MINUTES

REGIONAL TRANSPORTATION COUNCIL
April 14, 2011

The Regional Transportation Council (RTC) met on Thursday, April 14, 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, Maribel Chavez, Jesse Martinez (representing Gary Cumbie), Lee Dunlap, Rudy Durham, Andy Eads, Mark Enoch, Gary Fickes, Robert Franke, Bill Hale, Roger Harmon, John Horn, Joe Jaynes, Clay Jenkins, Ron Jones, Vonciel Jones Hill, Pete Kamp, Geralyn Kever, Sheffie Kadane (representing Linda Koop), Mike Leyman, Harold Froehlich (representing Matthew Marchant), Maher Maso, Bill McLendon, Pauline Medrano, Stan Pickett (representing John Monaco), Rich Morgan, John Murphy, Ron Natinsky, Mark Riley, Karen Hunt (representing Rick Stopfer), John Tatum, Tim Welch (representing Oscar Trevino), Bernice Washington, and Kathryn Wilemon.


1. **Minutes**: The minutes of the March 10, 2011, RTC meeting were approved as submitted. John Murphy (M); Kathryn Wilemon (S). The motion passed unanimously.

2. **Consent Agenda**: The following items were included on the Consent Agenda:

   2.1. **2011-2014 Transportation Improvement Program Modifications and Resolution for Regional Toll Revenue Projects Modifications**: A motion was made to approve revisions to the 2011-2014 Transportation Improvement Program (TIP) included in Reference Item 2.1.1, including RTC Resolution R11-04, Resolution on Recent Modifications to Dallas-Fort Worth Regional Toll Revenue Funded Projects contained in Reference Item 2.1.3.

   Robert Franke (M); Sheri Capehart (S). The motion passed unanimously.
3. **Orientation to Agenda/Director of Transportation Report:** Michael Morris reviewed items on the Director of Transportation report. Electronic Item 3.1 contained the NCTCOG Agency Report on Regional Toll Revenue (RTR) which was also distributed at the meeting. Electronic Item 3.2 contained the RTR minute order approval and Mr. Morris thanked the Texas Department of Transportation (TxDOT), Bill Hale, and Maribel Chavez for their assistance. He noted that the Innovative Finance Initiative is proceeding well and that a workshop will be scheduled to review details of the initiative. Electronic Item 3.3 contained information regarding the start of the 2011 ozone season, Electronic Item 3.4 provided air quality funding updates, Electronic Item 3.6 contained results of the Diesel Idling Reduction Program 2011 Call for Projects, and Electronic Item 3.7 contained information about the upcoming May 3, 2011, electric vehicle contractor/inspector and first responder training. Mr. Morris presented a photo showing the innovative partnership between TxDOT and the North Texas Tollway Authority (NTTA) regarding the construction of SH 161 at IH 30 in the Dallas District. The IH 30 bridge at this intersection was built on the ground now allowing NTTA to dig under the bridge for the construction of SH 161. This effort has prevented the waste of pavement, interruption to traffic, and lowered the cost of the project. He also noted that a Managed Lane brochure was distributed at the meeting and encouraged members to share those with their communities. March 15-16 public meeting minutes were provided at the meeting as Reference Item 3.10. Mr. Morris recognized the Fort Worth Transportation Authority for being named Transit System of the Year in Region VI. He also noted that Reference Item 3.11, distributed at the meeting, provided a visual of the magnitude of gas wells in the Dallas-Fort Worth region as requested at the previous RTC meeting. Recent correspondence was provided in Electronic Item 3.8 and contained correspondence from the mayors of Cedar Hill, DeSoto, and Duncanville regarding funding for US 67 from Cockrell Hill to FM 1382. Mr. Morris noted that staff is prepared to advance funding from the LBJ project or additional revenue to ensure that the US 67 project is implemented. This information will be presented at a future RTC meeting. Recent news articles were provided in Electronic Item 3.9 and transportation partners progress reports were provided at the meeting. Ron Natinsky indicated that the Innovative Finance Initiative workshop would likely be scheduled in May 2011.

