The Regional Transportation Council (RTC) met on Thursday, June 2, 2011, at 1 pm in the Transportation Council Room of the North Central Texas Council of Governments. The following members or representatives were present: Ron Brown, Mike Cantrell, Sheri Capehart, Maribel Chavez, Gary Cumbie, Bob Day, Lissa Smith (representing Lee Dunlap), Rudy Durham, Andy Eads, Charles Emery, Mark Enoch, Gary Fickes, Robert Franke, Bill Hale, Roger Harmon, Kathleen Hicks, John Horn, Clay Jenkins, Ron Jensen, Ron Jones, Vonciel Jones Hill, Jungus Jordan, Pete Kamp, Geralyn Kever, Linda Koop, Kimberly Lay, Mike Leyman, Harold Froehlich (representing Matthew Marchant), Maher Maso, Bill McLendon, Pauline Medrano, John Monaco, Rich Morgan, Ron Natinsky, Mark Riley, Rick Stopfer, John Tatum, Oscar Trevino, Bernice Washington, Duncan Webb, Glen Whitley, and Kathryn Wilemon.


1. **Minutes:** The minutes of the May 12, 2011, RTC meeting were approved as submitted in Reference Item 1. Kathryn Wilemon (M); Andy Eads (S). The motion passed unanimously.

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

   2.1. **Freight Efficiency Outreach Center:** A motion was made to approve funding recommendations to fully award Cascade Sierra Solutions $450,000 from a US Environmental Protection Agency (EPA) Climate Showcase Communities grant, to establish a Freight Efficiency Outreach Center. Details were provided in Reference Item 2.1.

   2.2. **Transportation Improvement Program – 2011 Amendment Changes and Resulting Regional Toll Revenue Resolution:** A motion was made to approve changes to the 2011-2014 Transportation Improvement Program (TIP) contained in Reference Item 2.2.1 and RTC resolution R11-05 to transmit desired Texas Transportation Commission (TTC) action for Regional Toll Revenue (RTR) funded projects contained in Reference Item 2.2.2. These TIP adjustments were inadvertently omitted from the previous listing approved by the RTC in
March 2011 and are necessary to accommodate the new Mobility 2035 recommendations.

John Monaco (M); Gary Fickes (S). The motion passed unanimously.

3. **Election of Regional Transportation Council Officers**: Bernice Washington thanked members of the RTC Nominating Subcommittee and announced the Subcommittee’s recommended slate of officers for the next 12-month period: Chair Jungus Jordan, Vice Chair Pete Kamp, and Secretary Kathryn Wilemon. A motion was made to approve the slate of RTC officers recommended by the Nominating Subcommittee. Bernice Washington (M); Sheri Capehart (S). The motion passed unanimously.

4. **Orientation to Agenda/Director of Transportation Report**: Michael Morris recognized John Murphy for service on RTC and the North Central Texas Council of Governments (NCTCOG) Executive Board. John Murphy thanked staff and RTC members for the opportunity to serve the region. Mr. Morris also reviewed items on the Director of Transportation report. Electronic Item 4.1 contained information regarding the 2011 ozone season, Electronic Item 4.2 contained an air quality funding update, Electronic Item 4.3 contained a status update for the AirCheckTexas Drive a Clean Machine program, and Electronic Item 4.4 contained information regarding the Diesel Idling Reduction Program. The June public meeting flyer was provided at the meeting as Reference Item 4.7. In addition, recent correspondence was provided as Electronic Item 4.5 and recent news articles were provided as Electronic Item 4.6. Mr. Morris noted that a US Department of Transportation (US DOT) conformity determination on Mobility 2035 was anticipated by June 12, 2011. At the time of the meeting, a US DOT conformity determination on the Mobility 2035 Plan and the 2011-2014 TIP had yet to be issued as the Federal Highway Administration (FHWA) was still reviewing NCTCOG responses to comments. He indicated that RTC members would be e-mailed the status of the conformity determination.

