk Pedestrian Bridge, and the Margaret Hunt Hill and Margaret McDermott Bridges

As the Trinity Park Conservancy reports, “[g]reat cities are defined by great parks.” The \$325 million Harold Simmons Park, for which work has already started, will play a central role as an economic driver for Dallas, estimated to annually attract five million visitors and generate as much as \$6 billion in economic benefits in its first 30 years. Planners state that the Harold Simmons Park will connect neighborhoods through a series of elevated overlooks and gateways to the Trinity River and its natural habitats for plants and wildlife. It will provide new access via additional trails and river crossings to unite the two sides of the Trinity River – engendering a strengthened sense of community. It will also promote conservationism and stewardship of the Trinity River.

Bookending the 250-acre Harold Simmons Park (as part of the larger 10,000-acre vision of the Trinity River Corridor) are the Ron Kirk Pedestrian Bridge and the Margaret McDermott Bridge. The Ron Kirk Pedestrian Bridge is itself *presently* a relaxing family park, including playgrounds, areas to relax, and a walking path connecting West Dallas to Downtown Dallas. The views are currently spectacular but would be effectively marred or destroyed by alignment “2(b).” The Margaret Hunt Hill Bridge and Margaret McDermott Bridge, for their part, have of course become jewels of the Dallas skyline – they would be dramatically and permanently scarred by alignment “2(b).”

Alignment “2(b)” – plowing over the Trinity River as proposed by NCTCOG – would destroy the Ron Kirk Pedestrian Bridge with massive sight and sound pollution, wrecking its purpose. Santiago Calatrava’s inspiration and vision for the Margaret Hunt Hill and Margaret McDermott Bridges would also be lost forever.

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The NCTCOG's Attack on West Dallas – Massive Burden with no Commensurate Benefit

Many West Dallas residents lack practical access to Dallas Area Rapid Transit (“DART”) rail. Even a cursory review of the DART light rail lines on a map evinces this inaccessibility in comparison to other areas. Comparatively, West Dallas is in a light-rail public transportation desert – with no small blame going to NCTCOG. Now NCTCOG apparently wants to make things even worse for West Dallas.

The NCTCOG-proposed alignment “2(b)” would permanently mar homes and churches in West Dallas with the blight of sound and visual environmental pollution in direct violation of NEPA. The diminution of economic value and livability to homes, various mixed-use developments, and businesses along Commerce Street, whose new backyard under alignment “2(b)” would be subject to screeching trains at extremely high decibel levels, is glaringly obvious.

Alignment “2(b)” would place a massive, uneven, and permanent burden and nuisance on West Dallas for which it will derive no commensurate benefit. Even NCTCOG does not dispute the threat alignment “2(b)” is to West Dallas. *NCTCOG concedes, in its own words, the “potential visual impacts by elevated structure through residential areas in West Dallas.”* See NCTCOG Phase 1 Alternatives Analysis Final Report, Volume I, Table 21.

NCTCOG, as we have previously noted, believes that the Arlington Entertainment District will be a significant beneficiary of alignment “2(b).” But that will come at the expense of Dallas, including West Dallas. This amounts to the opposite of NCTCOG’s own stated and admitted responsibility to “[b]alance transportation investments across the region to provide equitable improvements.” This favoritism of one community over another is in clear violation and defiance of, among other things, environmental justice policies, which NCTCOG admits include the duties to “provid[e] an equitable transportation system for all residents” and “[e]nsure the full and fair participation by *all* potentially affected communities in the transportation decision-making process.” Mobility 2045 Update, p. 3-17, 3-18.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called alignment “2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

Alignment “2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called alignment “2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Ken Kirkpatrick
General Counsel
December 9, 2024
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Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

December 11, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG's Failure to Keep Regional Transportation Council Informed or to Follow its Own "Public Participation Plan" – Selective Disclosure, Intentional Non-Disclosure, and Misrepresentations Regarding Compliance

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to observe that the North Central Texas Council of Governments ("NCTCOG") has failed and/or refused to keep the Members of the Regional Transportation Council (the "RTC") informed in accordance with *its own* disclosure rules, including through NCTCOG's improper *selective exclusion* and non-publication of comments received from affected residents and businesses in the posted Agenda (Including Meeting Materials) Packet for the December 12, 2024 RTC Meeting. Embedded in these intentional breaches and marked misfeasance are overt misrepresentations – objectively false statements – by NCTCOG to the RTC Members as well as the public.

As helpful background, NCTCOG and the RTC adopted a "Public Participation Plan," which was most recently amended in 2022. According to Section 4 of that NCTCOG rule:

All comments . . . regardless of the topic, are compiled into a monthly report and presented to the RTC in advance of its next regularly scheduled meeting. These comments are accessible to the public in the RTC meeting agendas . . .

Public Participation Plan, §4, as amended (emphases added). That NCTCOG-instituted requirement pertinently notes that "[a]s a matter of course, the RTC gives greater weight to the voices of impacted . . . businesses . . ." *Id.*

The posted Agenda (Including Meeting Materials) Packet for the December 12, 2024 RTC Meeting contains two "Public Comment Reports," attached as Electronic Items 4.12 and 4.13. In those posted attachments, NCTCOG expressly represents that these two Public Comment

Reports are “in accordance with the NCTCOG Transportation Department Public Participation Plan.” See Agenda (Including Meeting Materials), Electronic Items 4.12, 4.13. Those posted attachments further specifically represent to the RTC Members and the public that they contain and include all public comments received between September 20, 2024 and November 19, 2024:

“This document is a compilation of general public comments submitted from Friday, Sept. 20 through Saturday, Oct. 19, 2024, via website, email, social media and in person at NCTCOG’s monthly Regional Transportation Council (RTC) meeting.”

“This document is a compilation of general public comments submitted from Sunday, Oct. 20 through Tuesday, Nov. 19, 2024 via website, email, social media and in person at NCTCOG’s monthly Regional Transportation Council (RTC) meeting.”

***Id.* These representations were false when made and continue to be false. NCTCOG is not in compliance with the Public Participation Plan and the Agenda (Including Meeting Materials) Packet is neither an accurate nor complete compilation of public comments. Simply and objectively stated, as shown below, there has been no packet provided to the Members of the RTC “in advance of its next regularly scheduled meeting,” namely the December 12, 2024 RTC meeting, that complies with the Public Participation Plan.**

As you know, Hunt has delivered to you the following letters during the NCTCOG-stated time period between September 20, 2024 and November 19, 2024:

- | | |
|------------------|--|
| October 9, 2024 | Alignment “2(b)” Legally Prohibited by Master Agreement between City of Dallas and Hunt |
| October 21, 2024 | Request to Preserve (and Not Destroy and/or Spoliate) Documents |
| October 22, 2024 | “Preliminary” design, dimensions (including height) and location of a possible future Dallas station |
| October 28, 2024 | Improperly “Holding” of Important Public Records for the City of Dallas to Pressure Votes by the Dallas City Council on an Unrelated Matter Under Color of Law |
| November 4, 2024 | NCTCOG Newsletter – Intentionally Misleading Information |
| November 5, 2024 | Responding to Admittedly “Anecdotal” Comment Regarding the Master Agreement |

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- November 11, 2024 NCTCOG Material Omission in Official Government
Request: I-30 Corridor/"2(b)" Alignment Rejected by the
Federal Railroad Administration
- November 18, 2024 NCTCOG Material Omission in Official Government
Request: Non-Disclosure of Certain Significant Adverse
Impacts/Fatal Flaws

None of these letters were included in the posted Agenda (Including Meeting Materials) Packet.

Of course, we also provided you the following correspondence after the represented time window, but sufficiently in advance of the December 12, 2024 RTC meeting to be included in the Agenda (Including Meeting Materials) Packet as a means to comply with disclosure responsibilities to the RTC:

- November 25, 2024 NCTCOG Material Omission in Official Government
Request: City of Arlington's decades of refusal to partner
with and pay its fair share for regional transportation
precludes Arlington Entertainment District station and, by
extension, alignment "2(b)"
- December 2, 2024 NCTCOG's "One-Seat Ride" Misdirection
- December 4, 2024 Summary of Correspondence To-Date Exposing NCTCOG
Misfeasance Regarding Procedurally and Substantively
Deficient "Environmental Assessment" (including
Alignment "2(b)")
- December 9, 2024 NCTCOG's "2(b)" Alignment is in Reckless Disregard of
Dallas neighborhoods, parks and bridges

The four corners of this letter provide not only *prima facie*, but incontrovertible and conclusive proof that NCTCOG has defied its own disclosure rules and obligations and, in that process, made material misrepresentations and omissions to the Members of the RTC. The status quo is that NCTCOG is in present violation of the Public Participation Plan and currently misleading and hiding information from the RTC Members.¹

¹ The scope of this letter does not extend to (1) other potential violations of disclosure obligations separate from the Public Participation Plan or (2) NCTCOG's failure and/or refusal to keep other persons and/or entities, including but not limited to governmental entities such as the Federal Transit Administration (the "FTA") informed, including as has been raised or may be raised in future correspondence.

Ken Kirkpatrick
General Counsel
December 11, 2024
Page 4

As analogous perspective on Texas public policy regarding open government in political subdivisions of the State of Texas such as NCTCOG, please consider the following excerpt from Tex. Gov't Code § 552.001:

“Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called alignment “2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

Alignment “2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called alignment “2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

December 16, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG violating its own legal agreements in pushing alignment "2(b)," which NCTCOG concedes is not even viable as a "separate" or "stand-alone" project

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to mark and highlight for you the North Central Council of Governments' ("NCTCOG") admissions that alignment "2(b)" irretrievably, abjectly, and objectively fails under even *NCTCOG's own stated test* for viability.

As background, NCTCOG has entered into legal contracts stipulating that any possible future Dallas-to-Houston high-speed rail route is "separate" from any possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail route – and that they must be *separately* reviewed and each must stand or fall on its own:

"Texas Central Railroad, LLC ("TCRR") has proposed to construct and operate high-speed rail (HSR) system from Dallas to Houston, and FRA, in considering a request for regulatory action from TCRR is considering the potential environmental impacts of the proposed HSR system. The Parties agree that TCRR's proposed HSR system and the proposed High-Speed Transportation Passenger Service between Dallas and Fort Worth have independent utility and a different purpose and need, and as such will be assessed in separate NEPA documents."

Memorandum of Understanding Concerning the Alternatives Analysis and Preparation of Environmental Documents for the Dallas-Fort Worth High-Speed Passenger Service, § IV.C, dated April 20, 2020 (emphasis added).

In addition to this legal agreement, both NCTCOG and the National Rail Passenger Corporation (“Amtrak”) have publicly represented to the Dallas City Council and the public that these possible future routes are “*two separate projects*” – with Amtrak even specifically noting they “are careful to keep them that way . . .” See March 6, 2024 Dallas City Council Meeting.

As a matter of law, any analysis of possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail (including but not limited to any purported “environmental assessment”¹ of alignment “2(b)”) must be “*separately*” analyzed, in a *stand-alone* determination of its own particular feasibility, reasonability, and environmental, social, economic and other impacts. Any possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail line must *stand on its own* (unsupported by and untethered to possible future Dallas-to-Houston high-speed rail). Everyone agrees it cannot.

NCTCOG publicly and readily concedes that possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail, which would specifically include the so-called alignment “2(b),” is neither viable nor feasible on its own – as a “standalone” route. In NCTCOG’s own authorized representative Michael Morris’ words at the March 6, 2024 Dallas City Council meeting, that is simply not “realistic.”

Morris made abundantly clear that without (1) a Dallas-to-Houston high-speed rail route and also (2) “being a partner” with the ultimate operator/implementer of that *other* possible future route, a Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail route never gets past the “theor[etical]” in being able to “exist” “on its own.” *Id.*

Amtrak, who has at various times expressed varying interest in some potential role in the possible future Dallas-to-Houston route, forcefully “echo[ed]” Morris in stating that, as a “stand-alone” route, the Dallas-to-Arlington Entertainment District-to-Fort Worth route doesn’t even “fit the typical characteristics of a high-speed route.” Amtrak has also been quick to point out that it is being “careful” to keep the two “separate projects” at a distance, ostensibly to avoid the Dallas-to-Houston project not being infected by the long list of legal and other infirmities plaguing the Dallas-to-Arlington Entertainment District-to-Fort Worth route (including alignment “2(b)”).

Bluntly, NCTCOG’s position is that Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail (necessarily including alignment “2(b)”) *as a stand-alone route without Dallas-to-Houston high-speed rail already up and running, makes no sense.*

¹ NCTCOG is actually aware that the supposed current “environmental analysis” is procedurally and substantively improper on multiple fronts, including those bases that have been communicated to the NCTCOG and/or which may be raised in future correspondence.

NCTCOG's hyper-aggressive campaign to destroy the environmental and economic future of the City of Dallas (including through the diversion and export of consumer dollars to NCTCOG's favored City of Arlington) is fundamentally indefensible on yet additional legal grounds.

Under any circumstance, alignment "2(b)" fails and any supposed "environmental assessment" is at a legal dead-end (on another basis among the long list of disqualifiers).

Second, even setting aside this agreed non-viability, looking at possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail as "separate" and "stand-alone" proposal, a very valid question exists as to whether the City of Dallas would ever agree to the Cedars location as proposed under alignment "2(b)." NCTCOG has never voiced any basis to place the City of Dallas station in the Cedars location *other than* in relation to the different Dallas-to-Houston route, which again, cannot be a factor in "separately" assessing the Dallas-to-Arlington Entertainment District-to-Fort Worth route as a "stand-alone" project.

It is also significant that it is NCTCOG who has touted the Eddie Bernice Johnson Union Station ("EBJ Union Station") as the multi-modal transportation "hub" for the City of Dallas. Unlike the Cedars station, the EBJ Union Station is located in Downtown Dallas. As we have previously exposed, it is NCTCOG's position that an alignment that includes a City of Dallas station that is not "located in downtown Dallas" and "[s]erv[ing] a downtown Dallas station" is "fatally flawed," disqualifying it from further consideration.

As another of the many examples, no *unbiased* "separate" and "stand-alone" plan for Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail would utilize a "grade-separated" track.

Third, even NCTCOG – when pushed – is forced to agree that the proposed alignment "2(b)," viewed as required under the lens of a "separate" and "stand-alone" project, is not even "high-speed rail" in the first place. This additionally disqualifies alignment "2(b)" and renders a legal nullity the current supposed "environmental assessment" on yet another basis because, as shown below, that "review process" is *exclusively* limited to "high-speed rail."

More specifically, according to NCTCOG, train speeds on any possible future Dallas-to-Arlington Entertainment District-to-Fort Worth route would never even come close to reaching "high-speed rail" velocity.

When confronted on this point plainly showing alignment “2(b)” is not high-speed rail, Michael Morris shuffled to try to maneuver out of this disqualifying problem. He actually, as a representative of NCTCOG, completely changed his definition of “high-speed rail” to intentionally totally ignore and leave out its most basic component: speed. According to Michael Morris:

“I think high-speed rail is better defined by [sic] is it totally isolated from any potential conflict from a safety standpoint.”

November 28, 2023 Arlington City Council Meeting.

Ridiculously absent from NCTCOG’s above-quoted definition of “high-speed rail” is any element of speed.

When further specifically cornered with the nonsense of defining “high-speed rail” without any connection to speed, the most basic element of high-speed rail, Morris appeared frustrated and pivoted again to state:

“We’re going to call it high-speed rail because when you get on the train it’s eventually going to go to 260 miles an hour, so we’re going to call it high-speed rail.”

November 28, 2023 Arlington City Council Meeting.

As the above quote reflects, Morris’ retreated to a *new* definition conceding, as he had to, that speed was (obviously) fundamental to the definition of high-speed rail. He inserted, as shown above, a requirement that for a route to be considered high-speed rail, it must reach **260** miles per hour.

Of course, neither alignment “2(b)” nor any Dallas-to-Arlington Entertainment District-to-Fort Worth alignment will ever get anywhere near reaching 260 miles per hour. Rather, Morris is quoted as stating that alignment “2(b)” will only get to just half that speed (“even if our speeds are at 130 instead of 260”). As condemning, the average speed of the alignment “2(b)” route – *according to NCTCOG itself* – will be just 74 miles per hour (based on NCTCOG-estimated 25 minute ride on the proposed 31 mile route).

It is important for you to accept that NCTCOG intentionally determined to ensure that alignment “2(b)” would never be high-speed rail. It is Michael Morris who is quoted as admitting that “by having an Arlington [Entertainment District] station,” it is purposefully “trading” away high-speed rail. Morris further reiterated that “[w]e could not have an Arlington [Entertainment District] station and get to higher speeds,” but “will accept *slower* speeds.” November 28, 2023

Arlington City Council Meeting. Again, NCTCOG purposefully determined to benefit its favored Arlington Entertainment District constituency at the expense of high-speed rail.

The Dallas-to-Arlington Entertainment District-to-Fort Worth route must be viewed “separately” from the Dallas-to-Houston route. The fact that a different route – possible future Dallas-to-Houston alignment – may reach 260 miles per hour cannot be factored into the “separate” assessment of alignment “2(b).”

In short, NCTCOG admits that under Michael Morris’ own definition of “high-speed rail,” alignment “2(b)” – when viewed as it must be as a “separate” and “stand-alone” project, is not high-speed rail at all. As a result, alignment “2(b)” legally fails under the current “environmental assessment,” which according to NCTCOG solely and exclusively concerns “high-speed rail.” See August 25, 2023 Letter from NCTCOG to the Federal Transit Administration.

Fourth, as previously raised with NCTCOG, the “stand-alone” viability of Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail immediately precludes consideration of NCTCOG’s notions of “one-seat ride.” As previously articulated, “one-seat ride” could have no application to a single route, but only with regard to a *different* route that cannot be assessed in determining the viability of alignment “2(b)” as a “stand-alone” route.

Alignment “2(b)” cannot stand on its own. Under any review as a “separate” and “stand-alone” project, it immediately fails.²

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called alignment “2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

Alignment “2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

² Alignment “2(b)” fails on numerous bases, including as has been communicated to NCTCOG and as may be communicated in future correspondence.

Ken Kirkpatrick
General Counsel
December 16, 2024
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NCTCOG's continued action involving the so-called alignment "2(b)" is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

December 23, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: *NCTCOG's alignment "2(b)" is fatally flawed according to NCTCOG – doesn't even meet NCTCOG-instituted standards*

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to enunciate for you that the NCTCOG-manufactured alignment "2(b)" is, *according to NCTCOG*, "fatally flawed" based on its *own* represented travel time for possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail.

