The Regional Transportation Council (RTC) met on Thursday, July 14, 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, Lee Dunlap, Rudy Durham, Andy Eads, Charles Emery, Salvador Espino, Robert Franke, Bill Hale, Roger Harmon, Kathleen Hicks, David Magness (representing John Horn), Ron Jensen, Ron Jones, Vonciel Jones Hill, Jungus Jordan, Pete Kamp, Geralyn Kever, Linda Koop, Kimberly Lay, Jim Wilson (representing Mike Leyman), Matthew Marchant, Maher Maso, Bill McLendon, Pauline Medrano, John Monaco, Mark Riley, Rick Stopfer, Oscar Trevino, Bernice Washington, Duncan Webb, and Kathryn Wilemon.


1. **Minutes**: The minutes of the June 2, 2011, RTC meeting were approved as submitted in Reference Item 1. Gary Cumbie (M); Rob Franke (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**: Christie Jestis presented changes to the 2011-2014 Transportation Improvement Program (TIP) modifications provided as Reference Item 2.1.1. Changes were provided at the meeting in Reference Item 2.1.1.4 and included two projects: 1) removal of the notation “federal” for the $3 million in Category 2 funding and correction of the TIP code for modification 2011-0245, and 2) updated funding for the FY2012 local contribution for engineering and FY2014 local contribution for construction. A motion was made to approve the revisions to the 2011-2014 TIP as provided in Reference Item 2.1.1 and updated in Reference Item 2.1.1.4, along with a resolution outlining desired Texas Transportation Commission (TTC) action on Regional Toll Revenue (RTR) funded projects (R11-06) contained in Reference Item 2.1.3.

      Andy Eads (M); John Monaco (S). The motion passed unanimously.
3. **Orientation to Agenda/Director of Transportation Report:** Michael Morris recognized Ron Natinsky for his service on the RTC and for his leadership in the region. He requested that Vercie Pruitt-Jenkins locate his editorial in the Dallas Morning News on vehicle technology. Bernice Washington also recognized Mr. Natinsky for his commitment to the region. Mr. Natinsky thanked members for the opportunity to serve and expressed his interest to remain involved with the region. In addition, Jungus Jordan expressed his gratitude for Mr. Natinsky’s passion regarding transportation in the DFW region. Mr. Morris recognized Rob Franke, who recently received the William J. Pitstick Regional Excellence Award. He also recognized NCTCOG staff, members of the Dallas County Sheriff’s Department, and members of the Ellis County Sheriff’s Department for the receipt of the 2010 US Environmental Protection Agency (EPA) Clean Air Excellence Award for emission enforcement efforts in the region. Sheriff Joe Acosta noted the success of the program and expressed his appreciation to be involved in the program. Rob Franke noted that the RTC Multimodal/Intermodal/High Speed Rail/Freight Subcommittee had a positive meeting earlier in the day. Mr. Morris reviewed latest efforts regarding Proposition 12 and announced that a RTC New Member Orientation was scheduled for 9:30 am, September 1, 2011. He also discussed upcoming efforts for Housing and Urban Development grant opportunities. Staff would like to develop a two-part plan for infill and smart growth in order to coordinate transportation, housing, school locations, and sustainable practices. In addition, staff proposed to host another RTC working group inviting Independent School Districts (ISDs). Staff will also be completing a pilot study with the City of McKinney and McKinney ISD and working to find a pilot project for inner loop area schools. Sal Espino discussed funding challenges for ISDs and noted that busing and sidewalks may be another important topic of discussion. Mr. Morris noted that public meeting minutes were provided as Electronic Item 3.2, information regarding Dallas-Fort Worth Clean Cities events was provided in Electronic Item 3.3, and the air quality funding update was provided in Electronic Item 3.4. Reference Item 3.5, provided at the meeting, contained the latest information regarding the 2011 ozone season. The August 11, 2011, RTC meeting is scheduled to be held in conjunction with the Transportation and Infrastructure Summit at the Omni Mandalay Hotel at Las Colinas. A 2:45 pm press conference will be held recognizing State legislators, followed by the RTC meeting at 3:00 pm. Vercie-Pruitt Jenkins will contact RTC primary and alternate members regarding the complimentary one-day pass provided by event sponsors. Mr. Morris noted that the NCTCOG Executive Board has approved officers for the Surface Transportation Technical Committee and that Progress North Texas and Mobility Matters was provided at the meeting. Recent correspondence was provided as Electronic Item 3.6 and recent news articles were provided as Electronic Item 3.7. Transportation partner progress reports were provided at the meeting. He also noted that John Promise, Director of the NCTCOG Environmental Resource Department has announced his retirement. In addition, Steve Simmons will be retiring from the Texas Department of Transportation (TxDOT). A reception is scheduled at TxDOT on August 12, 2011, and Mr. Morris requested that RTC Chair Jungus Jordan provide a letter of congratulations to be presented at the reception.

