The Regional Transportation Council (RTC) met on Thursday, February 10, 2011, at 1 pm in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following members or representatives were present: Ron Brown, Mike Cantrell, Sheri Capehart, Gary Cumbie, Bob Day, Lee Dunlap, Rudy Durham, Charles Emery, Mark Enoch, Gary Fickes, Robert Franke, Bill Hale, Roger Harmon, Kathleen Hicks, Joe Jaynes, Ron Jensen, Jungus Jordan, Geralyn Kever, Linda Koop, Mike Leyman, Steve Terrell (representing Maher Maso), Bill McLendon, Sheffie Kadane (representing Pauline Medrano), John Monaco, John Murphy, Ron Natinsky, George Conley, Rick Stopfer, John Tatum, Oscar Trevino, Bernice Washington, Glen Whitley, and Kathryn Wilemon.


Michael Morris introduced Isabell Noblanc of SYSTRA Systems and Guillaume Genin of SNCS visiting from France to discuss high speed rail.

Michael Morris recognized transportation partner staff and NCTCOG staff involved in the implementation of the transportation element of the recent Super Bowl. Reference Item 3.10, provided at the meeting, contained correspondence regarding the success of the inclement weather transportation plan for the recent Super Bowl.

1. **Minutes:** The minutes of the January 13, 2011, RTC meeting were approved as submitted. Glen Whitley (M); Kathryn Wilemon (S). The motion passed unanimously.

2. **Consent Agenda:** The following items were included on the Consent Agenda:
2.1. **Heavy-Duty Vehicle and Equipment Grant Program Call for Projects:** A motion was made to approve NCTCOG staff to reopen the Heavy-Duty Vehicle and Equipment Grant Program Call for Projects to seek additional applications in order to fully expend $10 million in grant funding received through a third-party Texas Emissions Reduction Plan (TERP) grant from the Texas Commission on Environmental Quality (TCEQ) as detailed in Reference Item 2.1.

2.2. **Environmental Protection Agency Air Quality Funding Reallocation:** A motion was made to approve the reallocation of $74,096 in Congestion Mitigation and Air Quality (CMAQ) funds to Frito-Lay North America, Inc. originally awarded funding under the American Recovery and Reinvestment Act (ARRA) On-Road Heavy-Duty Diesel Replacement and Repower Project as detailed in Reference Item 2.2.

Mike Cantrell (M); Oscar Trevino (S). The motion passed unanimously.

3. **Orientation to Agenda/Director of Transportation Report:** Michael Morris highlighted items on the Director of Transportation Report. He noted that NCTCOG is conducting its third Cooperative Transit Vehicle procurement to purchase approximately 20 small transit buses and 20 accessible minivans. In addition, he noted that staff continues to work on items regarding the sustainability of the region, truck routes related to the Barnett Shale, and Web broadcasting. The FY2011 Annual Report on Performance and Expenditures was provided to members at the meeting. Mr. Morris noted the appointment of Michelle Bloomer, NCTCOG, to the Public Transportation Advisory Committee contained in Electronic Item 3.7 and recent correspondence provided at the meeting as Reference Item 3.9.