5. **Transportation Improvement Program Update: Advancement of Projects, East/West Equity, New Revenues, and Resolution of Congestion Mitigation and Air Quality Improvement Program/Surface Transportation Program-Metropolitan Mobility Funding**: Ron Natinsky noted the east/west equity issue discussion that occurred at the May 12, 2011, RTC meeting and indicated that he believed RTC members were in agreement to move forward tracking the east/west equity as approved February 2010 in the RTC Policy P10-03. Glen Whitley noted that he had reviewed RTC Policy P10-03 and would like to discuss the policy’s direction to maintain east/west equity over time. His interpretation was that “over time,” as stated in the policy, did not necessarily mean that equity should be balanced in a single action. He discussed the importance of regionalism and his concerns that the proposed Proposition 12 allocation and reconciliation of the east/west equity would leave the western subregion with minimum funds and that large potential projects in the future may leave the western subregion without funds for an extended period of time. Mr. Whitley noted that he did not believe this was RTC’s intention at the time the east/west equity policy was approved and asked that members consider reconciling the equity over a four-year period. He also discussed the importance of projects that are ready-to-go and the possibility that if a region received funding and had no available ready to go projects, the region would not just hold the funds in a bank for future use. Clay Jenkins noted that he respectfully disagreed with Mr. Whitley’s interpretation of what RTC intended by maintenance of equity “over time,” and that he believed RTC’s intent was to resolve equity issues as opportunities arise. Future funding for the region remains uncertain and Mr. Jenkins noted the importance of resolving the issue while the opportunity exists and
not over a four-year period for which regular funding may or may not be available. He also noted that he agreed with the importance of regionalism and Mr. Whitley’s opinion regarding available funds in a subregion with no ready-to-go projects. RTC should determine innovative ways to utilize funds fully, such as loans between counties, but should ensure that those funds are immediately available when a project able to utilize the funds becomes ready-to-go. Finally, he noted that it may negatively impact future agreements if RTC does not honor the policy as previously entered into unanimously in February 2010 to settle equity issues as the opportunities arise. Ron Natinsky discussed reasons the RTC east/west equity policy was created and noted that there was not discussion at the time about dividing efforts to resolve equity into payments. He believed that RTC members did not know when future funding would again be available and that the intent was to equalize the balance of equity when funds the opportunity became available. Using that premise, he noted that RTC would move forward to divide the Proposition 12 funding to resolve the east/west equity as closely as possible. Mr. Whitely noted that he did not believe RTC had any type of discussion regarding the meaning of “over time” when the policy was approved. A motion was made to clarify the RTC’s position to resolve east/west equity issues related to RTC Policy P10-03 over a four-year period, clarifying “over time” notation in the original policy. Glen Whitley (M); Gary Fickes (S).

Discussion continued. Oscar Trevino asked for clarification of the motion. Mr. Natinsky noted that the motion would approve RTC to resolve equity issues over four years, even if funds existed in the first year to resolve equity issues allowing the funds to be used for other projects unless no projects were ready-to-go. Mr. Natinsky noted that he would not be able to support the motion because it does not agree with the original intent of the policy. Bernice Washington noted that she believed the policy intended that equity be balanced as funds become available. Vonciel Jones Hill also noted that she would not support the motion because she believed RTC should maintain its original agreement. Mr. Whitley restated his opinion that the meaning of “over time” was not discussed at the February 2010 meeting and that the proposed motion would at least clarify for him the original intent of the east/west equity policy from this point forward. John Horn discussed Hunt County and the importance of discussing the addition of the TxDOT Paris District in future discussions of equity due to the expansion of the MPA boundary. Maribel Chavez discussed the potential Proposition 12 funding and cautioned members that the funding may not have the flexibility to accommodate the proposed allocations. Mark Enoch clarified that the balance of funds after the year-one payment would remain available. The motion failed.