NCTCOG repeatedly represents to the public – over and over again – that it is a "fatal flaw" for the travel time of a "higher-speed" rail vehicle following a rail alignment between Dallas and Fort Worth to exceed 20 minutes. NCTCOG's Phase 1 Alternative Analysis Final Report (May 2023) ("Phase 1 Analysis"), p. 41 ("[t]ravel time of 20 minutes or faster from proposed high-speed rail station in Downtown Dallas to Central Station in Downtown Fort Worth."); *id.* at p. 41 ("The fatal flaw criteria included in Level 1 comprised of an evaluation to identify which alignment/mode combinations could meet a 20-minute travel time criterion"); *id.* at Appendix D, p. 158 ("Travel time estimates are being developed. One of the initial screening criteria that will be used to evaluate the technologies and the corridor alignments is the ability to travel between Dallas and Fort Worth in 20 minutes or less."); *see also id.* at p. 40 ("Travel Time (Fatal Flaw)" p. 40; *id.* at p. 218 ("In the Level 1 screening, a 20 minute travel time threshold was used. Each alignment and mode combination was compared to that threshold."); *id.* at p. 219 ("commuter rail/conventional rail was eliminated during the Level 1 screening process because it did not meet the travel time threshold of being able to travel from Dallas to Fort Worth in 20 minutes or less.").

NCTCOG also repeatedly represents to the public that the travel time for alignment "2(b)" will exceed 20 minutes, including its own claims that it will take "25" minutes. NCTCOG DFW High-Speed Update, Summer 2023 ("get there in just 23 minutes."); *see also* NCTCOG's DFW High-Speed Update, 2024 Newsletter, Issue #1 ("21-25 minute travel times between Fort Worth and Dallas").

By NCTCOG's own assessment, as shown herein, alignment "2(b)" is fatally flawed and cannot proceed in any supposed "environmental review."

Ken Kirkpatrick
General Counsel
December 23, 2024
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Of course, NCTCOG actually knows that the “overall trip duration” (its own coined term) for a person to travel on higher-speed rail between Dallas-Arlington Entertainment District and Fort Worth would be much slower. Bluntly, if NCTCOG were acting with any good faith at all, actually applying its own standards, it would be forced to immediately concede and disclose (to, among others, the Federal Transit Administration, the Regional Transportation Council, the Dallas City Council and the public) that a trip on higher-speed rail under the proposed alignment “2(b)” would, beyond not meeting the 20 minute fatal flaw threshold/deadline, take far longer than even the 25 minutes NCTCOG claims alignment “2(b)” trip would require.

Adding significantly to any and all travel times is NCTCOG’s own admission that to accurately determine travel times, you must “consider[] travel to and from the [rail station] and prearrival requirements.” NCTCOG’s DFW High-Speed Update, 2024 Newsletter, Issue #1.

Actually “considering” people living in West Dallas, Love Field, Northwest Dallas, Vickery Meadow, Casa View, Fair Park as well as numerous other neighborhoods across Dallas, those persons would need to get in their cars (or alternatively, find their way from their homes to a DART station, enter the station, buy DART bus or light-rail tickets, and wait for the next DART bus or train) and travel to the inconveniently-located (in relation to the centrally-located multi-modal Eddie Bernice Johnson Union Station) proposed Cedars station. Once there, they would need to find a place to park their cars, walk from the parking lot to the Cedars station, buy tickets for the trip to Fort Worth, walk to the train, wait for the next train and then board the train for the ride. Finally in Fort Worth, those people would have to de-board the train and be left to find separate transportation to their ultimate destinations somewhere across the 359 square acres of sprawling Fort Worth.

“[C]onsidering travel to and from the [rail station] and prearrival requirements,” as NCTCOG tells the public it must, the travel time for nearly every Dallas resident would easily double or triple (or more). The *real* travel time, under NCTCOG’s own strictures, would not come anywhere close to – not be in the same galaxy as – the 20 minute NCTCOG-required “threshold.” Again, alignment “2(b),” under NCTCOG’s own standards, is fatally flawed.

NCTCOG is further forced to concede and disclose that Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail under alignment “2(b)” (made even more cumbersome through a Cedars station versus EBJ Union Station as stated above) is inherently impractical and unusable for Dallas residents.

As another reprehending point, NCTCOG’s admissions reveal an additional interrelated fatal flaw associated with alignment “2(b).” NCTCOG reports the “purpose” of possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail is the “reasonable improvement of travel time” on that particular route *as compared to driving in an automobile*. Phase 1 Analysis, p. 4.

NCTCOG states that driving a car between Dallas and Fort Worth takes thirty (30) minutes in “favorable conditions,” which ostensibly includes all non-rush hour times. It is important to note that *even in rush hour*, the Texas Department of Transportation (“TxDOT”) keeps the TEXpress lanes moving at 50 miles per hour “or faster” in both directions. See TxDOT Winter Q1 2024 Interstate 30 TEXpress Project Fact Sheet.

Ken Kirkpatrick
General Counsel
December 23, 2024
Page 3

“[C]onsidering travel to and from the [Cedars station] and prearrival requirements” (again, as NCTCOG states it must) a trip to Fort Worth in a car would be tremendously faster – far outpacing higher-speed rail as proposed in alignment “2(b).” Alignment “2(b)” would result in the *opposite* of an “improvement of travel time.”¹

As a closing note, is important for you to reflect that – as we have previously shown – NCTCOG intentionally *slowed down* the Dallas-to-Arlington Entertainment District-to-Fort Worth route to accommodate its favored Arlington Entertainment District, admitting to “sacrific[ing] speed” to have an Arlington Entertainment District station in pecuniary profit for business owners in the Arlington Entertainment District (to the direct detriment of the City of Dallas). We have fully exposed that the beleaguered alignment “2(b)” is anything but “high-speed rail.”

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called alignment “2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

Alignment “2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called alignment “2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

¹ Notably, even when NCTCOG attempts to skirt *its own* methodologies (including by not “considering travel to and from the [Cedars station] and prearrival requirements”), the net *purported* travel improvement is just five (5) minutes.

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

December 30, 2024

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG's improper favoritism and bias for the Arlington Entertainment District and its business owners for their pecuniary benefit – to the direct economic and environmental detriment of the City of Dallas

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, “Hunt”).

The limited purpose of this letter is to iterate the flagrantly improper bias of and by the North Central Texas Council of Governments (“NCTCOG”) in favor of the Arlington Entertainment District and its business owners (including its restaurants and entertainment venues) for *their* pecuniary benefit – at the expense and to the detriment of the City of Dallas and its residents.¹

The City of Arlington has stated it has a “competitive” strategy to “position” itself to be able to “capture” and “import” a “larger share” of tax dollars and revenue *from other North Texas municipalities*, including the City of Dallas. *See* Arlington, Texas – Economic Development Strategic Plan, Arlington High-Speed Rail Station Area Planning Study, p. 6 (“[E]levat[e] Arlington’s competitive positioning in the region to capture a larger share . . .”). The City Manager of Arlington has made clear its priority to “capture the most revenue [in Arlington] as opposed to allowing those dollars to leave [Arlington].” *See* December 12, 2023 Arlington City Council Meeting.

This “Strategic Plan” to “compet[e]” *against* other North Texas cities is what Arlington states is centered on “*importing dollars from other places* – tourism dollars which help [Arlington] provide [] public services.” *Id.* (emphasis added). To be clear, Arlington is engaged in a concerted effort to grab dollars away from – and at the expense of – other communities in the region such as the City of Dallas.

This scheme by Arlington to attempt to funnel dollars *away* from the City of Dallas is squarely focused on possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed

¹ You have received my letter to you dated November 25, 2024 which (1) articulated Arlington’s refusal to join a transit authority, legally precluding alignment “2(b),” (2) included an initial discussion regarding the NCTCOG-supported attempted funnel of monies from the City of Dallas to the Arlington Entertainment District, and (3) helpfully provided a conflicts of interest primer regarding any person with disqualifying interests in Arlington Entertainment District businesses who is also a member of the Regional Transportation Council.

rail. As Arlington’s Mayor states, “adding” a higher-speed rail station in the Arlington Entertainment District would be its purposefully planned way “for people [and their wallets] to get **to** [the] Arlington [Entertainment District]” **from** the City of Dallas and other North Texas cities. August 16, 2023 NCTCOG Press Release (emphasis added). While the Mayor of Arlington states this “would be an economic game changer” for Arlington, it would be a correlative financial drain on other North Texas cities – and, specifically, the City of Dallas. Arlington Report, May 21, 2024

Given this hyper-competitive stance by the City of Arlington *against* the economic interests of other communities in the region (including Dallas), it is not surprising (albeit uncivilly inappropriate) that the Mayor of Arlington (who, relevantly, is also a member of the Regional Transportation Council) stated as he sat with NCTCOG’s Michael Morris: “**I don’t give a damn** about” the Dallas City Council’s official June 12, 2024 Resolution against possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail careening above-ground through Downtown Dallas. See August 29, 2024 comments by Arlington Mayor Jim Ross. According to the Arlington Mayor, “there’s nothing” the Dallas City Council or “anyone [else] can do about it.” *Id.* While obviously wrong, this misstatement additionally amounts to contemptuous disdain and disrespect for the entire Dallas City Council.²

NCTCOG, including through its proposed alignment “2(b),” has aggressively aided, assisted, enabled, and participated with the City of Arlington in its strategy to pipeline spending and tax dollars out of the City of Dallas to the Arlington Entertainment District (and the owners of its restaurant and other entertainment venues). In stark contrast to NCTCOG’s blatantly biased mistreatment against the City of Dallas and its interests, **NCTCOG admits it is in “collaboration with the City of Arlington”** regarding possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail. See NCTCOG Phase 1 Alternatives Analysis (May 2023) (the “Phase 1 Analysis”), pp. 82-84 (emphasis added).

As an example of this collusion, NCTCOG, in further benefit of its preferred City of Arlington, paid for and provided Arlington the “Arlington High-Speed Rail Station Area Planning Study.” The stated “purpose” of this NCTCOG-manufactured “analysis,” according to NCTCOG, was to “[a]ssist the City of Arlington in creating a second urban center that generates additional economic development activity and supports current Entertainment District activities.” See NCTCOG Arlington High-Speed Rail Station Area Planning Study, p. 1, 4. NCTCOG admits it is working *for Arlington* for a “station [that] will support economic development in th[e] [Arlington Entertainment District].” *Id.* at p. 5. More pointedly, NCTCOG admits it was studying – for Arlington – “how the . . . [Arlington Entertainment District] station [] could both accelerate economic development and serve the Entertainment District.” *Id.*, p. 7.

As NCTCOG works to benefit its favored City of Arlington, it betrays the City of Dallas. NCTCOG “collaborat[es]” with the City of Arlington to carefully locate the Arlington Entertainment District Station so as “to avoid” “challenges” that would face “future developments”

² It was this same Arlington Mayor who actually recently proposed that the location for the 2026 FIFA World Cup be called the “Arlington Dallas Stadium.” Of course, as FIFA itself states, “Dallas was selected as a host city for the FIFA 2026 World Cup.” See www.dallasfwc26.com (emphasis added).

in the Arlington Entertainment District. *Id.* at pp. 1, 82-84. At the same time, NCTCOG’s alignment “2(b)” directly imperils “future developments” in Downtown Dallas, including the multi-billion planned Kay Bailey Hutchison Convention Center and Hunt’s planned six-billion-dollar (\$6,000,000,000.00) Reunion development.

While NCTCOG defers to “the development plans of [Arlington] landowner[s]” in determining the location of the Arlington Entertainment District station, NCTCOG’s proposed alignment “2(b)” is in complete disregard of Dallas landowners’ development plans. *Id.* p. 10. NCTCOG relatedly prioritizes “[m]inimiz[ing] impact to private properties” in the Arlington Entertainment District. *Id.*, p. 84. Yet, it has completely abandoned the massive negative “impact to private properties” in West Dallas and Downtown Dallas that will result from alignment “2(b).” *Id.*

In further comparative mistreatment of the City of Dallas, NCTCOG repeatedly admits it would “require agreement by” a private property owner in the Arlington Entertainment District if its property would be negatively impacted by the location of the Arlington Entertainment District station. *Id.*, p. 7; *id.* at p. 13 (“Any alignment that directly affects private property must secure agreement from the property owner(s)”); *id.* at p. 7 (“One of the routes had an alignment running through the existing ballpark, which is to be replaced by a new ballpark in the next few years. That alignment offered interesting possibilities, but would require agreement by the [private property owner].”) Of course, NCTCOG refuses to provide any commensurate accommodation to private property owners in Dallas – including in West Dallas and Downtown Dallas – whose private properties will be ruined by alignment “2(b).”

While NCTCOG, as Michael Morris stated (of course at an Arlington City Council meeting), is always ready to “roll up its sleeves” for the City of Arlington, its “efforts,” including through its proposed alignment “2(b),” are open threats to the economic and environmental future of the City of Dallas.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called alignment “2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

Alignment “2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called alignment “2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Ken Kirkpatrick
General Counsel
December 30, 2024
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Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

January 3, 2025

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: Summary of Correspondence To-Date Exposing NCTCOG Misfeasance and Massive Economic and Environmental Adverse Impacts, Requiring Immediate Withdrawal of Procedurally and Substantively Deficient "Environmental "Assessment (including Alignment "2(b)"))

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The purpose of this communication is to provide a helpful *updated* summary of Hunt's recent informative letters to the North Central Texas Council of Governments (the "NCTCOG"), (1) exposing various instances of NCTCOG's misleading misstatements regarding possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail, (2) objectively articulating some of the many fatal flaws, unmitigable severe adverse economic and environmental impacts, and multifaceted unlawfulness of the so-called alignment "2(b)," and (3) conclusively showing that the purported current "environmental assessment" is, on many levels, procedurally and substantively deficient and legally void.¹

For certain, there are numerous *additional* examples and categories regarding the troubling deportment of NCTCOG, as well as the massive economic and environmental harm to the City of Dallas that would be caused by alignment "2(b)," which may be raised or further treated in future correspondence or otherwise.

¹ In addition to the letters referenced below herein (and the December 4, 2024 initial summary letter), we remind NCTCOG of (1) the document preservation request dated October 21, 2024, which NCTCOG acknowledges it is required to fully comply with that demand, and also (2) the March 7 and March 22, 2024 letters requesting communications between NCTCOG and the Federal Transit Administration relating to possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail, which NCTCOG agreed to provide (and includes supplementation).

1. Alignment “2(b)” is legally precluded by the Master Agreement between the City of Dallas and Hunt (Letters of October 9 and November 5, 2024)

As we established in our October 9, 2024 letter (and indented in our November 5, 2024 letter), NCTCOG has, and at all relevant times has had, actual knowledge that alignment “2(b)” is legally precluded and could never be approved as it would unlawfully contravene and interfere with the legal rights of both the City of Dallas and Hunt under their publicly filed Master Agreement relating to Reunion, executed on April 29, 1975 (the “Master Agreement”). On October 9, NCTCOG was considerably provided copies of certain of the sections of the Master Agreement that expressly prohibit the 75-foot above-ground “2(b)” alignment. These provisions specifically prohibit, *inter alia*, higher-speed rail traversing above-ground through the Reunion area of Downtown Dallas as proposed in alignment “2(b).”

NCTCOG has publicly acknowledged both the existence and enforceability of the Master Agreement and affirmatively taken actions in express recognition of rights of the City of Dallas and Hunt thereunder. As an example, NCTCOG reported that it altered certain plans to avoid interfering with Hunt’s rights under the Master Agreement. NCTCOG has even admitted to, in its words, the negative legal “implications” of the Master Agreement on alignment “2(b)” because it would adversely “impact” the parties’ legal rights under that contract.

2. The preliminary location of the station south of Downtown Dallas for Dallas-Houston high-speed rail has not been finally approved (October 22, 2024)

NCTCOG continues to misrepresent, including as we demonstrated in our October 22, 2024 letter, that the Dallas station for possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail is somehow *required* to be 75 feet above-ground at the *preliminary* site for possible future *Dallas-to-Houston* high-speed rail.

First, neither the design, dimensions (including height) nor location of that station have been finally approved *even for the Dallas-to-Houston route* – they are merely “preliminary.” The rough “illustration[s]” NCTCOG relies upon specifically caution that the “final dimensions” (which includes height) cannot be “determined” without (and are subject to) future and “more detailed” “planning and design,” which would require “[c]oordination with [and approval by] the City of Dallas, DART, local agencies, project stakeholders, and applicable regulatory bodies.”

Second, the documents NCTCOG uses are attached to a now outdated *five (5) year-old* pre-pandemic environmental impact statement.

Third, even NCTCOG admits that that the now stale environmental impact statement relating to *Dallas-to-Houston* high-speed rail was done for what even NCTCOG admits is completely “*separate*” and *different* “*project*” than possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail. NCTCOG knows that environmental impact statement just doesn’t control or apply.

3. NCTCOG Improper “Holding” of Important Public Projects for the City of Dallas to Pressure Votes by the Dallas City Council on Unrelated Matter under Color of Law (October 28, 2024)

Our October 28, 2024 letter memorialized Michael Morris’ statement on January 11, 2024 that he was intentionally putting “on hold” multiple admittedly “key” public transportation projects slated to benefit the City of Dallas as a means by which to pressure and muscle the Dallas City Council to vote in favor of his own personal visions and attempted demands for completely unrelated possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth. Michael Morris’ quoted threats of punitive retaliation, using federal funds as a club for collateral purposes (as if the monies were his own), speak for themselves:

“I do need to report to you we have been working for close to a year on five or six key City of Dallas items . . . I have them on hold. I can’t proceed with these items we’ve been dealing with for a year or so at the same time we are dealing with other policy issues with regard to high-rail interests. So, I hope to resolve the high-speed rail issues as quickly as possible, permit the Dallas projects to go through public meeting and then un-hold them”

– January 11, 2024 Regional Transportation Council Meeting.

This facially improper “ultimatum” is unfortunately part of a larger pattern of what has been publicly characterized by a number of others as attempted “fear-mongering” and “bullying” of public officials.

4. NCTCOG’s Intentionally Misleading Information Campaign – Lacking Transparency (November 4, 2024)

On November 4, 2024, we showed that NCTCOG has engaged in an aggressive misinformation political campaign to attempt to forward its unlawful and damaging alignment “2(b),” including through its *DFW High-Speed Update* newsletters.

As a remarkable example establishing that NCTCOG really will “say anything,” the Spring 2024 NCTCOG newsletter actually claims that “*thousands*” of Texas A&M University students will supposedly “conveniently make day trips between Fort Worth and College Station on high-speed rail to pursue higher education.”

Under this fictitious claim, these imaginary “thousands” of students admitted to take classes at Texas A&M University’s College Station campus would supposedly leave their Fort Worth homes, get in their cars and drive to the possible future Fort Worth underground rail station and, after arriving there, would find parking places and pay for parking (alternatively, they could get

from their homes to a bus station, and purchase bus tickets to the underground rail station). Once there, the “thousands” of students would purchase tickets on the yet-to-be-built high-speed train to College Station, board the train, ride to Grimes County, get off the train, wait for (and buy additional tickets for) a third vehicle to take the “thousands” of students 26 miles to the College Station campus. Once there, the “thousands” of students would either walk or find other transportation to their classes somewhere on the 5,000-acre campus. Then, after a day of classes, the “thousands” of students would, supposedly, turn around and repeat this complicated and expensive process as they returned to their homes in Fort Worth.