4. **Latest Air Quality Emission Inventory Estimates, Future Conformity Impacts, and Correspondence to the Texas Commission on Environmental Quality:** Chris Klaus provided an overview of the latest air quality emission inventories, Barnett Shale natural gas emissions, on-road mobile emissions, conformity challenges, and proposed correspondence regarding air quality efforts. TCEQ is currently developing a revised State Implementation Plan (SIP) as a result of the region’s ozone reclassification from moderate to serious. He noted that the revised SIP will be based on a 2012 analysis year and highlighted preliminary 2012 future design values for monitors located in the North Central Texas region. The highest monitor recording ozone in the region is projected to be at 76.8 parts per billion (ppb) by 2012, which is below the 85 ppb ozone standard. He reminded members that EPA is considering lowering the ozone standard to between 60 and 70 ppb. In addition, Mr. Klaus discussed the various sources of nitrogen oxides (NOx) and volatile organic compounds (VOC) emissions estimates in the DFW 9-county area, including emissions from the oil and gas production/drilling from this industry. TCEQ has estimated a decrease from 66 tons per day in 2006 to 17 tons per day of NOx emissions by 2012, assuming 100 percent compliance. Unfortunately, an increase from 68 tons per day in 2006 to 103 tons per day in VOC emissions is also estimated by 2012. The disbursement of oil and gas wells in the region was reviewed, as well as current ozone monitors. Significant on-road NOx and VOC emissions reductions have also occurred over the past six years, and Mr. Klaus reviewed on-road 2012 results. Since the revised SIP containing new emission inventories has been under development, a new air quality model has been released to estimate on-road emissions. This new model, MOVES, calculates an increase of approximately 60 percent more vehicle emissions compared to MOBILE6. The current SIP relies on the MOBILE6 estimates of approximately 133 tons of NOx per day, while the MOVES model estimates 217 tons of NOx per day using the same assumptions. The region
currently utilizes the MOBILE6 model for transportation conformity and has a grace period of until March 2012 before use of the MOVES model is required. Utilizing the MOBILE6 model, the new SIP motor vehicle emission budgets will fall below motor vehicles emissions estimated by the MOVES model, causing future transportation conformity tests to be difficult to pass. If unable to incorporate MOVES into current SIP efforts for reclassification, inclusion of the MOVES model into the SIP may not be possible until July 2014. This does not impact the air quality conformity for the proposed Mobility 2035, but will create challenges to updating future Metropolitan Transportation Plans and the Transportation Improvement Program. Staff recommended that correspondence be provided to TCEQ outlining consequences of the MOBILE6 versus MOVES model and identifying options as contained in Reference Item 4.2, provided at the meeting. In addition, correspondence was recommended to the Congressional Delegation requesting that the two-year conformity grace period be replaced by a fixed grace period. Linda Koop discussed the different on-road models and the impact to conformity. A motion was made to approve correspondence to TCEQ identifying options and requesting the State to incorporate MOVES into the current SIP as detailed in Reference Item 4.2, provided at the meeting. The motion also included approval of correspondence to the Congressional Delegation requesting the EPA to remove the current two-year conformity grace period established when new versions of the vehicle emissions model is released for a fixed grace period until a conformity analysis and SIP are able to use consistent vehicle-emissions models as detailed in Reference Item 4.3, provided at the meeting. Linda Koop (M); John Murphy (S). The motion passed unanimously.

5. **East/West Equity and Tracking of Texas Department of Transportation/Regional Transportation Council Commitments:** Christie Jestis provided an update regarding east/west equity and the tracking of TxDOT commitments funded by the RTC. She reviewed the inventory of TxDOT non-formula commitments to date as detailed in Reference Item 5.1 and specifically highlighted two Proposition 14 projects approved by the Texas Transportation Commission (TTC) in October 2010, IH 35E at FM 407 Interchange and additional elements of the North Tarrant Express. In addition, the RTC approved RTC local funds to be moved from the east to the west for US 287 at Berry/Vaughn to help advance the project. Staff recommended that the $1.25 million in federal Surface Transportation Program-Metropolitan Mobility funds be returned to the east in order to bring closer balance to the formula equity. The east/west percentages for 2010 equals 55 percent to the west and 45 percent to the east. Assuming that at least $340 million in Proposition 12 funds are received through the strategic partnership with TxDOT, funds will be applied to the east bringing the percentages to 37 percent west and 63 percent east. Ms. Jestis also discussed Reference Item 5.2, the inventory of instances in which the RTC assumed previous TxDOT commitments by county. A motion was made to approve sending $1.25 million in federal Surface Transportation Program-Metropolitan Mobility funds from the western subregion to the eastern subregion. Kathleen Hicks (M); John Monaco (S). The motion passed unanimously.