Glen Whitley requested that a motion be made that clarifies the previous east/west policy position so that it is understood in the future. Ron Natinsky stated that members do not believe there is a misunderstanding of the RTC east/west policy, P10-03. Michael Morris discussed the strength of the east/west policy, allowing RTC to accept Texas Transportation Commission (TTC) allocations to the region even in instances where the east/west formula allocation is not utilized. Staff’s proposal for RTC action would reaffirm the position to be flexible and willing to assist the region.

Then, Christie Jestis discussed efforts to advance projects in FY2011 that were previously funded with Congestion Mitigation Air Quality (CMAQ) Program funds and Category 2-Metro Corridor funds. In April 2001, TTC approved additional Strategic Priority Category 12 funding and Texas Mobility Funds to advance FY2012 and FY2013 projects into FY2011. Projects had to be ready for implementation in FY2011 and in the current TIP and Statewide Transportation Improvement Program (STIP). Reference Item 5, distributed at the meeting, contained a listing of proposed projects and the appropriate funding source. Approximately
$32 million in projects was proposed to be advanced to FY2011. A portion of CMAQ funding remained unallocated, and staff will provide recommendations to allocate the funding in the future. Ms. Jestis also discussed east/west equity and RTC’s decision to track TxDOT funding approvals that do not follow current formula allocations. Reference Item 5, mailed in member meeting materials, provided an overview of action affecting east/west equity. Actions in February 2011 brought the region to 55 percent west and 45 percent east. Funding in April 2011 advancing projects to FY2011 using Category 12 funds and Proposition 14 funds for US 380 in May 2011 brought the region to 53 percent west and 47 percent east. Anticipated Proposition 12 funding was noted. Approximately $320 million has been dedicated by the State for specific bridges in the east. This allocation brings the region to 62 percent east and 38 percent west, near the RTC 69/31 percent formula allocation. The remaining balance of the $535 million was proposed to be allocated approximately $99 million to the west and approximately $436 million to the east. The proposed allocation of the remaining funds makes the small 7 percent adjustment to the equity allocation, making this an appropriate time to make the equity adjustment. Mr. Morris clarified that reaching equity does not mean that the western and eastern subregions remain fixed and do not utilize future opportunities to leverage and advance projects by loaning funding between subregions.