Of interest, this hypothetical journey would take longer than simply driving to College Station, requiring a six-hour round-trip commute. Further, the monthly cost of tickets for the imaginary “thousands” of students would be greater than the cost of rent should they elect to stay in an apartment in College Station.

This misleading representation highlights one more violation of the National Environmental Policy Act (“NEPA”). It is the opposite of fostering a “transparent process[],” “transparency” or providing “accurate information” that the NCTCOG has publicly represented is required (e.g., NCTCOG Mobility 2045 Update, pp. 3-39, 3-43).

5. NCTCOG Material Omission in Official Government Request: I-30 Corridor/“2(b)” Alignment Rejected by the Federal Railroad Administration (November 11, 2024)

We have exposed, including in our November 11, 2024 letter, multiple intentional material omissions in the August 25, 2023 letter (the “NCTCOG FTA Letter”) from Michael Morris, on behalf of the NCTCOG, to the Federal Transit Administration (the “FTA”).

The NCTCOG FTA Letter was relied upon by the FTA, proximately causing and resulting in official action by that government agency, including as part of the FTA’s March 4, 2024 NEPA Class of Action Determination.

The NCTCOG FTA Letter promoted the “2(b)” alignment, which incorporates an Interstate Highway 30 corridor (the “I-30 Corridor”) route for future possible higher-speed rail between the City of Dallas, the Arlington Entertainment District and the City of Fort Worth. The NCTCOG FTA Letter intentionally failed to disclose to the FTA, in seeking official government action, the findings in the *final* report commissioned by the Federal Railroad Administration (the “FRA”), including that the I-30 Corridor alignment has multiple fatal flaws and has already been formally disqualified and determined ineligible as a statutorily or otherwise viable corridor alternative.

Quoting that *undisclosed* report:

“The results from the analysis of the three study corridors evaluated in the Step 1 Fatal Flaw Review show that the I-30 Corridor possesses considerable obstacles to implementation, including having the greatest engineering challenges, the highest design and construction complexity and construction risks, and the highest capital cost. For these reasons, the I-30 Corridor was dropped from further consideration and did not proceed into the Step 2 Refined Screening.”

The I-30 Corridor, on which alignment “2(b)” is based, was found to be so fundamentally and fatally flawed, it could not even move past the preliminary Step 1 process before being disqualified as a possible alternative. *This requires a finding and conclusion that alignment “2(b)” – an I-30 Corridor route – is likewise fatally flawed and disqualified.*

6. NCTCOG’s Intentional Non-Disclosure of Certain Significant Adverse Impacts/Fatal Flaws and other Misrepresentations (November 18, 2024)

Through our November 18, 2024 letter, we put in your hands conclusive evidence of even more material omissions in the NCTCOG FTA Letter. First, that official government communication intentionally failed to disclose to the FTA that the so-called alignment “2(b)” is legally barred and could never be approved, including but not limited to because (as discussed above and in the October 9 and November 5, 2024 letters to NCTCOG) it would unlawfully contravene and interfere with the rights of both the City of Dallas and Hunt under their Master Agreement. We also pointed out that NCTCOG has separately admitted to numerous *other* significant adverse impacts that would occur from alignment “2(b),” foreclosing any possible regulatory approval under any circumstance.

Beyond the long list of material omissions, we also raised multiple other affirmative misrepresentations to the FTA in the NCTCOG FTA Letter. These included the false statement by NCTCOG that alignment “2(b)” would not “cause significant change in land use,” notwithstanding that, even if not otherwise legally precluded, it would forever alter and negatively affect the future economic and urban growth of Dallas’ Central Business District, including the impact of Dallas’ new more than \$3 billion Kay Bailey Hutchison Convention Center and Hunt’s planned several billion-dollar development in Reunion.

NCTCOG also falsely represented to the FTA that alignment “2(b)” was “not expected to significantly increase noise or vibration levels” – even as that route would have trains careening past historical parks and markers and through Downtown Dallas destroying possible new pedestrian use and walkability and creating massive environmental pollution. NCTCOG also misrepresented to the FTA that the “2(b)” route “would not separate or divide neighborhoods,” a direct affront to neighbors and churches in West Dallas and deceptively deflecting from the fact that this route would totally separate and divide Downtown Dallas neighborhoods.

Again, the FTA took official action relying upon the misrepresentations and undisclosed material omissions in the NCTCOG FTA Letter, including by “determin[ing] the class of action . . . is an Environmental Assessment” (an “EA”) instead of the more rigorous and complex Environmental Impact Statement (an “EIS”). As NCTCOG well understands and has repeatedly admitted, an EA is not the proper process for NEPA review given the known and numerous significant adverse impacts. Stated alternatively, as we have cited, NCTCOG has repeatedly stated that the two-year EIS process (versus just a one-year EA process) would be required.

7. City of Arlington’s decades of refusal to partner with and pay its fair share for regional transportation precludes the Arlington Entertainment District station and, by extension, alignment “2(b)” (November 25, 2024)

In our November 18, 2024 letter, we pointed out the obvious: (1) the City of Arlington’s refusal to join a transit authority precludes an Arlington Entertainment District station, and by necessary logic and law, alignment “2(b),” (2) NCTCOG continues to improperly favor the City of Arlington over the City of Dallas to foster an export of consumer dollars from Dallas to the Arlington Entertainment District, and (3) state and local conflict of interest rules preclude an Arlington elected official who has a disqualifying interest in an Arlington Entertainment District business that will be particularly benefitted by an Arlington Entertainment District station from participating in discussion or votes at a Regional Transportation Council meeting regarding possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail.

The City of Arlington has for decades rebuffed “joining a transit authority” such as Dallas Area Rapid Transit (“DART”) or Trinity Metro, regional transportation authorities under chapter 452 of the Texas Transportation Code. Tex. Transp. Code §§ 452.001 *et seq.* Arlington voters have consistently and flatly rejected public transportation proposals – voting them down no less than three (3) times.

Instead of utilizing a portion of its discretionary sales tax to pay its fair share in joining a regional transportation authority, the City of Arlington routes a half cent of sales tax to develop the Arlington Entertainment District in its concerted plan to siphon consumer spending dollars *away* from Dallas *to* Arlington’s sports venues and restaurants/lounges. Quoting NCTCOG, it characterizes this failure to join a transit authority as the City of Arlington’s decades-long refusal to be a “partner with the rest of the [regional transportation] system” here in North Texas.

In stark contrast to Arlington, the City of Dallas is a tried and true regional “partner.” It pays over \$400 million a year for its membership in DART. Several billions of dollars in regional transportation payments have been made by the City of Dallas to DART since its inception in 1984. This massive burden has been and continues to be heavily shouldered by Dallas in the form of a one-cent sales tax used to pay for DART.

The mere fact that the City of Arlington has failed and/or refused to join a regional transportation authority immediately disqualifies an Arlington Entertainment District station and therefore, alignment “2(b).” As Michael Morris states, “you don’t get high-speed rail for free.”

NCTCOG has nonetheless overtly but inexplicably sought to reward the City of Arlington for its transportation isolationism, favoring Arlington’s efforts to divert consumers and funnel tax dollars *from* the City of Dallas and other North Texas communities to the sports venues and restaurants/lounges in the Arlington Entertainment District. NCTCOG has proposed that Arlington receive an *underground* station that NCTCOG assures will confer the Arlington Entertainment District with “economic development” to get people and their dollars *to* the Arlington Entertainment District. Of course, alignment “2(b)” would not cut through or divide the Arlington Entertainment District, much less careen above-ground through its sports venues or restaurants/lounges – while at the same time it would ram through and divide Downtown Dallas, including the Hunt Reunion development, causing massive negative economic and environmental damage as we have described. This constitutes clear disparate treatment: favoritism for City of Arlington (that refuses to be a regional transportation “partner”) to the detriment of the City of Dallas (that has been a great regional transportation “partner”).

We also brought to your attention Chapter 171 of the Texas Local Government Code, which prohibits a local public official in Texas, including an Arlington elected official, from voting on or participating in a matter at a Regional Transportation Council meeting involving a business entity or real property in which the official has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public. TEX. LOC. GOV’T CODE §171.004. This state statute is complemented by City of Arlington and NCTCOG conflict of interest and code of ethics policies.

8. “One-seat ride” Misdirection (December 2, 2024)

Our December 2, 2024 letter flatly debunked NCTCOG’s specious “one-seat ride” arguments, including by showing that NCTCOG’s own regional rail proposals betrayed and were planning *against* “one-seat ride,” and by simply reminding NCTCOG of certain of its own prior comments and admissions.

First, we explained that NCTCOG’s routes north and east out of the metroplex were being planned by NCTCOG to actually preclude any “one-seat ride.” We pointed out that, according to NCTCOG, both the Shreveport and Oklahoma City routes “needed” to be “at-grade,” which was incompatible for “one-seat ride” with the planned “grade-separated” Dallas-to-Arlington Entertainment District-to-Fort Worth route. We also detailed that NCTCOG’s plans for a connection from an Arlington Entertainment District higher-speed rail station to DFW International Airport would actually entail a *five-seat ride*.

Second, we reminded NCTCOG of its prior repeated admissions, agreements and actions supporting a “cross-platform transfer” at a possible future Dallas station, which would completely obviate any “one-seat ride” policy.

Third, we showed that NCTCOG’s “one-seat ride” concepts would be legally precluded anyway as it would require an impossible and legally prohibited “predetermination” of (1) the precise technology (including tracks, infrastructure, and trains) and (2) the particular implementer/operator for possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District, and the City of Fort Worth.

“One-seat ride” is impossible unless, among other things, the same proprietary train and track technology is used for both (1) the Houston-to-Dallas route and (2) the Dallas-to-Arlington Entertainment District-to-Fort Worth route. But, even NCTCOG admits this cannot be known, controlled or even predicted. Even if Shinkansen technology is chosen at some point in the future by the implementer/operator for one of the routes, there can be no assurance that the unknown implementer/operator on the other route will make the same choice. NCTCOG also concedes there can be no confidence that, even if the technology, tracks and trains are the same, the operator of one route would allow another route’s trains to roll on its tracks.

Fourth, we revealed that NCTCOG improperly eliminated TRE Corridor routes from consideration as supposedly fatally flawed because they were allegedly better suited for “at-grade” lines. We demonstrated, as discussed above, that an “at-grade” line would actually be more aligned and compatible with other routes extending from the metroplex. We further pointed out that, ironically, *it is alignment “2(b)” – even under NCTCOG’s own standards – that is the fatally flawed alignment for at least two patently obvious reasons.* NCTCOG considers a Dallas-to-Arlington Entertainment District-to-Fort Worth alignment to be fatally flawed unless the Dallas station is “located in downtown Dallas,” such as the Eddie Bernice Johnson Union Station. But alignment “2(b)” calls for a station *outside of* Downtown Dallas. NCTCOG also states an alignment is fatally flawed unless it can meet a “[t]ravel time of 20 minutes or faster,” yet NCTCOG also concedes that alignment “2(b)” cannot do that.

Fifth, we made plain that “one-seat ride” does not even apply to the proposed NCTCOG-stated purpose of the “Project” of possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail. More specifically, NCTCOG stated to the FTA that the “purpose” of the project is limited to a route “connecting the two largest downtowns in the fourth largest metropolitan area in the United States.” *Travel to Houston, including the boarding process for travelers to Houston, is not within NCTCOG’s represented “purpose” of the “Project.”*

9. NCTCOG's "2(b)" Alignment is in Reckless Disregard of Dallas neighborhoods, parks, and bridges (December 9, 2024)

The December 9, 2024 letter memorialized *additional* examples of significant (actually, devastating) and unmitigable adverse environmental impacts, pollution and injustice that would result from the so-called alignment "2(b)" relating to possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail, legally disqualifying that NCTCOG-manufactured route from further regulatory consideration.

Alignment "2(b)" will environmentally deface and ruin Martyrs Park

NCTCOG will not dispute that alignment "2(b)" will cause significant environmental pollution to Martyrs Park, a Dallas historical landmark that includes the memorial of the 1860 lynchings of three slaves as well as the recently installed permanent landmark "Shadow Lines." The powerful and solemn experience this historical landmark provides has been characterized by a leading supporter as follows:

"Once you get into that space where the lynching victims are commemorated, it's just silence . . . And in the silence, you can get in the moment."

The overbearing sound and sight pollution caused by alignment "2(b)" would ruin Martyrs Park – even NCTCOG admits to this threat of "noise and visual impacts to Martyrs Park."

Alignment "2(b)" threatens the Trinity River Corridor, including Harold Simmons Park, the Ron Kirk Pedestrian Bridge, and the Margaret Hunt Hill and Margaret McDermott Bridges

As the Trinity Park Conservancy reports, "[g]reat cities are defined by great parks." The \$325 million Harold Simmons Park, for which work has already started, will play a central role as an economic driver for Dallas, estimated to annually attract five million visitors and generate as much as \$6 billion in economic benefits in its first 30 years. Planners state that the Harold Simmons Park will connect neighborhoods through a series of elevated overlooks and gateways to the Trinity River and its natural habitats for plants and wildlife. It will provide new access via additional trails and river crossings to unite the two sides of the Trinity River – engendering a strengthened sense of community. It will also promote conservationism and stewardship of the Trinity River.

Bookending the 250-acre Harold Simmons Park (as part of the larger 10,000-acre vision of the Trinity River Corridor) are the Ron Kirk Pedestrian Bridge and the Margaret McDermott Bridge. The Ron Kirk Pedestrian Bridge is itself *presently* a relaxing family park, including playgrounds, areas to relax, and a walking path connecting West Dallas to Downtown Dallas. The views are currently spectacular but would be effectively marred or destroyed by alignment "2(b)." The Margaret Hunt Hill Bridge and Margaret McDermott Bridge, for their part, have of course

become jewels of the Dallas skyline – they would be dramatically and permanently scarred by alignment “2(b).”

Alignment “2(b)” – plowing over the Trinity River as proposed by NCTCOG – would destroy the Ron Kirk Pedestrian Bridge with massive sight and sound pollution, wrecking its purpose. Santiago Calatrava’s inspiration and vision for the Margaret Hunt Hill and Margaret McDermott Bridges would also be lost forever.

The NCTCOG’s Attack on West Dallas – Massive Burden with no Commensurate Benefit

The NCTCOG-proposed alignment “2(b)” would permanently mar homes and churches in West Dallas with the blight of sound and visual environmental pollution in direct violation of NEPA. The diminution of economic value and livability to homes, various mixed-use developments, and businesses along Commerce Street, whose new backyard under alignment “2(b)” would be subject to screeching trains at extremely high decibel levels, is glaringly obvious.

Alignment “2(b)” would place a massive, uneven, and permanent burden and nuisance on West Dallas for which it will derive no commensurate benefit. Even NCTCOG does not dispute the threat alignment “2(b)” is to West Dallas. *NCTCOG concedes, in its own words, the “potential visual impacts by elevated structure through residential areas in West Dallas.”* See NCTCOG Phase 1 Alternatives Analysis Final Report, Volume I, Table 21. It would also violate the NCTCOG-acknowledged requirement that it “provid[e] an equitable transportation system for all residents” and “[e]nsure the full and fair participation by *all* potentially affected communities in the transportation decision-making process.” Mobility 2045 Update, p. 3-17, 3-18.

10. NCTCOG’s Failure to Keep Regional Transportation Council Informed or to Follow its Own “Public Participation Plan” – Selective Disclosure, Intentional Non-Disclosure, and Misrepresentations Regarding Compliance (December 11, 2024)

On December 11, 2024 we observed that the NCTCOG was in non-compliance of its own disclosure rules relating to its obligations to keep the Members of the Regional Transportation Council (the “RTC”) and the public informed regarding agency business. We raised for your attention NCTCOG’s improper *selective exclusion* and non-publication of comments received from affected residents and businesses in the posted Agenda (Including Meeting Materials) Packet for the December 12, 2024 RTC Meeting.

We provided for NCTCOG pertinent excerpts from its own “Public Participation Plan,” which requires that: **“All comments . . . regardless of the topic, are compiled into a monthly report and presented to the RTC in advance of its next regularly scheduled meeting. These comments are accessible to the public in the RTC meeting agendas . . .”** Public Participation Plan, §4, as amended (emphases added). That NCTCOG-instituted requirement pertinently notes that “[a]s a matter of course, the RTC gives greater weight to the voices of impacted . . . businesses . . .” *Id.*

We conclusively showed that – notwithstanding this NCTCOG-instituted regulation – the posted Agenda (Including Meeting Materials) Packet for the December 12, 2024 RTC Meeting did not include (but intentionally excluded) Hunt’s emailed and certified mailed letters to the NCTCOG as required and were therefore not, as misrepresented, “in accordance with the NCTCOG Transportation Department Public Participation Plan.” *See* Agenda (Including Meeting Materials), Electronic Items 4.12, 4.13.

We sent the December 11, 2024 letter in time for NCTCOG to correct this patent violation prior to the commencement of the December 12, 2024 RTC meeting. NCTCOG, fully armed with the ability to ameliorate its misrepresentation and violation, further defied its own rules by moving ahead with the meeting *without* revealing the required disclosures to its own Members.

11. NCTCOG violating its own legal agreements in pushing alignment “2(b),” which NCTCOG concedes is not even viable as a “separate” or “stand-alone” project (December 16, 2024)

On December 16, 2024, we helpfully highlighted for NCTCOG its own admissions that alignment “2(b)” irretrievably, abjectly, and objectively (and therefore, legally) fails under even *NCTCOG’s own stated test* for viability.

We provided you with NCTCOG’s own legal contract stipulating that any possible future Dallas-to-Houston high-speed rail route is “separate” from any possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail route – and that they must be *separately* reviewed and each must stand or fall on its own. *See* Memorandum of Understanding Concerning the Alternatives Analysis and Preparation of Environmental Documents for the Dallas-Fort Worth High-Speed Passenger Service, § IV.C, dated April 20, 2020 (“Texas Central Railroad, LLC (“TCRR”) has proposed to construct and operate high-speed rail (HSR) system from Dallas to Houston, and FRA, in considering a request for regulatory action from TCRR is considering the potential environmental impacts of the proposed HSR system. **The Parties agree that TCRR’s proposed HSR system and the proposed High-Speed Transportation Passenger Service between Dallas and Fort Worth have independent utility and a different purpose and need, and as such will be assessed in separate NEPA documents.**” [emphasis added]).

We indented this point by noting that both NCTCOG and the National Rail Passenger Corporation (“Amtrak”) have represented to the Dallas City Council and the public that these possible future routes are “*two separate projects*” – with Amtrak even specifically noting they “are careful to keep them that way . . .” *See* March 6, 2024 Dallas City Council Meeting.

As a result, any analysis of possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail (including but not limited to any purported but deficient “environmental assessment” of alignment “2(b)”) must be “*separately*” analyzed, in a *stand-alone* determination

of its own particular feasibility, reasonability, and environmental, social, economic and other impacts. Any possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail line must *stand on its own* (unsupported by and untethered to possible future Dallas-to-Houston high-speed rail). Everyone agrees it cannot.