4. **Top Ten Items the Federal Government Can Do to Improve Efficient Transportation Delivery: White Papers:** Michael Morris discussed white papers addressing the top ten items the federal government can do to improve efficient transportation delivery, contained in Reference Item 4. These white papers were requested by Glen Whitley at the March 10, 2011, RTC meeting. Staff proposed that RTC permit the white papers to be transmitted to Chairman Mica and RTC national transportation affiliations such as the National League of Cities (NLC), American Association of State Highway and Transportation Officials (AASHTO), and the National Association of Counties (NACO). Mr. Morris highlighted each of the ten white papers: 1) Flexibility in the Transportation Planning, Air Quality Conformity, and Environmental Analysis Processes: Establishing a Comprehensive Set of Project Level Design and Operational Features that Keep Projects Moving and the Public Briefed, 2) Streamlining the Environmental Review and Approval Process within US DOT: Is the Objective a Document or Better Project, 3) The Timeframe for Federal Funding Approval of Projects Should be Based on Total Project Cost and Project Implementation Schedule: The Level of Review Should be Measured Against the Consequences of Delay, 4) Modify Rules Associated to Applicability of New Emission Models: Meaning New Software is Integrated with a Complete New Process, 5) Metropolitan Mobility Authority for Large Metropolitan Areas: Expedite Implementation in the Areas of the Country that Produce the Gross Domestic Product, 6) Transportation Infrastructure Finance and Innovation Act Funding: Time is Money, 7) Cost and Schedule of Congressional Mandated Positive Train Control:
Congress Should Not Set Mandates and Reduce Funding at the Same Time, 
8) Consolidating Project Selection Authority for Federal Transit Administration Funding Programs Within Metropolitan Planning Areas: Eliminate Duplication and Foster Transit System Integration, 9) Consolidate the Federal Transportation Funding Programs Allowing Local Regions to Determine Project Allocations: Silo Busting, and 10) Transportation Improvement Program Document and Approval Process: The Transportation Improvement Program is No Longer a Document or Process in which the Public Can Engage. Mr. Morris requested that members provide their transportation membership affiliations to Vercie Pruitt-Jenkins so that the white papers can be transmitted to the affiliations under RTC member signatures. Ron Jones requested that the white papers also be transmitted to the US Conference of Mayors. Mark Enoch noted that Dallas Area Rapid Transit (DART) was generally supportive of the white papers, but that DART would like the opportunity to review and comment on white paper 1 (which modes will be covered), white paper 2 (possible omission of the Federal Aviation Administration in the second bullet), and white paper 5 (Metropolitan Mobility Authority). He requested that these items be tabled for 30 days to allow DART staff to review. Mr. Morris noted that Chairman Mica had requested that the white papers be provided to him by early April. He also discussed funds generated locally such as RTR funds in partnership with NTTA, revenues from the Cotton Belt Study, and city/county bond program partnerships and the importance of these funds remaining in the region so the funds are not at risk of being swept by the legislature. White paper 5 refers to a Metropolitan Mobility Authority (MMA) being created for these types of funds. Mr. Enoch noted that DART was not questioning the need for MMAs for this purpose, but was concerned with future wording of this issue in the legislature. Mr. Morris asked if DART was willing to approve the white papers contingent on DART staff review and comment within seven days. Mr. Enoch agreed that DART would work with NCTCOG staff to provide comments within one week. A motion was made approving ten white papers on various topics that would improve the effectiveness and efficiency of transportation project delivery, contained in Reference Item 4, and permitting staff to send the approved white papers to Chairman Mica, the US Conference of Mayors, NLC, AASHTO, NACO, and other organizations as desired by RTC. DART staff will have one week to comment on white papers 1, 2, and 5. Jesse Martinez (M); Clay Jenkins (S). Mr. Enoch clarified that it is DART’s goal to be fully supportive and if staff agree on comments to the approved white papers DART will remain supportive. DART’s support will be contingent on wording of the final white papers. Ron Natinsky noted that Mr. Enoch’s vote will be revised to opposed if DART and NCTCOG are unable to reach agreement regarding comments to the white papers.

5. **Web Broadcasting**: Michael Morris discussed options for web broadcasting of RTC meetings which will create an opportunity for additional public outreach. Reference Item 5 provided a list of web broadcasting options for consideration. Originally, staff recommended that RTC meetings be recorded with an outside service hosting video archival online. As this time, staff recommended that the RTC approve a three-month pilot test using in-house video of RTC meetings. Staff will produce a DVD recording of the meeting from which copies can be made for anyone interested in obtaining a DVD of the meeting. Staff will track requests over the next 90 days to determine public interest in the DVDs. John Murphy expressed concern that the public may find requesting a copy of the DVD every month is not a convenient option versus accessing the meeting video online. Ron Natinsky clarified that Option 4, using an outside service to host video access online, would require a contract. Using the recommended pilot test would allow staff to determine public interest in RTC meetings. Joe Jaynes suggested that having a six month pilot study may allow for a more accurate determination of interest. Geralyn Kever asked if the cost for the in-house video
would be lost if an outside service was ultimately determined to be necessary. Natalie Bettger noted that the cost for in-house video production would be applied to the cost for an outside service. Lee Dunlap requested an explanation of what viewers would be able to see in the video. Michael Morris noted that viewers would see a generic view of the RTC members and that presentation slides would be the view seen during the actual presentations. A motion was made to approve in-house video of RTC meetings, with NCTCOG staff to produce DVD video copies of meetings upon request for a six-month pilot study. Those expressing interest will be able to subscribe to the DVD service/receive DVDs each month. Joe Jaynes (M); John Murphy (S). The motion passed unanimously.