6. **2011 Pass-Through Finance Program:** Christie Jestis provided an overview of the 2011 Pass-Through Finance Call for Projects. TxDOT has opened the FY2011 Pass-Through Finance Program with up to $250 million available across the State. Project costs must be paid upfront by the local agency for projects on the State highway system and entities will be reimbursed an average of 80-90 percent over 10-15 years for construction costs. In the past, RTC has submitted applications to TxDOT for consideration and local agencies have also submitted projects. Ms. Jestis noted that STTC members were requested to provide suggestions and comments at the January 28, 2011, STTC meeting and that RTC letters of support and technical assistance were available to local agencies. The deadline for
applications is March 1, 2011. She reviewed staff’s recommendation to submit a Collin County RTR-funded project, US 75 from Melissa Road to the Outer Loop for approximately $46.5 million. The City of Fort Worth has chosen to submit applications for the Trinity River Vision bridges at Main Street and Henderson and have requested a letter of support. TxDOT is expected to award funds in August 2011. Electronic Item 6.1 contained additional information regarding the program. Sheffie Kadane and Rob Franke discussed the projects that were not chosen to be submitted, SM Wright Boulevard and US 67. Ms. Jestis noted that projects had to already be funded and that unfunded projects will be re-reviewed if revenues for the State improved. A motion was made to approve submittal of the US 75 project from Melissa Road to the Outer Loop in Collin County for the 2011 Pass-Through Finance Program. Joe Jaynes (M); Lee Dunlap (S). The motion passed unanimously.

7. **North Texas Tollway Authority/Regional Transportation Council Joint Resolution Supporting Public Private Partnerships:** Michael Morris discussed a proposed joint resolution between the North Texas Tollway Authority (NTTA) and the RTC expressing interest to support public-private partnerships in the region. The proposed resolution will communicate to the Texas Legislature the region’s interest to proceed with public-private partnerships to be implemented by TxDOT for IH 35E, SH 183, and portions of the North Tarrant Express. In addition, the resolution supports necessary legislative changes to grant TxDOT the authority to implement the projects through public-private partnerships, requests that the projects move expeditiously, and suggests that future lists of projects be developed in advance of each legislative session. The resolution also clarifies that the joint resolution should not be construed as a waiver of NTTA’s right and obligation to provide toll collection, customer service, and enforcement services to the identified projects. The legislature is measuring the region’s interest in public-private partnerships and this resolution will demonstrate the region’s interest. NTTA is expected to discuss this joint resolution at its February 16, 2011, Board meeting. Bob Day noted that NTTA staff has been working with RTC staff on the joint resolution. Glen Whitley discussed the limited funds available in the State and questioned why SH 360 was not included as a potential project. Michael Morris noted that the resolution addresses projects to be implemented by TxDOT, and NTTA intentions to build SH 360. He also discussed the risk of including too many projects, causing the legislature not to approve any of the projects. Mr. Whitley noted his support for NTTA but expressed concern that NTTA would not have the funds to implement SH 360. A motion was made to approve the Joint Resolution of the North Texas Tollway Authority and the Regional Transportation Council Supporting the Delivery of IH 35E, SH 183, and the North Tarrant Express by the Texas Department of Transportation through Public-Private Partnerships, including approval for NTTA to make minor changes to the resolution at its February 16, 2011, Board meeting that do not change the current position. Bernice Washington (M); Linda Koop (S). Glen Whitley, opposed. The motion passed.