Everyone agrees that, when separately assessed, the Dallas-to-Arlington Entertainment District-to-Fort Worth route cannot stand on its own

NCTCOG readily concedes that possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail, which would specifically include the so-called alignment “2(b),” is neither viable nor feasible on its own – as a “standalone” route. In NCTCOG’s own authorized representative Michael Morris’ words at the March 6, 2024 Dallas City Council meeting, that is simply not “realistic.”

Morris made abundantly clear that without (1) a Dallas-to-Houston high-speed rail route and also (2) “being a partner” with the ultimate operator/implementer of that *other* possible future route, a Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail route never gets past the “theor[etical]” in being able to “exist” “on its own.” *Id.*

Amtrak, who has at various times expressed varying interest in some potential role in the possible future Dallas-to-Houston route, forcefully “echo[ed]” Morris in stating that, as a “stand-alone” route, the Dallas-to-Arlington Entertainment District-to-Fort Worth route doesn’t even “fit the typical characteristics of a high-speed route.” Amtrak has also been quick to point out that it is being “careful” to keep the two “separate projects” at a distance, ostensibly to avoid the Dallas-to-Houston project not being infected by the long list of legal and other infirmities plaguing the Dallas-to-Arlington Entertainment District-to-Fort Worth route (including alignment “2(b)”).

When separately assessed, the outside of Downtown Dallas Cedars Station makes no sense for any Dallas-to-Arlington Entertainment District-to-Fort Worth route.

We also showed that, even setting aside this agreed non-viability, looking at possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail as a “separate” and “stand-alone” proposal, a very valid question exists as to whether the City of Dallas would ever agree to the Cedars location as proposed under alignment “2(b).” NCTCOG has never voiced any basis to place the City of Dallas station in the Cedars location *other than* in relation to the **different** Dallas-to-Houston route, which again, cannot be a factor in “separately” assessing the Dallas-to-Arlington Entertainment District-to-Fort Worth route as a “stand-alone” project.

It is also significant that it is NCTCOG who has touted the Eddie Bernice Johnson Union Station (“EBJ Union Station”) as the multi-modal transportation “hub” for the City of Dallas. Unlike the Cedars station, the EBJ Union Station is located in Downtown Dallas. As we have previously exposed, it is NCTCOG’s position that an alignment that includes a City of Dallas station that is

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not “located in downtown Dallas” and “[s]erv[ing] a downtown Dallas station” is “fatally flawed,” disqualifying it from further consideration.

Alignment “2(b)” – when viewed separately, is not “high-speed rail” in the first place

We also showed that even *NCTCOG* has admitted that the proposed alignment “2(b),” viewed as required under the lens of a “separate” and “stand-alone” project, is not even “high-speed rail” in the first place. This additionally disqualifies alignment “2(b).”

More specifically, according to *NCTCOG*, train speeds on any possible future Dallas-to-Arlington Entertainment District-to-Fort Worth route would never even come close to reaching “high-speed rail” velocity.

When confronted on this point plainly showing alignment “2(b)” is not high-speed rail, Michael Morris shuffled to try to maneuver out of this disqualifying problem. He actually, as a representative of *NCTCOG*, completely changed his definition of “high-speed rail” to intentionally totally ignore and leave out its most basic component: speed. According to Michael Morris:

“I think high-speed rail is better defined by [sic] is it totally isolated from any potential conflict from a safety standpoint.”

November 28, 2023 Arlington City Council Meeting.

Ridiculously absent from *NCTCOG*’s above-quoted definition of “high-speed rail” is any element of speed.

When further specifically cornered with the nonsense of defining “high-speed rail” without any connection to speed, the most basic element of high-speed rail, Morris appeared frustrated and pivoted again to state:

“We’re going to call it high-speed rail because when you get on the train it’s eventually going to go to 260 miles an hour, so we’re going to call it high-speed rail.”

November 28, 2023 Arlington City Council Meeting.

As the above quote reflects, Morris’ retreated to a *new* definition conceding, as he had to, that speed was (obviously) fundamental to the definition of high-speed rail. He inserted, as shown above, a requirement that for a route to be considered high-speed rail, it must reach **260** miles per hour.

Of course, neither alignment “2(b)” nor any Dallas-to-Arlington Entertainment District-to-Fort Worth alignment will ever get anywhere near reaching 260 miles per hour. Rather, Morris is quoted as stating that alignment “2(b)” will only get to just half that speed (“even if our speeds are at 130 instead of 260”). As condemning, the average speed of the alignment “2(b)” route – *according to NCTCOG itself* – will be just 74 miles per hour (based on NCTCOG-estimated 25 minute ride on the proposed 31 mile route).

It is important for you to accept that NCTCOG intentionally determined to ensure that alignment “2(b)” would never be high-speed rail. It is Michael Morris who is quoted as admitting that “by having an Arlington [Entertainment District] station,” it is purposefully “trading” away high-speed rail. Morris further reiterated that “[w]e could not have an Arlington [Entertainment District] station and get to higher speeds,” but “will accept *slower* speeds.” November 28, 2023 Arlington City Council Meeting. Again, NCTCOG purposefully determined to benefit its favored Arlington Entertainment District constituency at the expense of high-speed rail.

The Dallas-to-Arlington Entertainment District-to-Fort Worth route must be viewed “separately” from the Dallas-to-Houston route. The fact that a different route – possible future Dallas-to-Houston alignment – may reach 260 miles per hour cannot be factored into the “separate” assessment of alignment “2(b).”

In short, NCTCOG admits that under Michael Morris’ own definition of “high-speed rail,” alignment “2(b)” – when viewed as it must be as a “separate” and “stand-alone” project, is not high-speed rail at all. As a result, alignment “2(b)” legally fails under the current “environmental assessment,” which according to NCTCOG solely and exclusively concerns “high-speed rail.” See August 25, 2023 Letter from NCTCOG to the Federal Transit Administration.

“One-seat ride” could not apply to any required separate analysis of Dallas-to-Arlington Entertainment District-to-Fort Worth route

We also noted that the required “stand-alone” viability of Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail immediately precludes consideration of NCTCOG’s notions of “one-seat ride.” As previously articulated, “one-seat ride” could have no application to a single route, but only with regard to a *different* route that cannot be assessed in determining the viability of alignment “2(b)” as a “stand-alone” route.

Alignment “2(b)” cannot stand on its own. Under any review as a “separate” and “stand-alone” project, it immediately fails.

12. NCTCOG's alignment "2(b)" is fatally flawed according to NCTCOG – doesn't even meet NCTCOG-instituted standards (December 23, 2024)

On December 23, 2024, we enunciated that the NCTCOG-manufactured alignment "2(b)" is, *according to NCTCOG*, "fatally flawed" based on its *own* represented travel time for possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail.

NCTCOG repeatedly represents to the public – over and over again – that it is a "fatal flaw" for the travel time of a "higher-speed" rail vehicle following a rail alignment between Dallas and Fort Worth to exceed 20 minutes. NCTCOG's Phase 1 Alternative Analysis Final Report (May 2023) ("Phase 1 Analysis"), p. 41 ("[t]ravel time of 20 minutes or faster from proposed high-speed rail station in Downtown Dallas to Central Station in Downtown Fort Worth."); *id.* at p. 41 ("The fatal flaw criteria included in Level 1 comprised of an evaluation to identify which alignment/mode combinations could meet a 20-minute travel time criterion"); *id.* at Appendix D, p. 158 ("Travel time estimates are being developed. One of the initial screening criteria that will be used to evaluate the technologies and the corridor alignments is the ability to travel between Dallas and Fort Worth in 20 minutes or less."); *see also id.* at p. 40 ("Travel Time (Fatal Flaw)" p. 40; *id.* at p. 218 ("In the Level 1 screening, a 20 minute travel time threshold was used. Each alignment and mode combination was compared to that threshold."); *id.* at p. 219 ("commuter rail/conventional rail was eliminated during the Level 1 screening process because it did not meet the travel time threshold of being able to travel from Dallas to Fort Worth in 20 minutes or less.").

NCTCOG also repeatedly represents to the public that the travel time for alignment "2(b)" will exceed 20 minutes, including its own claims that it will take "25" minutes. NCTCOG DFW High-Speed Update, Summer 2023 ("get there in just 23 minutes."); *see also* NCTCOG's DFW High-Speed Update, 2024 Newsletter, Issue #1 ("21-25 minute travel times between Fort Worth and Dallas").

By NCTCOG's own assessment, as shown herein, alignment "2(b)" is fatally flawed and cannot proceed in any supposed "environmental review."

Of course, NCTCOG actually knows that the "overall trip duration" (its own coined term) for a person to travel on higher-speed rail between Dallas-Arlington Entertainment District and Fort Worth would be much slower. Bluntly, if NCTCOG were acting with any good faith at all, actually applying its own standards, it would be forced to immediately concede and disclose (to, among others, the Federal Transit Administration, the Regional Transportation Council, the Dallas City Council and the public) that a trip on higher-speed rail under the proposed alignment "2(b)" would, beyond not meeting the 20 minute fatal flaw threshold/deadline, take far longer than even the 25 minutes NCTCOG claims alignment "2(b)" trip would require.

Ken Kirkpatrick
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Adding significantly to any and all travel times is NCTCOG's own admission that to accurately determine travel times, you must "consider[] travel to and from the [rail station] and prearrival requirements." NCTCOG's DFW High-Speed Update, 2024 Newsletter, Issue #1.

Actually "considering" people living in West Dallas, Love Field, Northwest Dallas, Vickery Meadow, Casa View, Fair Park as well as numerous other neighborhoods across Dallas, those persons would need to get in their cars (or alternatively, find their way from their homes to a DART station, enter the station, buy DART bus or light-rail tickets, and wait for the next DART bus or train) and travel to the inconveniently-located (in relation to the centrally-located multi-modal Eddie Bernice Johnson Union Station) proposed Cedars station. Once there, they would need to find a place to park their cars, walk from the parking lot to the Cedars station, buy tickets for the trip to Fort Worth, walk to the train, wait for the next train and then board the train for the ride. Finally in Fort Worth, those people would have to de-board the train and be left to find separate transportation to their ultimate destinations somewhere across the 359 square acres of sprawling Fort Worth.

"[C]onsidering travel to and from the [rail station] and prearrival requirements," as NCTCOG tells the public it must, the travel time for nearly every Dallas resident would easily double or triple (or more). The *real* travel time, under NCTCOG's own strictures, would not come anywhere close to – not be in the same galaxy as – the 20 minute NCTCOG-required "threshold." Again, alignment "2(b)," under NCTCOG's own standards, is fatally flawed.

NCTCOG is further forced to concede and disclose that Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail under alignment "2(b)" (made even more cumbersome through a Cedars station versus EBJ Union Station as stated above) is inherently impractical and unusable for Dallas residents.

As another reprehending point, NCTCOG's admissions reveal an additional interrelated fatal flaw associated with alignment "2(b)." NCTCOG reports the "purpose" of possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail is the "reasonable improvement of travel time" on that particular route *as compared to driving in an automobile*. Phase 1 Analysis, p. 4.

NCTCOG states that driving a car between Dallas and Fort Worth takes thirty (30) minutes in "favorable conditions," which ostensibly includes all non-rush hour times. It is important to note that *even in rush hour*, the Texas Department of Transportation ("TxDOT") keeps the TEXpress lanes moving at 50 miles per hour "or faster" in both directions. *See* TxDOT Winter Q1 2024 Interstate 30 TEXpress Project Fact Sheet.

"[C]onsidering travel to and from the [Cedars station] and prearrival requirements" (again, as NCTCOG states it must) a trip to Fort Worth in a car would be tremendously faster – far outpacing

higher-speed rail as proposed in alignment “2(b).” Alignment “2(b)” would result in the *opposite* of an “improvement of travel time.”²

13. NCTCOG’s improper favoritism and bias for the Arlington Entertainment District and its business owners for their pecuniary benefit – to the direct economic and environmental detriment of the City of Dallas (December 30, 2024)

Our December 30, 2024 letter iterated the flagrantly improper bias of and by the NCTCOG in favor of the Arlington Entertainment District and its business owners (including its restaurants and entertainment venues) for *their* pecuniary benefit – at the expense and to the detriment of the City of Dallas and its residents.

The City of Arlington has stated it has a “competitive” strategy to “position” itself to be able to “capture” and “import” a “larger share” of tax dollars and revenue *from other North Texas municipalities*, including the City of Dallas. See Arlington, Texas – Economic Development Strategic Plan, Arlington High-Speed Rail Station Area Planning Study, p. 6 (“[E]levat[e] Arlington’s competitive positioning in the region to capture a larger share . . .”). The City Manager of Arlington has made clear its priority to “capture the most revenue [in Arlington] as opposed to allowing those dollars to leave [Arlington].” See December 12, 2023 Arlington City Council Meeting.

This “Strategic Plan” to “compet[e]” *against* other North Texas cities is what Arlington states is centered on “*importing dollars from other places* – tourism dollars which help [Arlington] provide [] public services.” *Id.* (emphasis added). To be clear, Arlington is engaged in a concerted effort to grab dollars away from – and at the expense of – other communities in the region such as the City of Dallas.

This scheme by Arlington to attempt to funnel dollars *away* from the City of Dallas is squarely focused on possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail. As Arlington’s Mayor states, “adding” a higher-speed rail station in the Arlington Entertainment District would be its purposefully planned way “for people [and their wallets] to get to [the] Arlington [Entertainment District]” from the City of Dallas and other North Texas cities. August 16, 2023 NCTCOG Press Release (emphasis added). While the Mayor of Arlington states this “would be an economic game changer” for Arlington, it would be a correlative financial drain on other North Texas cities. Arlington Report, May 21, 2024

Given this hyper-competitive stance by the City of Arlington *against* the economic interests of other communities in the region, it is not surprising (albeit uncivilly inappropriate) that the Mayor of Arlington (who, relevantly, is also a member of the Regional Transportation Council) stated as he sat with NCTCOG’s Michael Morris: **“I don’t give a damn about” the Dallas City**

² Notably, even when NCTCOG attempts to skirt *its own* methodologies (including by not “considering travel to and from the [Cedars station] and prearrival requirements”), the net *purported* travel improvement is just five (5) minutes.

Council's official June 12, 2024 Resolution against possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail careening above-ground through Downtown Dallas. *See* August 29, 2024 comments by Arlington Mayor Jim Ross. According to the Arlington Mayor, "there's nothing" the Dallas City Council or "anyone [else] can do about it." *Id.* While obviously wrong, this misstatement additionally amounts to contemptuous disdain and disrespect for the entire Dallas City Council.

NCTCOG, including through its proposed alignment "2(b)," has aggressively aided, assisted, enabled, and participated with the City of Arlington in its strategy to pipeline spending and tax dollars out of the City of Dallas to the Arlington Entertainment District (and the owners of its restaurant and other entertainment venues). In stark contrast to NCTCOG's blatantly biased mistreatment against the City of Dallas and its interests, NCTCOG **admits it is in "collaboration with the City of Arlington"** regarding possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail. *See* NCTCOG Phase 1 Alternatives Analysis (May 2023) (the "Phase 1 Analysis"), pp. 82-84 (emphasis added).

As an example of this collusion, NCTCOG, in further benefit of its preferred City of Arlington, paid for and provided Arlington the "Arlington High-Speed Rail Station Area Planning Study." The stated "purpose" of this NCTCOG-manufactured "analysis," according to NCTCOG, was to "[a]ssist the City of Arlington in creating a second urban center that generates additional economic development activity and supports current Entertainment District activities." *See* NCTCOG Arlington High-Speed Rail Station Area Planning Study, p. 1, 4. NCTCOG admits it is working *for Arlington* for a "station [that] will support economic development in th[e] [Arlington Entertainment District]." *Id.* at p. 5. More pointedly, NCTCOG admits it was studying – for Arlington – "how the . . . [Arlington Entertainment District] station [] could both accelerate economic development and serve the Entertainment District." *Id.*, p. 7.

As NCTCOG works to benefit its favored City of Arlington, it betrays the City of Dallas. NCTCOG "collaborat[es]" with the City of Arlington to carefully locate the Arlington Entertainment District Station so as "to avoid" "challenges" that would face "future developments" in the Arlington Entertainment District. *Id.* at pp. 1, 82-84. At the same time, NCTCOG's alignment "2(b)" directly imperils "future developments" in Downtown Dallas, including the multi-billion planned Kay Bailey Hutchison Convention Center and Hunt's planned six-billion-dollar (\$6,000,000,000.00) Reunion development.

While NCTCOG defers to "the development plans of [Arlington] landowner[s]" in determining the location of the Arlington Entertainment District station, NCTCOG's proposed alignment "2(b)" is in complete disregard of Dallas landowners' development plans. *Id.* p. 10. NCTCOG relatedly prioritizes "[m]inimiz[ing] impact to private properties" in the Arlington Entertainment District. *Id.*, p. 84. Yet, it has completely abandoned the massive negative "impact to private properties" in West Dallas and Downtown Dallas that will result from alignment "2(b)." *Id.*

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General Counsel
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In further comparative mistreatment of the City of Dallas, NCTCOG repeatedly admits it would “require agreement by” a private property owner in the Arlington Entertainment District if its property would be negatively impacted by the location of the Arlington Entertainment District station. *Id.*, p. 7; *id.* at p. 13 (“Any alignment that directly affects private property must secure agreement from the property owner(s)”); *id.* at p. 7 (“One of the routes had an alignment running through the existing ballpark, which is to be replaced by a new ballpark in the next few years. That alignment offered interesting possibilities, but would require agreement by the [private property owner].” Of course, NCTCOG refuses to provide any commensurate accommodation to private property owners in Dallas – including in West Dallas and Downtown Dallas – whose private properties will be ruined by alignment “2(b).”

While NCTCOG, as Michael Morris stated (of course at an Arlington City Council meeting), is always ready to “roll up its sleeves” for the City of Arlington, its “efforts,” including through its proposed alignment “2(b),” are open threats to the economic and environmental future of the City of Dallas.

* * * *

Conclusion: Alignment “2(b)” is legally precluded and would be an economic and environmental disaster for the City of Dallas and must be withdrawn from consideration as part of the beleaguered “environmental assessment.”

As this letter denotes, we have, at great length, with pointed specificity, and utilizing NCTCOG’s own quoted statements, assisted you in cataloguing some of what is part of a long list of legal (including procedural and substantive) deficiencies, including severely adverse economic consequences, associated with the “environmental assessment” regarding possible future higher-speed rail between the City of Dallas, the Arlington Entertainment District and Fort Worth, including specifically, alignment “2(b).” Please confirm that the so-called alignment “2(b)” has been removed from consideration in the apparently ongoing but legally beleaguered “environmental assessment.”

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

January 6, 2025

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: Disclosure of Correspondence to the Federal Transit Administration

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The limited purpose of this letter is to raise the reasonable and important inquiry into whether or not any one or more of my letters to you, in your capacity as the chief legal counsel for the North Texas Council of Governments ("NCTCOG"), have been disclosed and shared with the Federal Transit Administration (or any other governmental entity or agency – or any of their representatives – with whom NCTCOG has interacted with respect to the subject of "high-speed rail" between Dallas, the Arlington Entertainment District and Fort Worth).