6. **Mobility 2035**: Dan Lamers discussed Mobility 2035, adopted by RTC on March 10, 2011. Due to the addition of two significant roadway projects in February 2011, NCTCOG staff determined that a 30-day extension to the public involvement process into April 2011 was appropriate. Between March and April, questions were received seeking clarification of text and positive comments were made regarding the new look and organization of the document. One content related comment was received from the City of Aledo requesting that its plan for a transit oriented development (TOD) downtown be included in Mobility 2035. NCTCOG staff has determined that TOD programs and policies in Mobility 2035 adequately address what the City is requesting. Staff informed the City that although rail service was not recommended in Mobility 2035 at this time, the City should continue its forward thinking and planning for rail service in the future. Maher Maso noted his support for the document and indicated that he would like to state for the record his concern regarding the funding mechanisms included in Mobility 2035. A motion was made to reaffirm the RTC’s March 10, 2011, approval of Mobility 2035, resulting changes to the 2011-2014 TIP, positive air quality conformity results, and determination of no disproportionate environmental justice impact. Bernice Washington (M); Sheri Capehart (S). The motion passed unanimously.

7. **Legislative Update**: Dan Kessler presented an update on important federal and State legislative initiatives. In federal legislation, the FY2011 federal budget has not been adopted. HR 1363 provides a continuing resolution set to expire April 15, 2011. HR 1473 contains the full FY2011 continuing resolution on which a vote was expected. Key impacts to transportation programs were highlighted. The continuing resolution rescinds $400 million from FY2010 high speed rail, cuts all new funding for high speed rail in FY2011, rescinds $280 million in FY2010 for the New Starts Program, reduces the New Starts Program to FY2008 funding levels (from $2 billion to approximately $1.6 billion), cuts 2010 TIGER grants from $600 million to $527 million, reduces unobligated contract authority for the highway program by $2.5 billion, and rescinds $630 million from highway earmarks from 1998 TEA-21 and earlier surface transportation bills. Mr. Kessler noted that if HR 1473 is passed, staff will create of summary of the full rescissions through the life of the current transportation bill for RTC members and provide implications to specific projects at a future RTC meeting. He also highlighted State legislation. The State budget, HB 1 and SB 1, contains funding for the AirCheckTexas Low Income Repair and Replacement Program. The program was originally unfunded but the House has proposed to cut this program by 75 percent, from $100 million to $25 million statewide for the biennium. The House version of the bill contains two riders that may provide up to an additional $50 million contingent upon passage of the two other bills (SB 655/HB 3106 and SB 657/HB 2694). The proposal has passed through the House and has been referred to the Senate. The Senate version of the bill recommends $25 million in funding statewide for the biennium and a potential amendment for an additional $15 million. Texas Commission on Environmental Quality recommendations were pending as of April 13. Mr. Kessler also reviewed three
transportation revenue bills in the Senate: 1) SJR 22 (Nichols) – moves revenue on vehicle sales tax from General Revenue to the State Highway Fund at 10 percent annually from 2013 to 2011, 2) SJR 23 (Wentworth) – increases the fuel tax by 10 cents per gallon, indexes for inflations, and dedicates additional revenue to transportation, and 3) SJR 38 (Davis) – stops increases in diversions/reduces diversions over time. As of April 4, these bills were pending in the Senate Finance Committee. In addition, Mr. Kessler reviewed transportation revenue bills in the House: HB 563 (Pickett) addresses transportation reinvestment zones. The bill would eliminate the requirement that projects be on the state highway system, eliminate the requirement that projects utilize TxDOT’s Pass Through Finance Program, and allows for greater flexibility of transportation projects. This was passed out of the House on March 31. HJR 63 (Pickett) would permit a county to issue bonds or notes to finance a transportation reinvestment zone and requires a constitutional amendment. This bill was reported favorably from committee on March 30. The three North Texas Comprehensive Development Agreement (CDA) bills were passed on the local calendar on April 7 and referred to the House Transportation Committee on April 11. The House companion bills were pending in the House Transportation Committee. These bills are SB 1017 for the North Tarrant Express, SB 1145 for SH 183, and SB 1144 for IH 35E. Mr. Kessler also discussed two bills by Senator Davis related to pipeline legislation. SB 103 relates to the installation, maintenance, operation and relocation of wastewater pipeline facilities produced during drilling or operating natural gas. SB 106 relates to condemnation of municipal property for, and municipal regulation of, pipeline operations. Both bills have been referred to the Senate Natural Resources Committee but not heard at the time of the meeting. In addition, three bills potentially impacting Metropolitan Planning Organizations (MPO) were highlighted. HB 611/SB 829 would restrict a regional planning commission from participating in environmental document preparation, engineering, architecture, and construction services. HB 664 would require that the MPO policy board voting members must be elected officials. HB 2160 would require that an MPO policy board provide membership to a member of the legislature who represents the region. Michael Morris discussed HB 611/SB 829, noting that Reference Item 7 (provided at the meeting) contained a copy of the proposed legislation. He stressed that RTC was not interested in doing the work of private consultants and highlighted innovative partnerships in the region that have allowed for the implementation of projects in the region. Staff will monitor the bill and schedule a meeting with the engineering colleagues of RTC to discuss the issue. He also noted that staff believes it is important to have transit representation on the RTC and that staff would also be following HB 664. This bill speaks directly to MPOs in the State that have policy boards primarily comprised of MPO staff. In addition, he discussed HB 2160 and noted that RTC Bylaws do not currently allow for a legislative representative on RTC. John Horn discussed HB 2106 and noted the importance of the RTC being comprised of members that directly represent the region and who are focused on the concerns of the region. Lee Dunlap asked if SB 611 precludes cities from being able to participate in environmental document preparation, engineering, architecture, and construction services. Mr. Morris noted that the current draft of the bill does not include cities but that cities should still be concerned about the bill due to cities close partnership with TxDOT and RTC. Mr. Kessler noted that members will continue to receive weekly updates and that staff would present updates at the May 12, 2011, RTC meeting.