8. **SH 161 Transportation Infrastructure Finance and Innovation Act Update and NTTA Request to Extend Upfront Payment Deadline:** Ken Kirkpatrick discussed the status of the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan. Significant progress has been made regarding the negotiations for the TIFIA loan for SH 161 and the major inter-creditor issues have been resolved. NTTA estimates that it will need additional time to achieve financial close and make the SH 161 upfront payment and has requested to extend the deadline for February 28, 2011, to April 15, 2011. This extension requires the consent of RTC and TxDOT. A motion was made to extend the NTTA SH 161 upfront payment deadline from February 28, 2011, to April 15, 2011. Mike Cantrell (M); Rob Franke (S). The motion passed unanimously.
9. **Legislative Update**: Michael Morris provided an update regarding current legislative issues. The US Congress has a continuing resolution of appropriations and authorization through March 4, 2011. A reduction in funding during the current FY 2011 appropriations bill is expected, and there is also a proposal to cut transit funding such as the New Starts program and Amtrak funding. This is interesting given the Vice President’s announcement earlier during the week of $53 billion in proposed funding for high speed rail over the next six years, including $8 billion that will be in the President’s FY2012 budget. Staff is also monitoring earmarks. There are a couple of bills that would rescind funding for old, unspent earmarks, including one bill that would require states to return unspent funds for earmarked projects from FY2008 or before and one bill that would simply rescind funding from earmarks with 90 percent of funds remaining at the end of the 9th fiscal year after funding was appropriated. Members will be updated if impacts to the region are determined. Staff is also monitoring State legislation, specifically bills related to transportation and air quality. To date, no bills have been filed with the larger Sunset Advisory Commission recommendations, but there is a bill that would abolish the Texas Transportation Commission in favor of an appointed Commissioner. In addition, several bills have been filed to expand the use of reinvestment zones, and a bill has been filed that would limit Metropolitan Planning Organization (MPO) Policy Board voting membership to elected officials. There are several bills that would end diversions from Fund 6 over time and one bill that would redirect some transportation taxes to Fund 6 from the General Fund. A bill has been filed to give NTTA primacy over county toll road authorities, and Senator Ogden has filed a bill that would prohibit surplus toll revenue and require tolls to be removed from projects once bonds and interest are paid off. In the proposed budget, funding for the TERP program is cut by 50 percent and the AirCheckTexas program is cut completely. Staff proposed RTC approval of correspondence to the local delegation as well as Senate Finance Committee and House Appropriations Committee members describing the importance of the TERP and AirCheckTexas programs, as well as the impact cutting funding will have on the State budget and the local economy. This letter was provided as Reference Item 9. In addition, Mr. Morris requested that the RTC send a letter of congratulations to the new House Transportation Committee Chair Larry Phillips and a letter of thanks to the previous Chair Joe Pickett. Joe Jaynes requested that staff provide an e-mail containing bills discussed at the meeting. A motion was made approving correspondence to the local delegation, Senate Finance Committee, and the House Appropriations Committee requesting that the Texas Legislature increase TERP funding and reinstate funding for the LIRAP program as detailed in Reference Item 9. In addition correspondence congratulating the new House Transportation Committee Chair Larry Phillips and thanking the previous Chair Joe Pickett was approved. Kathleen Hicks (M); Oscar Trevino (S). The motion passed unanimously.

10. **TxDOT Revenue Estimates and Proposed Statewide Allocation for 2012 Unified Transportation Program**: Michael Morris discussed the upcoming TxDOT public hearing scheduled for February 17, 2011, and $400 million in additional cash flow identified statewide. This additional cash flow is not new funding, but enables the region to advance existing projects. TxDOT is working to determine the amount of increased cash flow and the impacted funding categories. In the two-year biennium budget, TxDOT assumed a certain rate at which it was going to be billed from contractors. This rate is slower than expected causing an increase in cash flow. In addition, fees from Texas Mobility Funds (TMF) have come in slightly higher than expected potentially providing approximately an additional $300 million in revenue. TxDOT is requesting comments regarding how this funding should be programmed. Legislation does not require TMF to be formula allocated. However, staff suggested that formula allocation is an equitable distribution method. He noted that TMF is
not restricted to roadway projects and can be allocated to eligible transit projects. Christie Jestis discussed $2 billion in Proposition 12 Funding authorized during the last legislative session. Approximately $1 billion was set aside for the State Infrastructure Bank and $1 billion was set aside for non-toll transportation projects. The Legislature previously directed the Texas Transportation Commission to select $2 billion in projects, and an additional $3 billion has been requested this legislative session. The first $1 billion would be used to pay for projects previously selected, the second $1 billion would most likely be formula allocated for congestion relieving projects, and the third $1 billion would most likely be set aside for programmatic projects such as safety and mega-bridges. Ms. Jestis stressed that this is currently an ongoing discussion during the legislative session and that no commitment has been made. The region’s potential share of this new Proposition 12 funding if formula allocated is 40 percent of the second $1 billion ($400 million) and 25 percent of the third $1 billion ($250 million) for a total of approximately $650 million.