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called alignment "2(b)" would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas' new \$3 billion Kay Bailey Hutchison Convention Center.

Alignment "2(b)," would contravene and interfere with the City's and Hunt's legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG's continued action involving the so-called alignment "2(b)" is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

January 6, 2025

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG-admitted merely “preliminary” and “conceptual” design, dimensions (including height) and location of a possible future Dallas station (for a concededly “separate” Dallas-to-Houston route)

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, “Hunt”).

On Friday afternoon, January 3, 2025, by letter dated December 31, 2024, and in your capacity as the chief legal officer of the North Texas Council of Governments (“NCTCOG”), you emailed NCTCOG’s stated response to my October 22, 2024 letter – a noted well over two (2) months’ delay.¹ NCTCOG’s response unfortunately amounts to nothing more than a continuation of its disturbing bad faith and legally insupportable strategy.

First, we do acknowledge NCTCOG’s unequivocal admission in its response – albeit induced by my October 22 letter – that the location, design, and dimensions of any proposed Dallas station for Dallas-to-Houston high-speed rail are, in fact, not final. We also memorialize NCTCOG’s compelled concession resulting from the October 22 letter, that the “illustration[s]” it relies upon relating to a proposed Dallas station are merely “**conceptual**.”

NCTCOG’s only cited (but, as we have shown, irrelevant and outdated) source on which it relies – the 2020 environmental impact statement regarding possible future *Dallas-to-Houston* high-speed rail – actually indents that the “dimensions and layout” and “design” for any Dallas station

¹ It would be reasonable to assume that NCTCOG strategically timed the delivery of NCTCOG’s response contemporaneously with its posting of the Agenda Packet for the January 9, 2025 Regional Transportation Committee meeting in an attempt to avoid disclosure to RTC Members and the public of any reply by Hunt exposing and disproving the misleading and bad faith statements and/or mischaracterizations by NCTCOG in its response letter. We have previously shown that NCTCOG has improperly violated its own disclosure rules in failing and/or refusing to provide to RTC Members and the public the letters from Hunt (including in its prior Agenda packets). Please consider your duties to properly and fully inform the RTC Members – including in refraining from the omission of material information.

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for Dallas-to-Houston high-speed rail are, beyond being only “conceptual,” expressly “**subject to change**” and might or might not be further “developed” and/or “configure[ed]” at some later and unknown time. This NCTCOG-cited document further states that these “concepts” cannot progress and no “final dimensions” can be “determined” without “coordinat[ion] with local development planning and stakeholder engagement efforts,” which includes “the City of Dallas, DART, local agencies, project stakeholders, and applicable regulatory bodies.” **We reiterate our request that you advise NCTCOG representatives to refrain from misrepresenting that any Dallas station designs are final or finally approved.**

Second, this sole source relied upon by NCTCOG to misrepresent that possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail supposedly must include an over seventy (70) feet tall Dallas station is a five (5) year old environmental impact statement regarding a completely “separate” project. More specifically, that aged 2020 environmental impact statement relates only to possible future *Dallas-to-Houston* high-speed rail – a *different* project.

As we have raised with you, both NCTCOG and Amtrak agree that the Dallas-to-Houston possible future route and the Dallas-to-Arlington Entertainment District-to-Fort Worth possible future route are “two separate” and “stand-alone” projects,” with Amtrak pointing out for good measure they “are careful to keep them that way.” We have also cited for you NCTCOG’s own legal contract that stipulates to the *separateness* of these distinct projects. Plainly, *the Dallas-to-Houston route does not depend upon any Dallas-to-Arlington Entertainment District-to-Fort Worth route* – any implication to the contrary is just more attempted disorientation.

Bluntly, the outmoded five (5) year-old environmental impact statement regarding the “separate” Dallas-to-Houston project neither controls nor impacts possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail – whether relating to the location of a Dallas station or otherwise.

NCTCOG’s statement in its response to our October 22 letter that “[u]nless and until these design parameters [regarding the *Dallas to Houston* route] change, NCTCOG must incorporate these elements including station height, in its environmental analysis of the Dallas to Fort Worth High-Speed Rail project,” is demonstrably false and grossly misleading. Likewise, NCTCOG’s claim in its response letter that Amtrak somehow has authority or power of any kind over the design, parameters or location of a Dallas station for the “separate” and “stand-alone” Dallas-to-Arlington Entertainment District-to-Fort Worth possible future higher-speed rail route is just more brazen bad faith misdirection by NCTCOG.

It is simply not credible for NCTCOG to take the position that this outdated five-year old and irrelevant environmental impact statement can somehow force above-ground higher-speed rail to ram through and ruin the economic and environmental future of Downtown Dallas. Significantly, the proposed separate Dallas to Houston high-speed rail route is not planned to careen above-ground through Downtown Dallas.

Third, as we have reported to you, it is *NCTCOG*'s own publicly quoted position that any alignment for possible future Dallas-to-Arlington Entertainment District-to-Fort Worth that includes a City of Dallas station that is not "located in Downtown Dallas" and "serving a downtown Dallas station is "fatally flawed," and therefore legally disqualified from further consideration. Of course, the proposed Cedars station, which is contemplated in alignment "2(b)," is not in Downtown Dallas. Under *NCTCOG*'s own publicly stated position, alignment "2(b)" is fatally flawed and disqualified from further analysis (under the ostensibly ongoing but legally and procedurally infirm "environmental assessment" or otherwise).

Fourth, your response reveals the breadth of *NCTCOG*'s misfeasance through its preposterous argument that its general "offer" to provide a pedestrian "passageway" connection from the proposed Cedars station location to other points in Downtown Dallas somehow remedies the massive and generational damage and significant adverse economic and environmental impact to Downtown Dallas (and West Dallas) that would be caused by alignment "2(b)." This includes, but is certainly not limited to, the severe impairment and risk to the more than \$3 billion Kay Bailey Hutchison Convention Center as well as Hunt's planned several billion dollar development in Reunion. *NCTCOG*'s offer is akin to a person who crashes into and totals another person's automobile and offers to pay for a car wash.

Fifth, *NCTCOG* argues in its response that it is supposedly not in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024. Once again, *NCTCOG*'s own quoted admissions betray its position.

It is *NCTCOG* who is quoted as specifically and unequivocally equating alignment "2(b)" – or any other above-ground alignment through Downtown Dallas – as noncompliant with the Resolution. More specifically, Michael Morris, as a representative of *NCTCOG*, publicly represented that he would "**totally comply**" with the Resolution by "**not [] hav[ing] an elevated train through your downtown.**" Morris reiterated his representation that his "**solution that complies with the Dallas Council resolution that wishes to have no elevated routes in the central business district of Dallas.**" Morris is separately quoted as stating that, as a direct result of the Resolution, "**alignment . . . 2(b) [is] no longer possible.**" We finally note that the Mayor of Arlington, also an RTC Member, made plain his defiance of the Resolution in no uncertain (albeit certainly crass) terms, when he unfortunately remarked: "**I don't give a damn about**" **the Resolution.**

Further, I once again bring to your attention (as they may possibly relate to future *NCTCOG* considerations) the following facts:

The so-called "Alignment 2(b)" would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas' new \$3 billion Kay Bailey Hutchison Convention Center.

"Alignment 2(b)," would contravene and interfere with the City's and Hunt's legal and lawful rights under their Reunion Master Agreement – in place since 1975.

Ken Kirkpatrick
General Counsel
January 6, 2025
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NCTCOG's continued action involving the so-called "Alignment 2(b)" is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please courteously and professionally confirm your receipt of this letter as well as compliance with its requests and demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

January 6, 2025

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: NCTCOG Newsletter – Intentionally Misleading Misinformation: NCTCOG retreats to admit that, in fact, “thousands” of Aggies will of course not commute from Fort Worth to College Station

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, “Hunt”).

On Friday afternoon, January 3, 2025, in your capacity as the chief legal officer of the North Texas Council of Governments (“NCTCOG”), you sent a letter dated January 2, 2025 as NCTCOG’s stated response to my November 4, 2024 letter (a two (2) months’ delay¹), which exposed NCTCOG’s patently misleading misrepresentation to the public that supposedly, “*thousands*” of Texas A&M students will supposedly “conveniently make day trips between Fort Worth and College Station on high-speed rail to pursue higher education.”

First, we acknowledge NCTCOG’s unequivocal and binding admission in its response – albeit only the result of Hunt’s November 4 letter – that this “[q]uoted figure[.]” by NCTCOG of “thousands” of Aggies commuting on high-speed rail from Fort Worth to College Station is completely insupportable and simply made up without any factual basis. NCTCOG now (finally) concedes that this misrepresentation has no connection to any “ridership projections.” Nonetheless, and startlingly, NCTCOG continues to intentionally and improperly mislead the public by failing and/or refusing to retract the *admittedly* baseless misstatement in its Newsletter.

¹ It would be reasonable to assume that NCTCOG strategically timed the delivery of NCTCOG’s response contemporaneously with its posting of the Agenda Packet for the January 9, 2025 Regional Transportation Committee meeting in an attempt to avoid disclosure to RTC Members and the public of any reply by Hunt exposing and disproving the misleading and bad faith statements and/or mischaracterizations by NCTCOG in its response. We have previously shown that NCTCOG has improperly violated its own disclosure rules in failing and/or refusing to provide to RTC Members and the public the letters from Hunt (including in its prior meeting agenda packets). Please consider your duties to properly and fully inform the RTC Members – including in refraining from the omission of material information.

Ken Kirkpatrick
General Counsel
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Second, NCTCOG in no way disputes that this representation, beyond completely baseless, is actually false. As we explained in our November 4 letter:

“Under this fictitious claim, these imaginary “thousands” of students admitted to take classes at Texas A&M University’s College Station campus would supposedly leave their Fort Worth homes, get in their cars and drive to the possible future Fort Worth underground rail station and, after arriving there, would find parking places and pay for parking (alternatively, they could get from their homes to a bus station, and purchase bus tickets to the underground rail station). Once there, the “thousands” of students would purchase tickets on the yet-to-be-built high-speed train to College Station, board the train, ride to Grimes County, get off the train, wait for (and buy additional tickets for) a third vehicle to take the “thousands” of students 26 miles to the College Station campus. Once there, the “thousands” of students would either walk or find other transportation to their classes somewhere on the 5,000-acre campus. Then, after a day of classes, the “thousands” of students would, supposedly, turn around and repeat this complicated and expensive process as they returned to their homes in Fort Worth.”

We further showed, among other things, that this hypothetical journey would take longer than simply driving to College Station.

Third, in attempting to deflect from its admittedly baseless misstatement to the public, NCTCOG merely aggravates its own continuing bad faith misconduct. NCTCOG actually argues in its response letter that its admittedly insupportable statement was somehow not improper or incriminating *because it was only made to the public* in the NCTCOG Newsletter and supposedly not as part of regulatory filings and representations in the “National Environmental Policy Act process.”

This is akin to making the perverse argument that misleading one person is acceptable as long as the lie is not told to a second person. But, of course, lying to a potential buyer about the condition of a car’s engine is not absolved because the lie was not repeated in the classified advertisement. Please come to the most basic understanding that it is not acceptable for NCTCOG to make false statements to the public – whether as part of NCTCOG’s muscling attempts to force through the legally and procedurally beleaguered and fatally flawed alignment “2(b)” or otherwise.

Fourth, NCTCOG also clumsily attempts to escape and run from its admittedly misleading statement by ridiculously claiming in its response letter that it was somehow not a “claim” or “estimate” at all. Of course, this is instantly betrayed by the NCTCOG Newsletter’s own (debunked and false) *claim* of an *estimated* “thousands” of Aggies who would supposedly commute on high-speed rail between Fort Worth College Station.

Ken Kirkpatrick
General Counsel
January 6, 2025
Page 3

Fifth, NCTCOG desperately tries to minimize the fallout from its misleading the public by pivoting to argue that its claim of an estimated “thousands” of Aggies commuting from Fort Worth to College Station was “over the long life (50+ years) of this high-speed rail system.” If you do the math, that would make ridership estimates for that trip closer to a completely insignificant one (1) Texas A&M student rider per week. This would leave NCTCOG aggressively marketing higher-speed rail based on one theoretical Aggie.

Sixth, we memorialize NCTCOG’s *new* misleading representations in its response letter alleging (a) the “proximity of the university campus [] in College Station . . . with the proposed nearby high-speed rail station[]” and likewise, that (b) “the station [is] near the Texas A&M campus.” Of course, Texas A&M University is 26 miles away from the proposed Roans Prairie station – the same distance as a marathon – which is anything but “nearby.” NCTCOG needs to correct its mischaracterizing misstatements instead of making more.

Seventh, as we have explained, the false representations regarding Texas A&M University constitute one more violation of the National Environmental Policy Act. It is the opposite of fostering a “transparent process[],” “transparency” or providing “accurate information” that the NCTCOG has publicly represented is required (*e.g.*, NCTCOG Mobility 2045 Update, pp. 3-39, 3-43). This misfeasance has polluted the NEPA process, legally precluding its efficacy and legitimacy, and any possible future approvals.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

Ken Kirkpatrick
General Counsel
January 6, 2025
Page 4

NCTCOG's continued action involving the so-called "Alignment 2(b)" is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell - Texas A&M '88²

² Roderick Dhu Gambrell, Jr. '42, Edwin Foster Gambrell '65, Sarah Rose Gambrell '26.

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

January 6, 2025

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: *NCTCOG Material Omission in Official Government Request: I-30
Corridor/"2(b)" Alignment Rejected as Fatally Flawed and Disqualified*

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

On Friday afternoon, January 3, 2025, in your capacity as the chief legal officer of the North Texas Council of Governments ("NCTCOG"), you emailed a letter dated January 2, 2025 as NCTCOG's stated response to my November 11, 2024 letter (a nearly two (2) months' delay¹), which exposed *one of the multiple* apparent intentional material omissions by the North Central Texas Council of Governments ("NCTCOG") in its August 25, 2023 to the Federal Transit Administration (the "FTA") seeking official government action (the "NCTCOG FTA Letter").

More specifically, we raised that the NCTCOG FTA Letter intentionally failed to disclose that the proposed I-30 Corridor route had already been conclusively found to be "fatally flawed" and finally dropped from further consideration in a Final Report requisitioned by the Federal Railroad Administration (the "FRA") in coordination with NCTCOG. Even your response concedes (euphemistically) that the I-30 Corridor alignment was "screened out." **The so-called alignment "2(b)" incorporates the I-30 Corridor route and is thereby necessarily fatally flawed and legally disqualified.**

¹ It would be reasonable to assume that NCTCOG strategically timed the delivery of NCTCOG's response contemporaneously with its posting of the Agenda Packet for the January 9, 2025 Regional Transportation Committee meeting in an attempt to avoid disclosure to RTC Members and the public of any reply by Hunt exposing and disproving the misleading and bad faith statements and mischaracterizations by NCTCOG in its response. We have previously shown that NCTCOG has improperly violated its own disclosure rules, including in failing and/or refusing to provide to RTC Members and the public the letters from Hunt (including in its prior Agenda packets). Please consider your duties to properly and fully inform the RTC Members – including in refraining from the omission of material information.

Ken Kirkpatrick
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January 6, 2025
Page 2

This material omission by NCTCOG is exacerbated and magnified by the fact that in the NCTCOG FTA Letter, NCTCOG expressly and affirmatively stated that the Regional Transportation Council (the "RTC") had "approved" the I-30 Corridor "as the alignment" on July 8, 2021. This means that NCTCOG offensively raised this precise issue to the FTA: a purported *approval* of the I-30 Corridor. However, NCTCOG nonetheless defensively concealed from the FTA that there had already been a Final Report *denying* and disqualifying the I-30 Corridor route because it (and its incorporated alignment "2(b)") is "fatally flawed."

NCTCOG had a duty under any circumstance to disclose the Final Report that finds the I-30 Corridor route (which includes alignment "2(b)") to be fatally flawed. In specifically and offensively raising the alleged *approval* of the I-30 Corridor route by the RTC, NCTCOG's duty to disclose this fatal flaw finding in the Final Report rejecting the I-30 Corridor route moved to an even higher level. As an example, not even NCTCOG would disagree that a representation by the NCTCOG to the FTA that a leading expert found a bridge to be safe, without disclosing a second report from another leading expert that the bridge was unsafe, would be an improper and misleading material omission. The situation here is no different and NCTCOG knows it.

We do memorialize that your response letter concedes that this *per se* material omission of the Final Report finding the I-30 Corridor alignment fatally flawed was intentional.

Your retreat to attempt to minimize the gravity and misfeasance of this admittedly *intentional* material omission is simply more misleading misdirection. Your response letter falsely argues that the conclusion that the I-30 Corridor alignment was "fatally flawed" was not a final conclusion as that determination was supposedly "cut short and a full analysis was not completed." **You have actual knowledge that the study finding the I-30 Corridor alignment to be fatally flawed was contained in the "Final Report" of the Dallas-Fort Worth Core Express Service Alternatives Analysis. That Final Report issued its final determination regarding the legal disqualification of the I-30 Corridor alignment. There was nothing "incomplete" about the final determination that the I-30 Corridor alignment was fatally flawed.**

Your letter response did spur further investigation regarding this admittedly intentional material omission. As it turns out, even NCTCOG's representation in the NCTCOG FTA Letter that the RTC approved the I-30 Corridor alignment on July 8, 2021 is called into significant question. That vote by the RTC was undeniably polluted by the fact that **the RTC Members were also not apprised at the July 8, 2021 RTC Meeting of the Final Report finding the I-30 Corridor alignment fatally flawed and legally disqualified.**

More specifically, at the July 8, 2021 RTC Meeting, Brendon Wheeler provided a long presentation but never once mentioned the prior Final Report finally excluding and disqualifying the I-30 Corridor route. The information in the meeting agenda packet for that meeting was similarly bereft of any mention of this prior final denial and finding of a fatal flaw in the I-30 Corridor alignment. NCTCOG cannot credibly argue that in a vote regarding the appropriateness

Ken Kirkpatrick
General Counsel
January 6, 2025
Page 3

of the I-30 Corridor route, a prior government study finding that route to be fatally flawed would be the most relevant and critical information for the RTC Members to have and consider. The RTC Members were intentionally deprived of this inarguably material information when they voted on July 8, 2021.

We also remind you of the multiple other apparent intentional material omissions relating to the NCTCOG FTA Letter, including without limitation, those raised in our November 18 and November 25, 2024 correspondence (regarding which we have received no response).

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

January 6, 2025

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

*Re: Improperly "Holding" of Important Public Projects for the City of Dallas to Pressure
Votes by the Dallas City Council on an Unrelated Matter under Color of Law*

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

On Friday afternoon, January 3, 2025, in your capacity as the chief legal officer of the North Texas Council of Governments ("NCTCOG"), you emailed a letter dated January 2, 2025 as NCTCOG's supposed "response" to my October 28, letter – a well over two (2) months' delay.¹ Apparently burdened with the realization that you had no actual or viable response regarding the well-articulated extremely troubling comportment of NCTCOG, through its representative Michael Morris, you merely deflected. This further reflects NCTCOG's continuing bad faith.