8. **Transportation Infrastructure Finance and Innovation Action Loan Approval for SH 161**: Ken Kirkpatrick discussed the status of the SH 161 Transportation Infrastructure Finance and Innovation Act (TIFIA) loan approval. He noted that NTTA expects to go to financial close on April 28, 2011. First tier bonds were priced earlier in the week and NTTA has reported that the bonds were oversubscribed and had a strong market. All terms of the
loan have been agreed upon after several months of negotiations. NTTA is scheduled to execute TIFIA loan close on April 15, 2011, at a rate of about 4.5 percent. Based on current financing models, NTTA expects that its commitment from three years ago of $400 million of system equity split between SH 161 and Southwest Parkway will be approximately $75 million to SH 161, leaving about $325 million in equity for Southwest Parkway. Michael Morris noted that the $258 million loan repayment can proceed, as well as the $200 million payment. As a result, RTC will be presented with a future information item regarding the advancement of projects in the eastern subregion with staff recommendations to follow.

9. **Resolution of Regional Toll Revenue Cash Flow:** Christie Jestis provided an overview of the RTR cash flow related to outstanding RTR loans. These loans temporarily reduce the available pool of funding for committed projects, but do not change the list of committed projects. RTC has selected projects that will use the funds made available as the loans are repaid. Each quarter, the Texas Transportation Commission (TTC) approves a list of RTR projects via a Minute Order (MO) which can only include ready-to-go projects equal to the currently available funds. Therefore, projects that are not ready for construction get moved off the MO to allow the ready-to-go projects onto the MO. When loans are repaid, more projects will be moved onto the MO list. This process does not impact RTC project approval amounts or timelines. NCTCOG staff is monitoring the projects contained on MO lists to ensure that ready-to-go projects are not delayed unnecessarily and will continue to work with TxDOT to formalize the process as needed. RTC may be requested to take action on a future resolution.