In addition, Mr. Morris discussed the potential resolution of CMAQ and Surface Transportation Program-Metropolitan Mobility (STP-MM) funding. In October 2010, TxDOT proposed a reconciliation that negatively impacted the region’s available funding by approximately $115 million. Staff has been working with TxDOT Austin regarding the reconciliation and it is believed that the discrepancy involves supplemental STP-MM funds from TxDOT in 1999 and 2000. TxDOT and NCTCOG staffs continue to work on the final resolution and staff anticipates that TxDOT will cover the difference using Category 12 funds. A solution is anticipated later during the summer. Also, staff will revise the east/west allocation when the new transportation bill is finalized. Staff will continue to track east/west equity balances and continue to work with TxDOT on the resolution of CMAQ and STP-MM funding. Mr. Morris noted that RTC action for this item would reaffirm RTC’s east/west equity policy position created to leverage projects and allow opportunities for the region to work together. Gary Cumbie discussed the establishment of the 69/31 percent formula allocation and asked how often the balance was reviewed. Mr. Morris noted that the allocations are reviewed each time a funding bill is passed and do not generally change by a large percentage. The next time, expansion of the MPA boundary would also be considered. Staff will present the variables to members, along with any proposed revisions in the future. A motion was made to approve the FY2011 project advancement contained in Reference Item 5 (distributed at the meeting) and allows staff to identify projects to advance to FY2012-2013 in the future. The motion also included approval of the east/west equity allocation proposed in Reference Item 5 (provided in the mailed RTC meeting material), including the transfer of Proposition 12 funds from the western to eastern subregion and continue ability for subregions to “borrow” from one another as needed. The motion reaffirms RTC’s position in P10-03 to direct staff to track east/west equity balances within the region, considering the RTC’s approved east/west funding distribution, and to regularly report back to the RTC on the status of non-formula allocations. This reaffirmation also clarifies that in the event that an imbalance exists and more funding becomes available, funds from the relevant subregion will be reallocated to the other subregion, as the funds are acquired, to maintain east/west equity. Glen Whitley (M); Mike Cantrell (S). The motion passed unanimously.
6. **SH 161 Funding Initiative and Proposition 12 Funding Partnership**: Christie Jestis discussed the SH 161 Funding Initiative, noting that anticipated Proposition 12 funding will help reach finalization of the SH 161 Funding Initiative. NCTCOG and TxDOT staffs met in Austin to discuss the proposal and the draft listing of projects for Proposition 12 funding and the proposal was received favorably. A priority list of projects was created to fill funding gaps, complete projects in the near term, complete the SH 161 Funding Initiative, and target bridges, safety, mobility, and statewide connectivity. Of the anticipated $856 million, staff proposed that a total of approximately $99 million be allocated to the western subregion and approximately $757 million be allocated to the eastern subregion. An updated listing of proposed projects was provided at the meeting as Reference Item 6.2. Michael Morris discussed the draft list of projects, noting Maribel Chavez’s comment that the exact distribution of funds for each TxDOT district was not finalized at this time. Proposed Proposition 12 projects for the western subregion included: 1) $8 million for US 377 and on-system rehabilitation and safety projects in Hood County, 2) $12 million for the Johnson County portion of US 377/Cresson Bypass in Johnson County, 3) $8 million for FM 1187 from IH 20 to Bailey Ranch, and on-system rehabilitation and safety projects in Parker County, 4) $63 million in Tarrant County for the IH 30 at Walsh Ranch Interchange (potentially funded with other TxDOT revenues), IH 30 HOV/Managed Lane, Tarrant County On-system Thoroughfare Program, and Tarrant County Freeway/Tollroad Program, and 5) an additional $8 million to the existing $5 million for the New Boundary County commitment in Wise County. He noted that flexibility in Tarrant County was important to determine opportunities to leverage funds and determine the best projects that should move forward. Proposition 12 projects for the eastern subregion included: 1) $53 million for US 75, SH 289, and on-system rehabilitation and safety in Collin County, 2) $598.79 million in Dallas County for the IH 30 Bridge at Trinity River, IH 35E Bridge at Trinity River, the “horseshoe” between the IH 30 and IH 35E Bridges, US 67, SH 183, on-system rehabilitation and safety, US 80 ramp at Galloway, and the IH 345 Bridge, 3) $43 million for US 380 and on-system rehabilitation and safety in Denton County with US 380 as the first priority, 4) $25 million for the US 287 Bypass/Grade Separation and on-system rehabilitation and safety in Ellis County, 5) $7.21 million for on-system rehabilitation and safety in Kaufman County, and 6) $30 million for IH 30 at FM 3549, FM 740 south, and on-system rehabilitation and safety in Rockwall. He noted that funding for Hunt County was not allocated since Hunt County is technically in the Paris District, and will receive its own Proposition 12 allocation. In addition, he noted that Navarro County is not in the MPO boundary, but is within the TxDOT Dallas District who will perform maintenance in the county. He also noted that staff will continue to work with Ellis County to determine the correct priority for the county. For Dallas County, staff proposed that $8 million in STP-MM funds be used for portions of the IH 30 bridge project instead of Proposition 12 funding. Then, Christie Jestis discussed the SH 161 Funding Initiative. Reference Item 6.1 contained the SH 161 Project and Revenue Matrix for Dallas County. Changes to the table were provided in strike-through text and additions were indicated in bold text. She noted a change to the SH 121-Section 13 project noting all funding as Category 2 (with no Proposition 12), a change from Category 2 to Proposition 12 funding for SH 183, and the change noted by Mr. Morris to remove $8 million in Proposition 12 funding to be supplemented with $8 million in STP-MM funding for the IH 30 bridge project. Ms. Jestis noted flexibility will be necessary as staff continues discussions with individual counties and TxDOT as Proposition 12 funds are finalized. In addition, some projects in Reference Item 6.1 contained dates yet to be determined. These projects are primarily funded with the President George Bush Turnpike loan repayment which has not been finalized and staff will add these projects to the TIP as funding becomes available. Bill Hale discussed Proposition 12 funds and TxDOT requirements for engineering and right-of-way, bridge, and safety and rehabilitation projects,
noting that TxDOT districts would be working with TTC regarding funding requirements. Geralyn Kever asked for clarification regarding the allocation of funding to counties and how staff determines the allocations within the districts. Mr. Morris noted that federal and State rules do not allow funds to be suballocated within counties of a district, and the quality of projects and regional priority are generally considered. Kimberly Lay requested that staff note the City of Richardson’s request to defederalize Congestion Mitigation and Air Quality Improvement Program funds for both of its projects in Reference Item 6.1. Ms. Jestis noted that the request was made at the May STTC meeting after the RTC mail out had occurred, and that staff was reviewing options for the request. Ron Brown asked why $1 million was removed from Kaufman County’s allocation. Mr. Morris noted that staff believed the allocation for Collin County was too small and adjustments were made by removing funds from several counties. Mark Riley requested that the IH 20 at Western Loop project remain on the list of proposed Proposition 12 projects. The project was approved for Pass-Through Finance funding. However, the funding had not been finalized at the time of the meeting and Mr. Riley noted his preference that the project be included for flexibility. A motion was made to approve projects selected in the SH 161 Funding Initiative as detailed in Reference Item 6.1, the draft listing of Proposition 12 projects in Reference Item 6.2 (distributed at the meeting) with the addition of the IH 20 at Western Loop to the Parker County list of projects, and the ability for staff to add projects to the 2011-2014 TIP/STIP administratively. Approval will allow staff flexibility regarding Proposition 12 funding. Mark Riley (M); John Monaco (S). Maribel Chavez and Bill Hale abstained from the vote. The motion passed.