As a reminder, our October 28 letter plainly showed that Mr. Morris stated on January 11, 2024 that he was putting on hold multiple important and "key" public transportation projects located in the City of Dallas as a means by which to pressure and force the Dallas City Council to vote the way *he* wanted regarding the completely unrelated possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail.

¹ It would be reasonable to assume that NCTCOG strategically timed the delivery of NCTCOG's response contemporaneously with its posting of the Agenda Packet for the January 9, 2025 Regional Transportation Committee meeting in an attempt to avoid disclosure to RTC Members and the public of any reply by Hunt exposing and disproving the misleading and bad faith statements by NCTCOG. We have previously shown that NCTCOG has improperly violated its own disclosure rules in failing and/or refusing to provide to RTC Members and the public the letters from Hunt (including in its prior meeting agenda packets). Please consider your duties to properly and fully inform the RTC Members – including in refraining from the omission of material information.

Ken Kirkpatrick
General Counsel
January 6, 2025
Page 2

Mr. Morris' quote speaks for itself as clearly improper misconduct:

“I do need to report to you we have been working for close to a year on five or six key City of Dallas items . . . I have them on hold. I can't proceed with these items we've been dealing with for a year or so at the same time we are dealing with other policy issues with regard to high-rail interests. So, I hope to resolve the high-speed rail issues as quickly as possible, permit the Dallas projects to go through public meeting and then un-hold them”

– January 11, 2024 Regional Transportation Council Meeting.

Your apparent attempt to shift the blame from Mr. Morris to the Regional Transportation Council Members in stating that it is the RTC Members who have the “final decision-making authority,” is just more deflection. It is Mr. Morris' own quote that uses “**I**” no less than four (4) times in reiterating that *he* personally was putting the projects on hold to try to muscle a vote of the City of Dallas City Council on a *completely different matter*. We are mindful of the allegations of “fear-mongering” and “bullying” by Mr. Morris of public officials, including through his alleged “ultimatums.” See March 6, 2025 Dallas City Council Briefing.

As an administrative matter, we do acknowledge your admission in the response letter that, in fact, NCTCOG (through Mr. Morris) put “on hold” “certain projects” concededly important to the City of Dallas and its residents. Of course, that was already established by Mr. Morris' quote, but we nonetheless memorialize it here.

What have you done in response to this troubling conduct (other than send a deflective letter)?

Separately, I quickly address your parting mischaracterization regarding “one-seat ride.” *Please take the time to review our December 2, 2024 letter, sent over a month ago with no response, which completely discredits and debunks the Morris-imagined “one-seat ride” concepts – on multiple fronts and largely based upon NCTCOG's own admissions. As to your statement that “one-seat ride” is a “policy of the RTC,” that is misleading at best. The RTC is of course, the transportation arm of NCTCOG. We have shown you that NCTCOG has entered into legal contracts requiring a “cross-platform connection” and a “cross-platform strategy.” It is Mr. Morris who states this is not within his notions of “one-seat ride.” The RTC has further specifically stated its contingent support for a “cross-platform transfer solution,” signifying that as a viable alternative to supposed but legally and functionally impossible “one-seat ride.”*

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas' new \$3 billion Kay Bailey Hutchison Convention Center.

Ken Kirkpatrick
General Counsel
January 6, 2025
Page 3

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell

Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street
Suite 1800
Dallas, TX 75201

T +1 214.969.2800
F +1 214.969.4343
akingump.com

Akin

ERIC GAMBRELL
214.969.2799/214.969.4343
egambrell@akingump.com

January 7, 2025

Ken Kirkpatrick
General Counsel
North Central Texas Council of Governments
616 Six Flags Drive
Arlington, Texas 76011

Re: Attempting to use RTC Local Funds for a purpose other than a "project[] outside the [] federal process" in violation of express representations to, and the vote by, the RTC Members

Dear Mr. Kirkpatrick:

As you know, I represent Hunt Realty Investments, Hunt Consolidated, Inc., Ray L. Hunt and certain other affiliated and/or related entities (collectively, "Hunt").

The posted agenda for the January 9, 2025 RTC Meeting includes a recommendation and request, apparently to be presented by you, that "the RTC [Members vote to] allocate \$1 million in RTC Local funds . . . for additional legal support to assist in responding to these matters and other preparatory work in anticipation of litigation related to the Environmental Assessment."

Please recall that at the December 8, 2022 Regional Transportation Council meeting, the RTC Members were "requested" to vote for "approval" of a proposal for RTC to enter into an agreement for the expressly represented purpose "to expand the pool of RTC Local funds available to implement projects outside of the restrictive federal process." To be blunt, the RTC Members were expressly told that, if they approved the 2022 proposal, the RTC Local funds would be used for projects that were specifically "outside of the [] federal process."

First, and of course, the legally and procedurally beleaguered and precluded "environmental assessment" regarding the so-called alignment "2(b)" relating to possible future Dallas-to-Arlington Entertainment District-to-Fort Worth higher-speed rail is squarely inside "the federal process." It is, as you have stated, an "environmental analysis required by and conducted under the *National Environmental Policy Act*" ("NEPA"), which you fully understand is *federal law*. 42 U.S.C. § 4321 *et seq.* As you have also at all relevant times been fully aware, the Federal Transit Administration (the "FTA") specifically communicated to the North Central Texas Council of Governments ("NCTCOG") that the supposed but legally and procedurally infirm "environmental assessment" would include review under NEPA's "implementing regulations (40 CFR Parts 1500-1508), FTA's environmental regulations (23 CFR Part 771), Efficient Environmental Reviews for Project Decisionmaking and One Federal Decision (23

Ken Kirkpatrick
General Counsel
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Page 2

U.S.C. 139), and other applicable *Federal* laws and regulations.” See March 4, 2024 Letter from FTA. You are actually aware that there is no basis for RTC Local funds to be used as proposed, which would be in direct violation of, *inter alia*, the December 8, 2022 vote by the RTC.

Second, NCTCOG’s demand to spend a million dollars of the public’s monies to continue what has been described as NCTCOG’s “bullying” and “fear-mongering” in its hyper-aggressive push for alignment “2(b)” is equally nonsensical and inappropriate:

(A) in the face of NCTCOG’s own public admission that “alignment . . . 2(b) [is] no longer possible,” and

(B) given that under NCTCOG’s own published standards, alignment “2(b)” is “fatally flawed” on multiple grounds.

This even sets aside for the moment the massive economic and environmental damage to the City of Dallas, including to West Dallas, the multi-billion-dollar Kay Bailey Hutchison Convention Center, the planned six-billion-dollar Hunt Reunion development, and multiple parks and landmarks, that would be wrought by alignment “2(b)” – including as we have previously conclusively shown.

Third, we memorialize that the agenda packet for the January 9, 2025 RTC Meeting has not been updated to include either (a) our Friday, January 3 letter or (b) our *early Monday morning*, January 6 reply letters to the four letters we received from you late Friday, January 3. We have already noted that it appears you strategically timed the delivery of your late Friday letters contemporaneously with the posting of the January 9 RTC meeting agenda packet as a means to attempt to keep my replies from being reviewed by the RTC Members prior to or during your presentation at the January 9 meeting.

We note that you received our January 3 and January 6 letters with more than sufficient time to supplement the meeting agenda packet. We also note that our four (4) early Monday morning reply letters fully discredited the bad faith and misleading mischaracterizations contained in your four late Friday letters. All of these letters – along with this letter – must be disclosed to the RTC Members both to be in compliance with NCTCOG’s own disclosure rules that we have previously reported to you,¹ and also to meet your duties of candor and full disclosure. It would be misleading and constitute a material omission to not apprise the RTC Members of all of this correspondence prior to any January 9 presentation regarding alignment “2(b).”

¹ We also note that it was only *after* we specifically confronted NCTCOG that its failure and/or refusal to provide the RTC Members with our letters was in direct violation of NCTCOG’s own disclosure rules that NCTCOG finally began to actually reveal *some* of our correspondence to RTC Members.

Ken Kirkpatrick
General Counsel
January 7, 2025
Page 3

Please cause NCTCOG to cease violating its own disclosure rules and to ensure that any presentation to the RTC Members at the January 9 RTC meeting is not polluted by intentional material omissions or misleading mischaracterizations.

Further, I once again bring to your attention (as they may possibly relate to future NCTCOG considerations) the following facts:

The so-called “Alignment 2(b)” would undeniably threaten, irreparably harm and severely damage the Reunion development as well as the potential for new economic activity adjacent to Dallas’ new \$3 billion Kay Bailey Hutchison Convention Center.

“Alignment 2(b),” would contravene and interfere with the City’s and Hunt’s legal and lawful rights under their Reunion Master Agreement – in place since 1975.

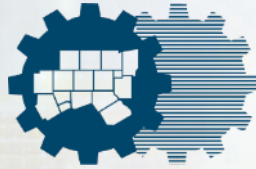
NCTCOG’s continued action involving the so-called “Alignment 2(b)” is in defiance and disregard of the Resolution passed unanimously by the City Council of the City of Dallas on June 12, 2024.

Please professionally confirm your receipt of this letter and compliance with its demands.

Sincerely,

/s/ Eric Gambrell

Eric Gambrell



NCTCOG PRESENTATION

New 511DFW Traveler Information System

511DFW Software as a Service (SaaS) Solution

Regional transportation data integration for operations, planning, and executive decision-making activities.

A Public Website, Mobile Application, Interactive Voice Recognition (IVR) system, and a Regional Data Portal.

REGIONAL TRANSPORTATION DATA INTEGRATION

Reg. Data Hub, supporting data-driven decision making
Lonestar, DART, TRE, NTTA, HERE, WAZE,

PARTNER AGENCY USER INTERFACE

Event Management, MapViewer, Alerts
Incident, Construction, Waze, Alerts

DATA ANALYTICS & PERFORMANCE MEASURES

Operational dashboards, Monthly Reports, KPIs Tracking
OPS Dashboards, TIMS, Exec Dashboards



PUBLIC WEBSITE & MOBILE APP

An interactive Map Viewer displays real-time and predictive conditions.
Mobile app focused on Roadway Assistance

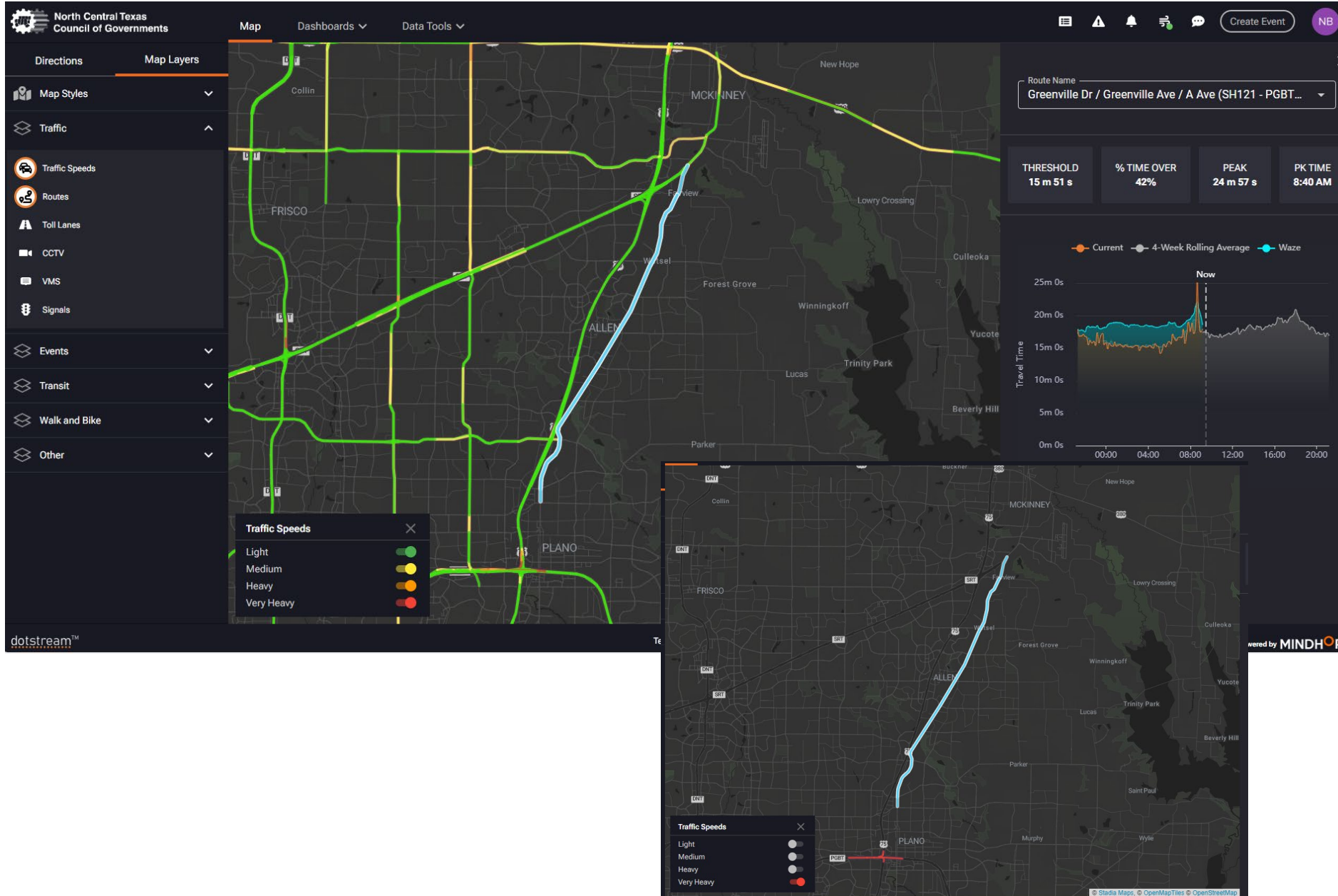
IVR & ALERTS

Location-based alerts, IVR with speech recognition and natural language processing
Simplified IVR features focused on Roadway Assistance

REGIONAL DATA PORTAL

Comprehensive developer portal to service regional partners and app developers.
Regional Data Sharing (APIs)

Agency User Interface Map Viewer



Map Layers

- Traffic
 - Traffic Speeds
 - Routes
 - Toll Lanes
 - CCTV Cameras
 - VMS Signs
 - Signals
- Events
 - Incidents
 - Transit Service Disruption
 - Construction
 - Planned Construction
 - Special Events
 - Planned Special Events
 - Waze
- Transit
 - DART
 - DCTA
 - Trinity Metro
- Walk and Bike
 - Walk/Bike Paths
 - Bike Lanes
- Other
 - Roadside Assistance
 - EV Charging Stations
 - Weather Conditions
 - Truck Routes
 - Mile Markers

Agency User Interface Event Entry

North Central Texas Council of Governments

Map Viewer

- Map Styles
- Traffic
- Events
- Incidents**
- Construction / Work Zones
- Special Events
- Waze
- Transit
- Walk and Bike
- Other

Incident | Work Zone | Special Event

REQUIRED INFORMATION

Crash | Stalled Vehicle

Overturned Vehicle | Disabled Vehicle

Vehicle Fire | Other

Date: 05/23/24 12:50 PM | Confirmed

Reported by: juan.moreno

Location: I-30 E


4 | 3 | 2 | **1** | RS

Description
Crash on I-30 E at 05/23/24 12:50 PM. Lane 1 closed.

INCIDENT IMPACT

Cancel | Submit

Agency User Interface Historic Performance



North Central Texas Council of Governments

Map **Dashboards** ▾ Data Tools ▾

EQ

FILTERS ←

Month
2024 11 ▾

Incident Category ▾

Incident Type ▾

Severity ▾

Duration ▾

LEGEND

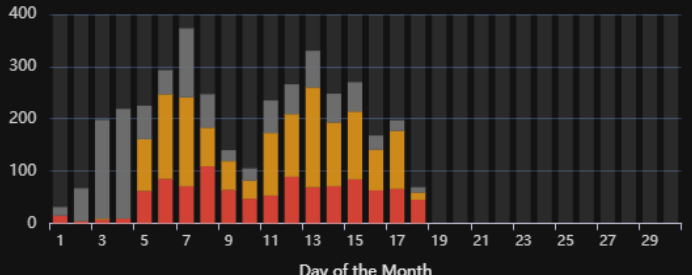
- CRASH
- DISABLED VEHICLE
- WRONG WAY DRIVER
- OTHER INCIDENTS

WEEKLY **MONTHLY**

Breakdown by category

	NOV 2024	OCT 2024	
INCIDENTS	3682	7	+52500.00 %
CONFIRMED (%)	N/A	N/A	NaN %
AVG DURATION	2:56	0:18	+853.35 %

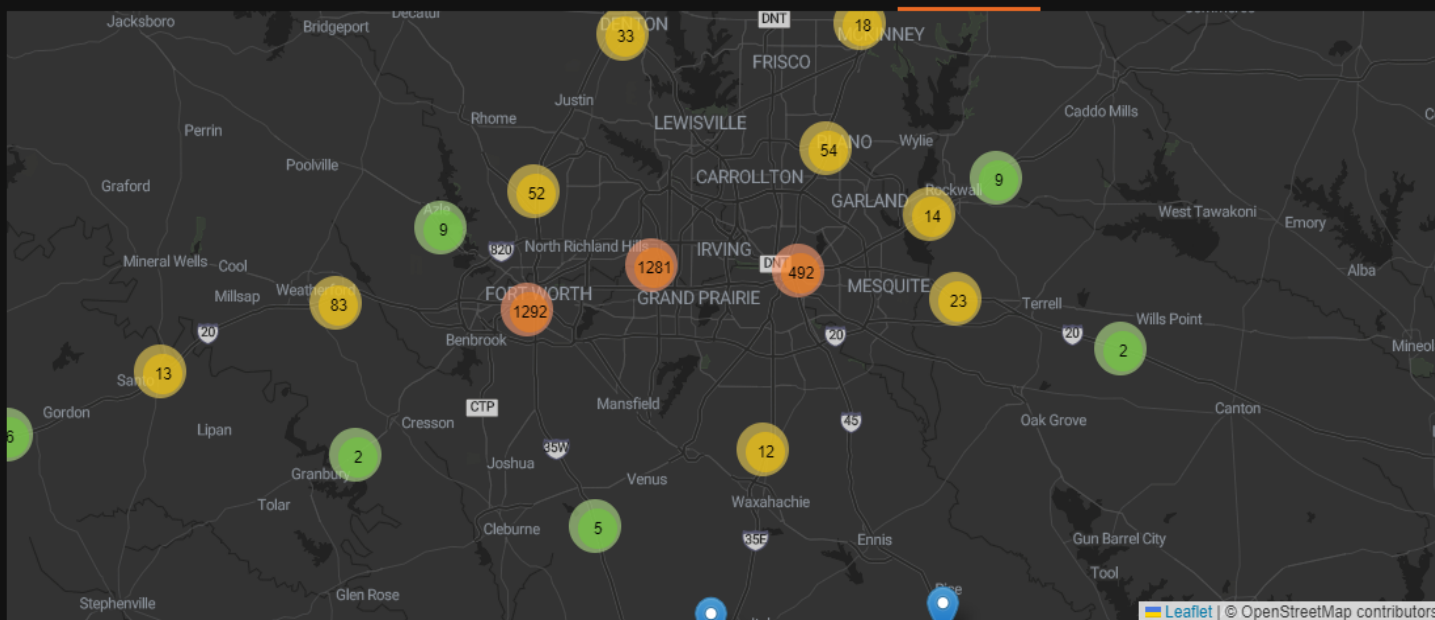
COUNTS



Day of the Month

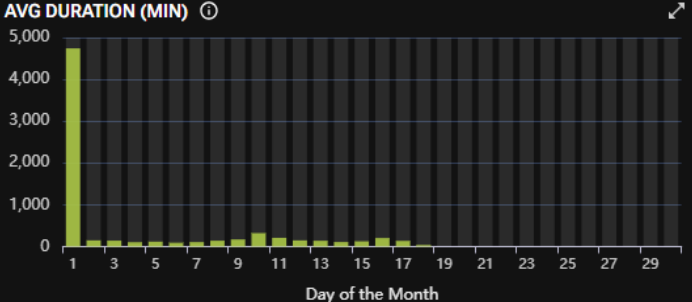
TRAFFIC INCIDENT MANAGEMENT - NOV 2024

CLUSTERS **HEATMAP** LOCATIONS



Leaflet | © OpenStreetMap contributors

AVG DURATION (MIN)