10. **High Speed Rail Application: Importance of Mega Region Partnership:** Michael Morris discussed interest outside the Dallas-Fort Worth region for at-grade or grade-separated high speed rail. To date, agreements have been reached with Little Rock, East Texas, and Waco. Staff is currently communicating with Houston, Austin/San Antonio, Sherman/Denton, and North Texas/Oklahoma City. Reference Item 10.1 contained a Memorandum of Understanding (MOU) between the RTC and the Lone Star Rail District in the Austin/San Antonio region for consideration. This MOU will help coordinate efforts to improve the passenger and freight rail transportation system within the region. Electronic Item 10.2 contained a draft MOU with the Oklahoma City region under review and soon to be finalized. Electronic Item 10.3 contained correspondence to TxDOT expressing RTC support for the TxDOT Rail Division request for federal funds for higher speed rail in the Trinity Railway Express (TRE) corridor. Electronic Item 10.4 contained correspondence from Judge Emmett, County Judge, Harris County, in support of planning and environmental efforts for the Houston to DFW Higher Speed Rail Corridor. Mr. Morris discussed the importance for the DFW region to be prepared to coordinate with other mega regions if funding should become available for high speed rail. Gary Fickes discussed high speed rail and explained that he was supportive of the MOUs between other metropolitan regions. However, he noted that he is opposed to the use of federal funding for high speed rail using existing freight lines and increasing speeds. He noted that RTC must determine if it is interested in true high speed rail as one of the few states that have sufficient distances between major population areas. The location of high speed rail will also need to be determined and Mr. Fickes believes that DFW airport would be a potential location. He also indicated that there are companies interested in bringing true high speed rail to Texas. Ron Natinsky noted that RTC was being requested to approve the MOU in Reference Item 10.1 and that no determination about the way in which high speed rail is implemented will be impacted by RTC action. Robert Franke, RTC Multimodal, Intermodal, High Speed Rail, and Freight Subcommittee Chair, noted that a Subcommittee meeting would likely be scheduled in May 2011 to discuss details. John Murphy asked why freight facilitation was included as
part of passenger rail efforts. Mr. Morris noted that coordination and partner efforts with freight and goods movement will help facilitate passenger rail. A motion was made to approve the Memorandum of Understanding between the RTC and the Lone Star Rail District representing the Austin/San Antonio area as contained in Reference Item 10.1. Robert Franke (M); Vonciel Jones Hill (S). Gary Fickes and Tim Welch were opposed. The motion passed.

11. **US Department of Transportation Regulatory Review Comments**: Ken Kirkpatrick provided an overview of comments to the US Department of Transportation (US DOT) regarding regulatory review. In January 2011, the President issued an Executive Order for all executive agencies to undertake a review of all significant existing regulations and directed that the agencies develop a plan to review those regulations. In response to the order, US DOT requested specific comments on how the plan should be developed. In addition, it requested comments regarding the effectiveness of existing regulations such as the impact of regulations on project implementation, length of time for environmental reviews, etc. Reference Item 11 contained staff comments to the US DOT, focusing on three areas: 1) environmental reviews, 2) the regulatory nature of the Metropolitan Transportation Plan and Transportation Improvement Program, and 3) interpretation of regulations. Staff will provide future updates to the RTC resulting from the submittal of these comments.

12. **US Army Corps of Engineers Agreement for 404 Permitting**: Dan Lamers provided an update on the US Army Corps of Engineers (USACE) Memorandum of Agreement (MOA) for 404 permitting and potential extension of the successful pilot program. Successes of the program were highlighted and he noted that the current agreement will expire in October 2011. Current funding for this program will be expended in June 2011. At the May 14, 2011, RTC meeting, staff anticipates recommendation that the RTC fund $50,000 to allow the current program to be funding through the agreement date. USACE has authorization to continue the program through December 2016. As a result and due to the success of the program, staff held a meeting with interested partners to gauge interest in extending the agreement with USACE through the December 2016 authorization. Staff will be collecting proposed projects and funding from partner agencies and working with USACE to assess additional projects to determine the level of funding and future USACE staffing needs. Approximately $800,000 to $1.6 million is anticipated to be necessary from partner agencies and RTC to fund a new MOA. The RTC will be presented a proposal for extending the MOA at a future meeting, with action being requested at a following meeting. Robert Franke requested that staff provide the list of specific projects to be advanced through the extension of the MOA.

13. **Super Bowl Update**: Michael Morris provided a report on transportation related items regarding the recent Super Bowl. He discussed the TxDOT fiber optic connection with the regional fiber network to exchange data and video during events. He also discussed NFL anticipated attendance and actual attendance of the NFL Experience, response to the inclement weather events, game day travel speeds on roadways, and the ridership for various transit options. The final report will be completed soon and transportation elements were under budget. RTC members will be sent a copy of the report in the future.

14. **Progress Reports**: RTC attendance was provided as Reference Item 14.1, STTC attendance and minutes as Electronic Item 14.2, the Local Motion as Electronic Item 14.3, and the North Texas Transportation Connection was provided at the meeting as Reference Item 14.4.
15. **Other Business (Old or New):** There was no discussion on this item.

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

17. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for Thursday, May 12, 2011, at 1 pm, at the North Central Texas Council of Governments.

   The meeting adjourned at 3:15 pm.