7. **Legislative Update:** Amanda Wilson highlighted State and federal legislation impacting the region, specifically noting bills related to RTC top priorities for this session. Regarding RTC’s priority to increase revenue for transportation, she noted that revenue was not increased nor lost and that no further diversions were approved. No action was taken to cut diversions and no increase to revenue was approved. She noted that members will be provided a follow up of all bills in the near future. Regarding Comprehensive Development Agreements (CDA), authority has been given for three in the Dallas-Fort Worth region: IH 35E, SH 183, and remaining portions of the North Tarrant Express. Regarding efforts to strengthen protection for surplus toll revenue, legislation codifies the current process to distribute RTR funds to local governments in advance of construction of both on/off-system projects. There was also a bill addressing the east/west issue with regard to concession payments and surplus toll revenue payments which were treated differently. The bill will treat both payments alike, with both types of payments going to the region in which they were generated. Ms. Wilson also discussed the receipt of Proposition 12 funding totaling approximately $856 million for the region. In addition, she noted that substantial funding has been cut from the AirCheckTexas Program and staff will be working to determine the impact to NCTCOG. Legislation regarding MPO policy boards was narrowed to only impact the San Antonio area. Ms. Wilson also highlighted federal legislation, noting that the US Senate Environment Public Works Committee is currently working on a reauthorization bill and are close to releasing a draft. At the time of the meeting, it was unknown whether the bill would be a two or six year bill. Funding is a major issue and the Committee was expected to focus on TIFIA, consolidation of programs, enhancement of freight, expediting project delivery, and the elimination of earmarks. The Committee is looking at FY2012 appropriations and it appeared that a funding cut would be proposed. At time of the meeting, the details of the cut were unknown. Linda Koop discussed legislation that would have required a member of the legislature to be provided a seat on RTC. Ms. Wilson noted that the bill did not pass but clarified that a bill requiring the NCTCOG Executive Board to offer a non-voting seat to a legislator was passed. A final update regarding final bills will be provided to members in the near future.
8. **Clean Air Action Day, July 7:** Mindy Mize discussed Air North Texas’s Second Annual Clean Air Action Day. This public awareness campaign encourages residents of North Texas to make clean air choices. Many regional partners work together to promote behavioral and lifestyle changes that impact health and environment in the region. The region’s second annual Clean Air Action Day will be observed July 7 from 7 am to 7 pm. North Texans will be asked to commit to clean air actions and share their experiences online at [www.airnorthtexas.org/777.asp](http://www.airnorthtexas.org/777.asp). Staff will be reaching out to the community through outreach events, the Air North Texas Web site, social media messaging, and advertising. In addition, a special alternative fuel outreach event is scheduled with the North Texas Clean Air Coalition. Additional information regarding Clean Air Action Day was provided in Electronic Item 8.