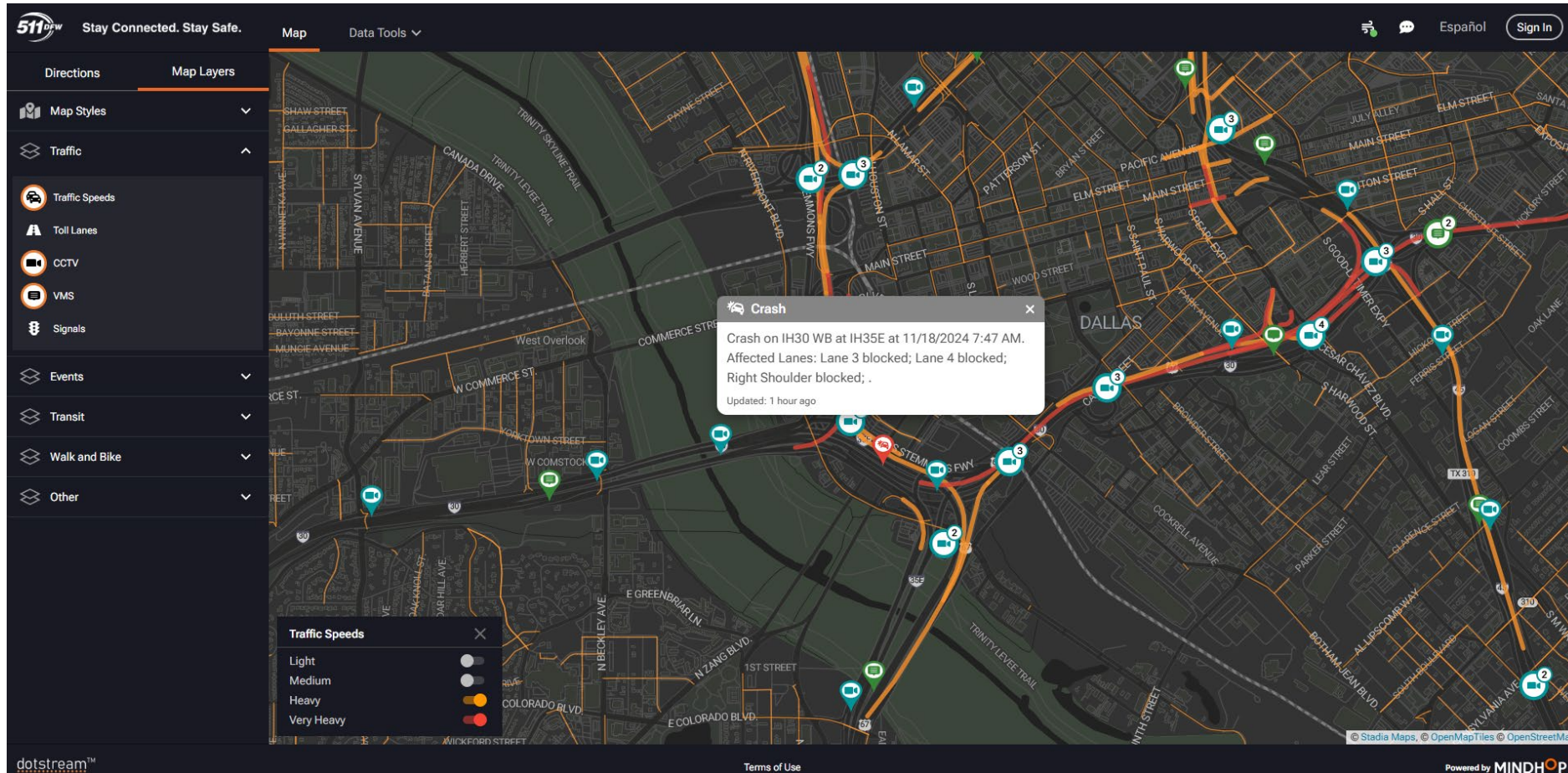
Day of the Month

INCIDENT LIST

DATE/TI...	CATEGORY	TYPE	DESCRIPTION	SEVERITY	DURATION (H:MM)	...
2024-11-18 16:39:01	Disabled Vehicle	Disabled Vehicle	TxDOT Fort Worth: Disabled Vehicle on IH-35W northbound at Garden Acres. Affected Lanes: Right Shoulder blocked; Additional Details: Disabled Vehicle	● Minor	0:10	🔗
2024-11-18 16:38:28	Crash	Crash	Accident FM1776 NS from 3.048 Miles North of FM1450 on FM1776 to 1.011 Miles North of FM1450 on FM1776 between 11/18/2024 10:35AM - 11/18/2024 02:00PM. Additional details: Motorists should expect delays. Watch for flag personnel directing traffic. Traffic being slowed due to accident. Use Caution	●	0:02	🔗

511DFW PUBLIC WEBSITE

- Available on www.511dfw.org
- Multi-language: English and Spanish
- An interactive map providing regional multimodal information

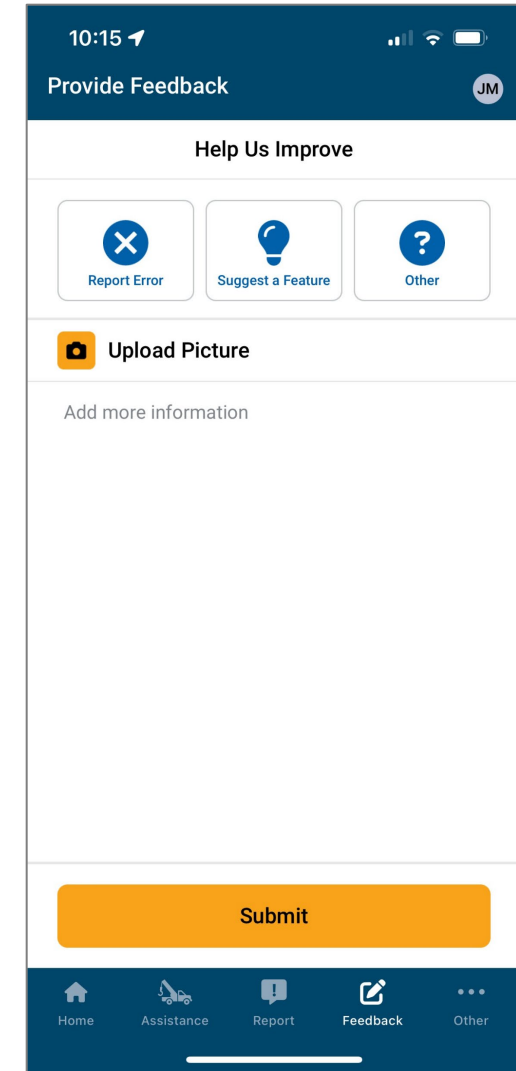
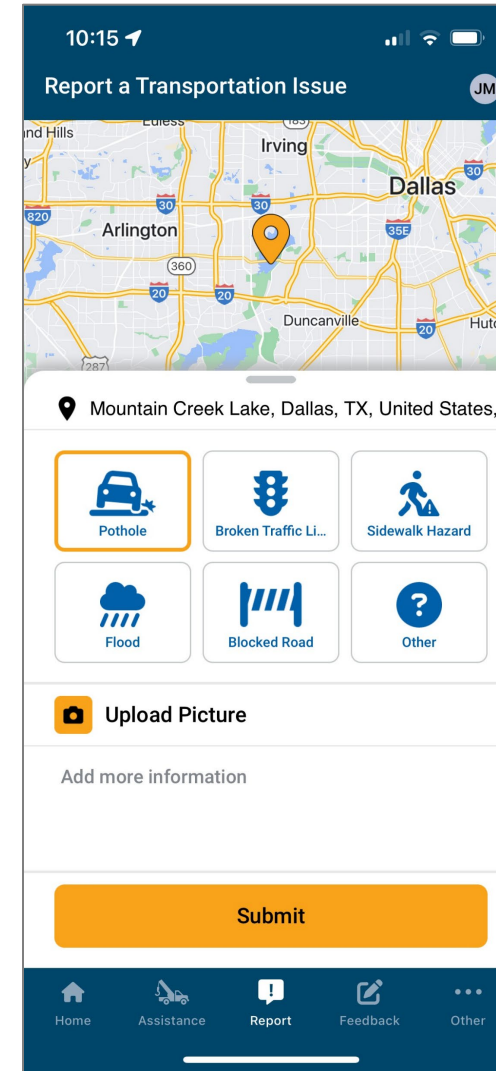
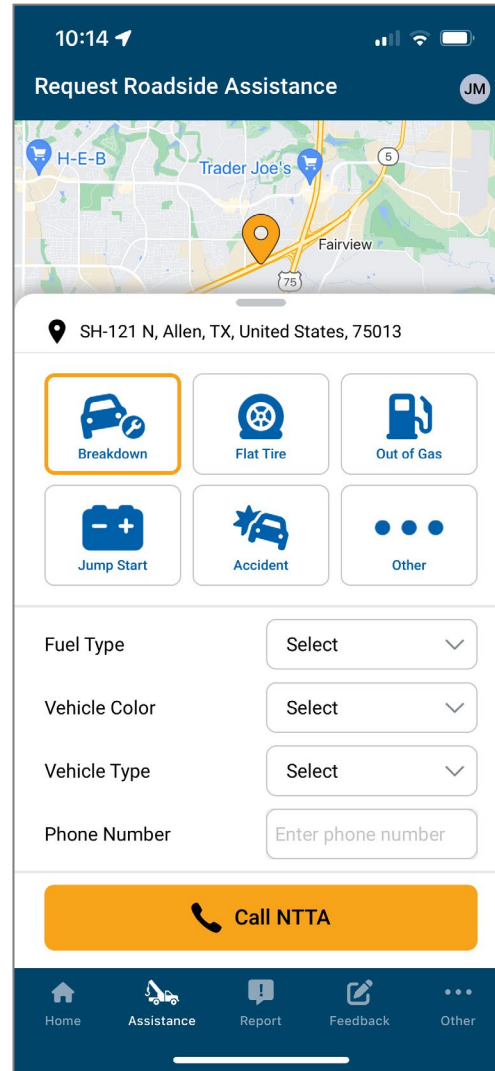


Map Layers

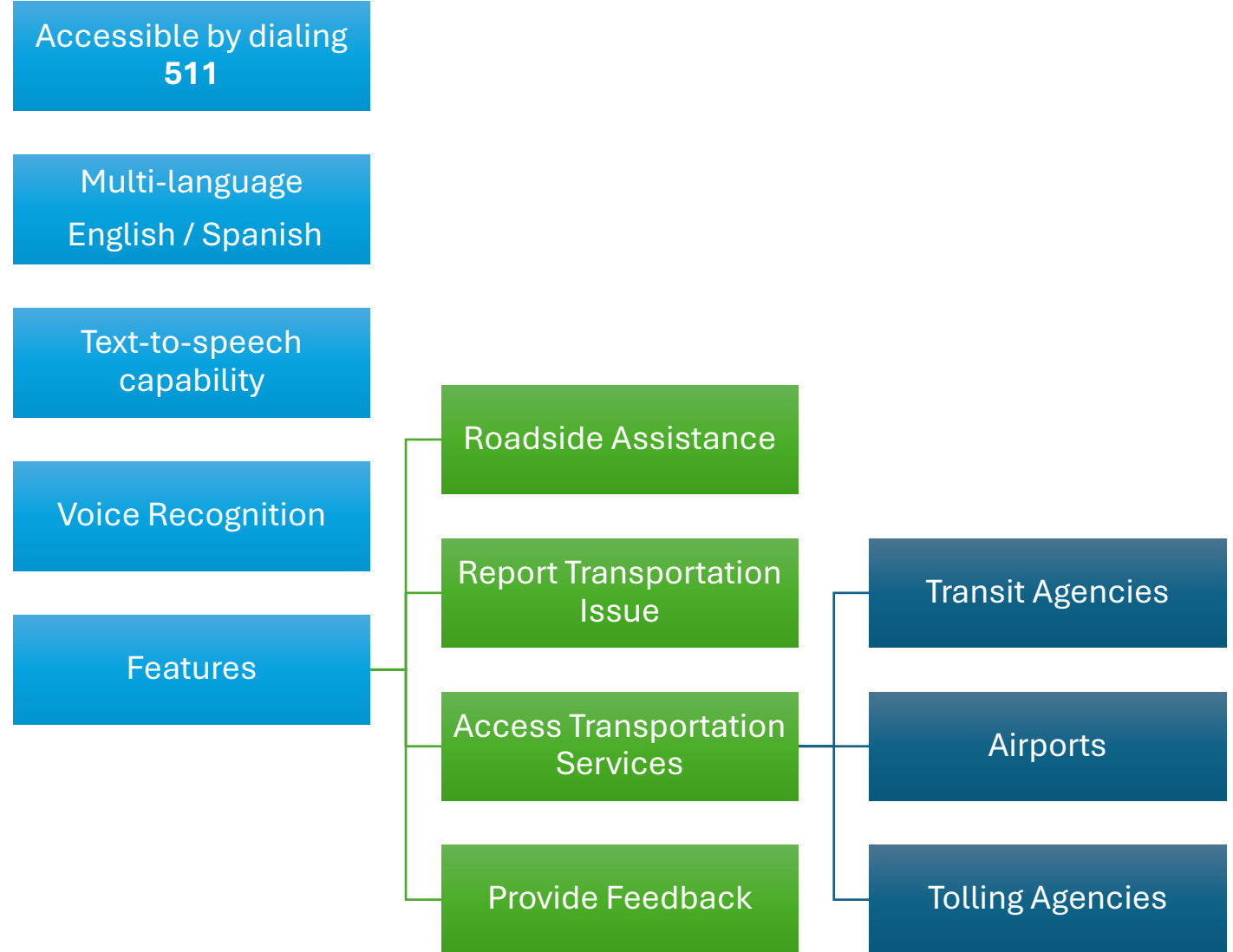
- Traffic
 - Traffic Speeds
 - Toll Lanes
 - CCTV Cameras
 - VMS Signs
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 - Walk/Bike Paths
 - Bike Lanes
- Other
 - Roadside Assistance
 - EV Charging Stations
 - Weather Conditions
 - Truck Routes
 - Mile Markers

511DFW Mobile App

- iOS and Android
- Multi-language: English and Spanish
- Features
 - Roadside Assistance
 - Report Transportation Issue
 - Provide Feedback
 - Access to Other Regional Apps



511DFW IVR (Interactive Voice Recognition System)



CONTACT INFORMATION



Natalie Bettger

Senior Program Manager

Congestion Management and System Operations

nbettger@nctcog.org | 817-695-9280



Eric Quintana

Senior Planner

Congestion Management and System Operations

equintana@nctcog.org | 817-695-2381

Regional Transportation Council Attendance Roster
December 2023 - December 2024

RTC MEMBER	Entity	12/14/23	1/11/24	2/8/24	3/21/24	4/11/24	5/9/24	6/13/24	7/11/24	8/8/24	9/12/24	10/17/24	12/12/2024
Daniel Alemán Jr (01/22)	Mesquite	P	P	P	P	A	P	P	P	E(R)	P	E(R)	P
Arfsten, Bruce (07/23)	Addison	P	P	E(R)	P	P	P	P	P	P	P	P	P
Steve Babick (06/22)	Carrollton	P	P	P	P	E(R)	E(R)	P	P	P	P	P	P
Rick Bailey (07/22)	Johnson County	P	P	P	P	P	P	P	P	P	P	P	P
Adam Bazaldua (09/21)	Dallas	P	P	A	P	E	P	E	A	E(R)	P	P	P
Elizabeth M. Beck (08/21)	Fort Worth	P	E(R)	P	E	P	A	P	P	P	P	A	E(R)
Gyna Bivens (08/21)	Fort Worth	P	P	P	P	P	P	P	P	P	E	P	E
Alan Blaylock (03/23)	Fort Worth	P	P	P	P	P	A	P	P	P	P	P	P
Ceason Clemens (10/22)	TxDOT, Dallas	P	P	P	P	P	P	P	P	P	P	P	P
Michael Crain (06/22)	Fort Worth	P	P	P	E(R)	P	P	E(R)	E(R)	P	P	P	P
Theresa Daniel (11/18)	Dallas County	P	P	E(R)	P	P	P	P	E	P	P	P	P
Jeff Davis (11/19)	Trinity Metro	P	P	P	E(R)	P	E(R)	P	E	P	P	P	P
Pat Deen (07/24)	Parker	--	--	--	--	--	--	--	P	P	P	P	P
Andy Eads (1/09)	Denton County	P	E	P	P	P	P	P	P	P	P	P	P
Michael Evans (2/23)	Mansfield	P	P	P	P	P	P	P	P	A	P	P	P
Vernon Evans (4/24)	DFW Airport	--	--	--	--	A	P	E	A	E	E(R)	P	A
Gary Fickes (12/10)	Tarrant County	P	P	P	P	E	P	E(R)	E	P	E	E(R)	P
George Fuller (07/17)	McKinney	E	E	P	E	P	P	A	P	A	A	P	P
Raul H. Gonzalez (09/21)	Arlington	P	E(R)	P	P	P	P	P	P	P	P	P	P
Lane Grayson (01/19)	Ellis County	E	P	A	P	P	P	E	P	P	P	A	P
Mojoy Haddad (10/14)	NTTA	P	P	E	A	P	P	P	E	P	E	P	P
Clay Lewis Jenkins (04/11)	Dallas County	E(R)	P	P	E	P	P	P	P	E(R)	P	P	P
Ron Jensen (06/13)	Grand Prairie	P	E	P	E(R)	P	P	E(R)	P	P	P	P	P
Jill Jester (08/24)	Denton	--	--	--	--	--	--	--	--	P	A	P	P
Brandon Jones (05/21)	Lewisville	P	P	A	A	P	P	P	P	P	P	P	P
Brad LaMorgese (07/22)	Irving	P	E	E	E	E	P	E	E	P	E	P	E
Stephen Mason (05/24)	Cedar Hill	--	--	--	--	--	P	E(R)	P	P	P	P	P
Tammy Meinershagen (07/24)	Frisco	--	--	--	--	--	--	--	P	P	E(R)	P	E(R)
Cara Mendelsohn (07/20)	Dallas	P	P	P	P	P	P	P	P	P	P	P	P
Cesar Molina (08/24)		--	--	--	--	--	--	--	--	P	P	P	P
Jesse Moreno (07/24)	City of Dallas	--	--	--	--	--	--	--	E	P	P	P	P
Ed Moore (07/22)	Garland	E	P	P	E	P	E	P	P	P	P	E	A
Matthew Porter (07/24)	Wylie	--	--	--	--	--	--	--	P	P	P	P	P
John Muns (6/23)	Plano	P	A	A	A	P	P	P	A	P	P	P	E(R)
Omar Narvaez (09/21)	Dallas	A	P	P	P	P	P	E	P	P	E(R)	P	P
Manny Ramirez (1/23)	Tarrant County	P	E	E	P	P	P	P	E	E	E	P	P