TxDOT plans to discuss this possibility at the 2012 UTP public hearing on February 17 at the TxDOT Fort Worth District office, and staff requested RTC direct staff regarding potential comments for the DFW region. Ms. Jestis also discussed the 2012 Unified Transportation Program (UTP), the 10-year funding document used by the Texas Transportation Commission and TxDOT to guide project development and construction. TxDOT Austin initiated the development of the 2012 UTP in December 2010. No additional Category 2 or Texas Mobility Funds are currently available as of yet. Therefore, NCTCOG staff recommended no changes to the list of projects or funding amounts of individual projects approved previously by the RTC, which were detailed in Electronic Item 10.2. TxDOT anticipates action by the Texas Transportation Commission in May 2011 on the 2012 UTP. Ms. Jestis highlighted proposed comments for the February 2011 public hearing which included: 1) the advancement of already approved and “ready-to-go” projects within each affected funding category if additional cash flow becomes available, 2) formula allocation of Texas Mobility Funds with some portion being used on non-roadway projects, 3) formula allocation of Proposition 12 funds and the development of open and transparent criteria and methodology for projects selection, and 4) reiterate existing funding commitments for the UTP. Staff proposed that the SH 161 funding matrix be revised using an assumption of $650 million in Proposition 12 funding, that staff monitor and utilize this revenue to implement the RTC’s east/west equity, finalize the LBJ funding balance questions, and bring an updated recommendation back to the RTC at its March 10, 2011, meeting for discussion. A motion was made to approve staff comments at the TxDOT public hearing scheduled for February 17, 2011 to include: 1) the advancement of already approved and “ready-to-go” projects within each affected funding category if additional cash flow becomes available, 2) formula allocation of Texas Mobility Funds with some portion being used on non-roadway projects, 3) formula allocation of Proposition 12 funds and the development of open and transparent criteria and methodology for projects selection, and 4) reiterate existing funding commitment for the UTP. John Monaco (M); Sheri Capehart (S). The motion passed unanimously.

11. Mobility 2035: Dan Lamers discussed recent efforts regarding the development of Mobility 2035. Staff has reviewed existing funding scenarios and various revenue sources for Mobility 2035, including local revenue enhancements and State and federal revenue enhancements. The RTC-approved Enhanced + Local Option revenue scenario includes an additional 5 cent State and federal fuel tax per gallon in 2020 and in 2030, State fuel tax indexing to fuel Efficiency by 2015, an additional $10 mobility improvement fee (vehicle registration) in 2015 and 2025, additional toll roads and managed lanes, and an end of 80 percent of Fund 006 diversions incrementally by 2025. This assumed revenue scenario provides approximately $101 billion for Mobility 2035. Mr. Lamers noted the prioritization of
improvements and funding amounts in Mobility 2035 compared to Mobility 2030. Roadway projects are impacted the greatest, causing approximately $34 billion in projects to be deferred past Mobility 2035. He reviewed the distribution of revenue sources and the prioritization of improvements focused on maximizing the existing system such as infrastructure maintenance, management and operations, and growth/development/land use strategies. He highlighted funded rail recommendations for Mobility 2035 and rail lines identified as deferred corridors for future planning efforts. Previous Mobility Plans contained a recommendation to use the Union Pacific Main Line between Dallas and Fort Worth as a commuter rail line. It is anticipated that this option is not probable and staff is working to determine options to have service in the corridor. He also highlighted potential high/higher speed rail connectivity and noted that Mobility 2035 will contain approval of the concept, not specific alignments. Passenger rail recommendations were reviewed and staff has worked to review rail lines for passenger and freight potential in the future. The $46.2 billion of funded roadway recommendations were also reviewed, as well as deferred roadways to be considered in the future. He noted that staff is working with NTTA, TxDOT, and other partners on a few corridors that may need modification. Michael Morris discussed some corridors in red and noted that many of these may not even be possible due to the amount of gas wells in the western part of the region. He requested that staff provide a map at the March 10, 2011, meeting showing the distribution of gas wells for the region. Glen Whitley discussed maintenance funds and indicated that the RTC must continue to insist that maintenance funds be provided to the region based on all lanes, not just non-managed lanes. Mr. Morris noted that staff would incorporate this comment into the comments for the February 17, 2011, TxDOT public hearing. Rick Stopfer discussed the timeline for completion of SH 114/SH 183 Interchange. Mr. Morris noted that a meeting would be held with representatives from the Irving area to discuss this project. If SH 114 can be built without any subsidy, the project should be included in the Mobility Plan. If it cannot be built without additional funds, clarity is needed regarding the priority of the project. Information will continue to be provided to citizens at public meetings, and final approval by the RTC of Mobility 2035 is anticipated on March 10, 2011.

12. **Progress Reports:** RTC attendance was provided as Reference Item 12.1, STTC attendance and minutes as Electronic Item 12.2, the Local Motion as Electronic Item 12.3, and the North Texas Transportation Connection was provided at the meeting as Reference Item 12.4.

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

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

15. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for Thursday, March 10, 2011, at 1 pm, at the North Central Texas Council of Governments.

The meeting adjourned at 3:15 pm.