9. **Graphs on Gasoline Consumption and Transportation Measures:** Michael Morris reviewed graphs showing the relationship between the price of gasoline and several transportation measures. In addition, he thanked Dallas Area Rapid Transit, Denton Country Transportation Authority, Fort Worth Transportation Authority, North Texas Tollway Authority, and TxDOT for providing the data making this transportation system data possible. He discussed the change in price of gasoline from January 2004 to April 2011 and the variation of transit ridership in comparison for the region. Information regarding these transportation measures is available at [www.nctcog.org/trans/data/gasprices](http://www.nctcog.org/trans/data/gasprices). Maribel Chavez discussed another statistic, gas tax receipts, and the impact of fuel prices. Mr. Morris noted that NCTCOG will reference TxDOT’s Web site in reference to gas tax receipts.

10. **10+ Year Inactive Projects/Milestone Policy:** Christie Jestis provided an update on the status of projects funded through past funding initiatives. Due to RTC’s commitment to expedite projects and allocate funds to projects that are ready-to-go and according to RTC’s milestone policy, staff reviews projects periodically to determine if projects are moving along at the rate they should be and that the projects are still warranted. Electronic Item 10.1 contained a summary of project status by Call for Projects. Ms. Jestis noted that the percentage of projects that have not let has decreased but is still high for the region, and reviewed percentages for the various initiatives. Generally, projects funded with innovative financing are generally moving more quickly than traditionally funded projects. In addition, she noted that the Federal Highway Administration (FHWA) has initiated an effort to remove funds from inactive projects funded 10 years ago or older. FHWA has inventoried approximately $24 million in RTC approved projects at risk of losing funding. Ms. Jestis stressed that entities should begin charging to existing agreements to show activity. FHWA will soon move on to review 5-year and 1-year inactive projects. Staff will continue to coordinate with TxDOT and local partners on the 10 year list and any new lists as they come from FHWA.

11. **FY2012 and FY2013 Unified Planning Work Program:** Dan Kessler provided a brief overview of the FY2012 and FY2013 Unified Planning Work Program (UPWP), noting that the presentation would be provided to members at the next meeting. The document identifies the activities to be carried out by the Metropolitan Planning Organization staff between October 1, 2011, and September 30, 2013. A copy of the draft document was provided at the meeting and RTC will be requested to approve the FY2012 and FY2013 UPWP at its July 2011 meeting.

12. **Innovative Finance Initiative Update:** The presentation was postponed until the next RTC meeting.
13. **Progress Reports:** RTC attendance was provided as Reference Item 13.1, the Local Motion was provided at the meeting as Reference Item 13.2, STTC attendance and minutes were provided at the meeting as Reference Item 13.3, and the North Texas Transportation Connection was provided at the meeting as Reference Item 13.4.

14. **Other Business (Old or New):** Mark Riley asked if the August 11, 2011, RTC meeting was anticipated to be rescheduled due to conflict with the annual Transportation Summit. Michael Morris indicated that staff would review the conflict.

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

16. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for Thursday, July 14, 2011, at 1 pm, at the North Central Texas Council of Governments.

The meeting adjourned at 3:15 pm.