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Tito Rodriguez (03/24)	Nrth Rch Hills	--	--	--	P	P	E	P	P	E	P	P	P
Jim R. Ross (07/21)	Arlington	P	P	P	P	E(R)	P	P	P	E(R)	P	E(R)	P
David Salazar (10/22)	TxDOT, FW	P	P	P	P	P	P	P	E(R)	P	P	E(R)	P
Gary Slagel (11/23)	DART	P	P	P	P	P	P	P	P	P	P	P	P
Bobby Stovall (07/24)	Hunt County	--	--	--	--	--	--	--	P	P	P	P	P
Jeremy Tompkins (10/19)	Eules	P	P	P	P	P	P	P	P	P	P	P	P
William Tsao (3/17)	Dallas	P	P	P	P	E	P	P	P	P	P	P	P
Webb, Duncan (6/11)	Collin County	A	P	P	P	P	P	P	P	P	P	P	P
Chad West (11/22)	Dallas	P	P	E	P	A(R)	P	E	P	P	P	E(R)	A(R)

Note: Date in parenthesis indicates when member was 1st eligible to attend RTC meetings

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Surface Transportation Technical Committee Attendance Roster
December 2023 - December 2024

STTC MEMBERS	Entity	12/8/23	1/26/24	2/23/24	3/22/24	04/26/24	05/24/24	6/28/2024	7/26/2024	8/23/2024	9/27/2024	10/25/2024	12/6/2024
Rifat Alam	Lancaster	--	--	--	--	--	--	--	P	*	P	R	A
Joe Atwood	Hood County	A	P	A	P	P	P	A	P	*	P	P	A
Melissa Baker	Irving	P	P	R	R	E	P	P	P	*	P	P	P
James Bell	Grand Prairie	--	--	--	--	--	--	--	--	--	P	P	P
David Boski	Grand Prairie	--	--	--	--	--	--	--	--	--	P	P	P
Shon Brooks	Waxahachie	P	P	P	P	P	A	P	P	*	A	P	P
Tanya Brooks	DART	P	P	P	P	P	P	P	R	*	R	P	P
Matt Bryant	City of Duncaville	--	--	--	--	--	P	A	A	*	P	A	A
Daniel Burnham	Arlington	P	R	P	P	P	R	P	R	*	P	P	R
Farhan Butt	Denton	--	--	P	P	P	P	P	P	*	P	A	P
Brenda Callaway	Rockwall County	--	--	P	P	P	P	P	P	*	P	A	A
Travis Campbell	TxDOT Dallas	P	E	P	P	P	P	P	P	*	P	P	P
Arturo Del Castillo	Dallas	R	R	P	P	P	E	P	A	*	A	R	P
Aaron Ceder	Dallas County	--	--	--	--	--	--	--	--	--	--	A	A
Robert Cohen	Southlake	A	A	A	P	A	A	A	A	*	A	A	P
John Cordary, Jr.	TxDOT FW	P	E	P	P	A	P	A	P	*	P	P	P
Tara Crawford	Trinity Metro	--	--	--	--	--	--	--	--	--	--	P	A
Clarence Daugherty	Collin County	A	P	P	P	P	R	P	P	*	P	P	P
Chad Davis	Wise County	P	P	A	P	A	A	P	P	*	A	P	A
Arturo Del Castillo	Dallas	R	R	P	P	P	P	A	P	*	A	R	A
Pritam Deshmukh	Richardson	P	P	P	P	P	E	P	A	*	P	P	P
Greg Dickens	Hurst	R	R	A	A	A	R	A	R	*	A	P	A
Becky Diviney	Town of Addison	--	--	--	--	--	--	--	--	--	--	--	A
Phil Dupler	FWTA	P	P	P	P	P	P	P	P	*	P	A	P
Martiza Figy	Dallas	A	A	A	A	A	A	A	A	*	A	A	A
Eric Fladager	Fort Worth	A	A	P	A	P	P	P	P	*	P	A	P
Chris Flanigan	Allen	P	P	P	P	P	P	P	A	*	P	P	P
Austin Frith	DCTA	--	P	P	P	P	R	A	R	*	P	P	A
Ricardo Gonzalez	TxDOT FW	P	P	P	P	P	P	P	P	*	P	P	E
Gary Graham	McKinney	P	P	P	R	P	R	A	R	*	P	R	P
Scott Hall	Tarrant County	--	--	--	--	--	--	P	P	*	P	P	A
Tom Hammons	Carrollton	P	P	P	P	P	P	P	A	*	P	P	P
Ron Hartline	The Colony	A	A	A	P	P	A	R	A	*	A	A	A
Barry Heard	Kaufman County	P	P	A	P	P	P	P	P	*	P	P	P
Chris Hill	Greenville												A
Matthew Hotelling	Flower Mound	P	P	P	P	P	P	A	P	*	P	P	A
John Hudspeth	TxDOT Dallas	P	P	P	P	P	P	P	P	*	P	P	P
Jeremy Hutt	Cleburne	P	P	P	A	P	P	P	P	*	P	P	P
Thuan Huynh	McKinney	P	P	P	P	P	R	A	P	*	P	P	R
Joseph Jackson	Tarrant County	P	P	P	E	P	A	P	P	*	P	P	A
Joel James	NTTA	A	A	A	P	R	P	P	A	*	P	P	P
William Janney	Frisco	P	A	A	P	P	P	P	A	*	P	A	A

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Kelly Johnson	NTTA	P	P	A	A	A	A	A	P	*	A	A	A
Major L. Jones	Eules	P	P	A	A	P	A	P	A	*	P	P	P
Gus Khankarli	Dallas	P	P	P	P	P	P	P	P	*	P	P	P
Alonzo Liñán	Keller	A	A	A	A	A	P	A	A	*	A	A	A
Eron Linn	DART	P	P	P	E	P	E	P	P	*	P	P	E
Clay Lipscomb	Plano	A	R	P	P	P	A	P	A	*	P	P	A
Paul Luedtke	Garland	A	P	P	P	P	E	P	P	*	P	P	P
Stanford Lynch	Hunt County	R	P	P	A	R	P	R	R	*	P	R	R
Chad Marbut	Weatherford	P	P	P	P	P	P	P	P	*	P	P	P
Alberto Mares	Ellis County	P	P	P	P	P	A	P	P	*	P	P	A
John Mears	Mesquite	--	--	--	--	--	--	P	A	*	A	A	A
Brian Moen	Frisco	P	P	P	P	P	P	A	P	*	P	P	A
Mark Nelson	Richardson	P	P	P	P	P	P	P	P	*	P	P	P
Jim O'Connor	Irving	P	P	P	P	P	P	P	A	*	P	P	P
Alfredo Ortiz	Dallas	--	P	P	P	A	A	P	A	*	P	E	P
Cintia Ortiz	Parker County	A	P	A	P	P	P	A	A	*	P	P	P
Martin Phillips	Fort Worth	P	P	E	P	E	P	E	P	*	P	P	E
John Polster	Denton County	A	P	P	P	A	A	P	P	*	A	P	A
Kelly Porter	Fort Worth	P	P	P	P	P	P	E	P	*	P	P	P
Tim Porter	Wylie	P	P	A	R	R	P	R	R	*	A	R	P
Minesha Reese	Dallas County	--	--	--	--	--	--	--	--	--	P	P	P
Elizabeth Reynolds	Grapevine	P	P	P	P	P	P	P	P	*	E	E	P
James Rogge	City of Mansfield	--	--	--	--	--	--	A	P	*	P	P	P
Jahor Roy	Mesquite	P	P	P	P	P	P	A	A	*	A	A	A
Greg Royster	DFW Int. Airport	P	P	P	P	A	P	A	R	*	R	P	P
Kathryn Rush	Dallas	A	P	R	P	P	A	A	A	*	P	A	A
David Salmon	Lewisville	R	P	P	R	A	R	P	R	*	R	P	P
Brian Shewski	Plano	P	P	P	P	R	P	P	P	*	P	R	P
Ray Silva-Reyes	Farmers Branch	--	--	--	--	--	P	P	P	*	P	P	P
Chelsea St. Louis	Fort Worth	--	--	P	P	P	P	A	P	*	E	P	E
Aaron Tainter	Coppell	--	--	--	--	--	--	--	--	--	--	E	P
Errick Thompson	Burleson	A	P	P	P	P	P	P	P	*	P	P	P
Caleb Thornhill	Plano	A	P	P	A	P	P	P	A	*	A	A	A
Dave Timbrell	Garland	--	--	--	--	--	E	A	A	*	A	A	A
Jennifer VanderLaan	Johnson County	P	P	P	P	P	P	P	A	*	P	P	P
Gregory Van	Haltom City	P	P	P	P	R	P	R	P	*	R	P	R
Daniel Vedral	Irving	P	P	P	P	E	P	R	P	*	P	P	E
Caroline Waggoner	North Richland	A	P	P	P	P	A	P	P	*	A	A	A
Jana Wentzel	Arlington	P	P	P	P	P	P	R	P	*	P	P	P
Robert Woodbury	Cedar Hill	P	A	P	A	R	P	A	A	*	P	P	P
Larry Wright	Colleyville	A	A	A	A	A	A	A	A	*	A	A	A
Jamie Zech	TCEQ	A	A	A	A	A	A	A	A	*	A	A	A

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MINUTES

SURFACE TRANSPORTATION TECHNICAL COMMITTEE Friday, October 25, 2024

The Surface Transportation Technical Committee (STTC) met on Friday, October 25, 2024, at 1:30 pm in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following STTC members or representatives were present: Joe Atwood, Nathan Benditz (representing Melissa Baker), James Bell, David Boski, Shon Brooks, Tanya Brooks, Daniel Burnham, Farhan Butt, Travis Campbell, John Cordary Jr., Tara Crawford, Clarence Daugherty, Chad Davis, Don Raines Jr. (representing Arturo Del Castillo), Pritam Deshmukh, Greg Dickens, Eric Fladager, Chris Flanigan, Austin Frith, Ricardo Gonzalez, Gary Graham, Scott Hall, Tom Hammons, Barry Heard, Matthew Hotelling, John D. Hudspeth, Jeremy Hutt, Thuan Huynh, Joseph Jackson, Joel James, Major Jones, Gus Khankarli, Eron Linn, Clay Lipscomb, Paul Luedtke, Alan Hendrix (representing Stanford Lynch), Chad Marbut, Alberto Mares, John Mears, Brian Moen, Mark Nelson, Jim O'Connor, Cintia Ortiz, Dipak Patel (representing Rifat Alam), Martin Phillips, John Polster, Kelly Porter, Than Nguyen (representing Tim Porter), Minesha Reese, James Rogge, Greg Royster, David Salmon, Chad Ostrander (representing Brian Shewski), Ray Silva-Reyes, Chelsea St. Louis, Errick Thompson, Jennifer VanderLaan, Gregory Van Nieuwenhuize, Daniel Vedral, Jana Wentzel, and Robert Woodbury.

Others present at the meeting were: Vickie Alexander, Berrien Barks, Kenneth Bergstrom, Natalie Bettger, Jason Brown, Lori Clark, Dina Colarossi, Shawn Conrad, David Dryde, Kevin Feldt, Brian Flood, Analisa Garcia, Gypsy Gavia, Rebekah Gongora, Chris Hoff, Mike Johnson, Dora Kelly, Dan Kessler, Ken Kirkpatrick, Jacki Kocmound, Gregory Masota, Malcolm Mayhew, Michael Morris, Jenny Narvaez, Ami Parikh, Trey Pope, Vercie Pruitt-Jenkins, Roman Rangel, Lexi Roddy, Toni Stehling, Brendon Wheeler, Ben Whisnant, Jeff Whitacker, and Brian Wilson.

1. **Approval of September 27, 2024, Minutes:** The minutes of the September 27, 2024, meeting were approved as submitted in Electronic Item 1. Jim O'Connor (M); Clarence Daugherty (S). The motion passed unanimously.
2. **Consent Agenda:**
 - 2.1. **Development of Transportation Mobility Plans for FIFA 2026: AT&T Stadium (Nine Matches), International Broadcast Center (Pending) and Fair Park (Fan Fest):** The Fédération Internationale de Football Association, more commonly known by its acronym FIFA, has requested detailed Transportation Mobility Plans and the North Central Texas Council of Governments (NCTCOG) requested consultant assistance in documenting existing plans into the FIFA format and detail.
 - 2.2. **Endorsement of Transit Strategic Partnerships Program: May 2024 Cycle Selected Project:** Committee endorsement was requested of the project evaluated through the May 2024 Cycle of Transit Strategic Partnerships Program to provide funding to Feonix Mobility Rising for the pilot of a Transportation Assistance Hub in portions of Dallas and Ellis counties.
 - 2.3. **Strategic Highway Network Route Proposed Additions:** A recommendation for Regional Transportation Council (RTC) approval was requested to add a roadway location within the Dallas-Fort Worth region to the Strategic Roadway Network (STRAHNET).

2.4. **Blue-Green-Grey Application for New Ideas Round 4 – Project Funding**

Recommendations: A recommendation for Regional Transportation Council approval of the Blue-Green-Grey application recommended for funding was requested.

A motion was made to approve Items 2.1, 2.2, 2.3, and 2.4 on the Consent Agenda. Kelly Porter (M); Alberto Mares (S). The motion passed unanimously.

3. **Endorsement of Community Noise Mitigation Program Grant Submission:**

Amanda Wilson requested Committee endorsement of the submittal of grant applications to the Department of Defense Community Noise Mitigation Program and a recommendation to the Regional Transportation Council for local match funds.

A motion was made to endorse the Regional Transportation Council's (RTC) approval for the North Central Texas Council of Governments (NCTCOG) grant applications for the Community Noise Mitigation program; recommend RTC approval of the use of approximately \$210,000 in Regional Transportation Council Local funds used to advance pre-application consultant activities to backfill Regional Joint Land Use Study activities; and approve staff to administratively amend the Transportation Improvement Program/Statewide Transportation Improvement Program (TIP/STIP) and other planning/administrative documents to incorporate these changes should the project be selected for funding. Eron Linn (M); Kelly Porter (S). The motion passed unanimously.

4. **Strategic Selection of Traffic Signal Equipment:** Gregory Masota requested a recommendation for Regional Transportation Council approval of a strategic selection process based on the traffic signal equipment inventory to select equipment upgrades.

A motion was made to recommend Regional Transportation Council (RTC) approval of the process, criteria, and schedule for the strategic selection of traffic signal equipment, and for staff to administratively amend the North Central Texas Council of Governments Transportation Improvement Program (TIP) and State Transportation Improvement Program (STIP), as well as other planning and administrative documents. Brian Moen (M); Martin Phillips (S). The motion passed unanimously.

5. **Call for Projects to Reduce Diesel Emissions:** Jason Brown requested a recommendation for Regional Transportation Council approval to open a new, competitive Call for Projects (CFP) to award rebates through the North Texas Diesel Emissions Reduction Project 2024 utilizing Environmental Protection Agency (EPA) funds.

A motion was made to recommend Regional Transportation Council (RTC) approval of North Texas Diesel Emissions Reduction Project 2024 included opening the Call for Projects, details of eligibility screens and scoring criteria; the schedule for the Call for Projects estimated to open on December 16, 2024, and a Rolling 90-Day application deadline to fully award funds. John Polster (M); Mark Nelson (S). The motion passed unanimously.

6. **Director of Transportation Report on Selected Items:** The following topics were listed on the agenda:

1. Safety Review of Older Freeway Sections: Five Examples
2. Regional Transportation Council Recognition
3. Regional Transportation Council Legislative Program (Electronic Item 6.1) and (Electronic Item 6.2)

4. Executive Board Follow-Up: White Paper on Federal Eligibility of Broadband As a Travel Demand Management Strategy
5. North Central Texas Council of Governments Not Pursuing Low-Carbon Transportation Materials Grant Opportunity
6. Current Hold on Regional Transportation Council Policy – Temporary Suspension of Dynamic Pricing of Managed Lanes During Reconstruction

Michael Morris briefly highlighted each item listed above, recognized North Central Texas Council of Governments (NCTCOG) staff for the Association of Metropolitan Planning Organizations (AMPO) 2024 National Award for Excellence in MPO Coordination and Partnership, and noted that NCTCOG staff are reviewing Loop 12 and other “junior” freeways to thoroughfares in the region regarding speed and other safety concerns.

7. **Swyft Cities Certification of Emerging and Reliable Transportation Technology**

Program Update: Mike Johnson provided information on the Certification of Emerging and Reliable Transportation Technology (CERTT) Program, including recent progress of Swyft Cities and their advancement through the program.

8. **Fast Facts:** Staff provided brief presentations on Items 1 through 7 below:

1. *Daniel Snyder* - North Central Texas Council of Governments 2025 Transportation Alternatives Call for Projects Informational Webinar
2. *Analisa Garcia* – 2024 Ozone Season Update
3. *Jared Wright* – Texas Department of Transportation Rider 48 Report: Evaluation of Medium-Duty and Heavy-Duty Vehicle Charging Infrastructure and Capacity
4. *Trey Pope* – Engine Off North Texas Status Report
5. *Jared Wright* – Local Clean Air Project Spotlight: Arlington Multi-Modal Delivery Demonstration Success
6. *Jared Wright* – Air Quality Funding Opportunities
7. *Jared Wright* – Upcoming Dallas-Fort Worth Clean Cities Events
8. Written Progress Reports: Partner Progress Reports, September Public Meeting Minutes, November Public Meeting Notice, August – September Public Comments Report

Written progress reports were provided in Electronic Items 8.4, 8.5, 8.6, and 8.7.

9. **Other Business (Old or New):** No items were provided.

10. **Next Meeting:** The next meeting of the Surface Transportation Technical Committee is scheduled for **1:30 pm on December 6, 2024.**