4. **Clean Construction Equipment Call for Projects and Demonstration Project Update:** Carrie Reese presented funding recommendations from the Clean Construction Equipment Call for Projects open for public and private sector construction equipment. Eligible activities included equipment replacement, repowers and retrofits for EPA verified engines/technologies. Criteria included cost effectiveness of pollutants, in addition to other elements. The Call for Projects closed on June 3, 2011, and two eligible applications were received from Kaufman County and Mac’s Excavating. Staff recommended full funding for both applications totaling approximately $91,000. Details of the project recommendations were provided in Reference Item 4. Staff has moved forward with reopening this Call on a
modified first-come first-served basis until funds are expended to complete allocation of funds. This Call is structured on a cost effectiveness threshold for eligibility and is expected to create an opportunity for local governments to receive grant funding to replace construction equipment in their fleets. In addition, Ms. Reese provided an update on the Clean Construction Specification Demonstration Project implemented approximately one year ago. The specification was designed focusing on certain clean engine requirements, operation requirements, and reporting and enforcement elements associated. Data collection is necessary to evaluate the cost benefit related to the emissions benefit and make related policy decisions. Staff proposed to extend the project for up to another year in an effort to continue data collection. She thanked the Cities of Denton, Fort Worth, and Plano, and Northgate Constructors for their participation and data provided to NCTCOG for evaluation. Data from the City of Arlington bid alternate suggests an average cost increase of approximately 3 percent over the bid price with a $143,000 per ton cost effectiveness for the projects that the City of Arlington has awarded. She reviewed responses that have been received from contractors that bid on the City of Arlington projects, as well a mock bid that was provided by the Northgate Constructors and discussed the distribution of expected increases to price. In addition to the bid alternate, a questionnaire has been requested and received from the Cities of Denton, Fort Worth, and Plano. Results are closely corroborating the range from the mock bid and alternate bids. Among the 28 contractors that provided questionnaires, the percent increase in bid price corroborates data collected in the bid alternate. In addition, questionnaires represent a diversity of fleet sizes. She also reviewed results from questionnaires regarding what actions it would take contractors to comply. Ms. Reese noted that staff would continue to provide updates regarding the program. In addition, she noted that recent federal legislation related to clean construction equipment had been passed that would impact particulate matter in nonattainment areas. Texas would not likely be impacted, but it was noted since this program will be similar in terms of requiring emissions related standards for construction contracts. A motion was made to approve funding recommendations for the funding recommendations to fully fund the Kaufman County and Mac’s Excavating applications received under the Clean Construction Equipment Call for Projects detailed in Reference Item 4. Mike Cantrell (M); Ron Brown (S). The motion passed unanimously.

5. **US Army Corps of Engineers FY 2012**: Dan Lamers highlighted the current 404 permit and 408 permit initiatives with the US Army Corps of Engineers (USACE). RTC previously funded $560,000 in local funds to enable a dedicated USACE staff position for the review of 404 permits through a Memorandum of Agreement under authority of Section 214 of the Water Resources Development Act. Funds for this initiative will expire in October 2011 and RTC authorized staff to find options for additional funding. In addition, $5 million in federal funds was allocated to expedite 408 permits primarily for the Trinity Parkway. To date, none of these funds have been expended. These funds have not been accessible due to the fact that federal environmental approval will be necessary, which remains unresolved. Staff would like to continue to fund the 404 permitting initiative with the USACE through 2016 and develop potential regional environmental mitigation banks to expedite transportation projects and support conservation of vital regional ecosystems. To funds these initiatives using local funds, staff proposed to transfer $1.45 million of the 408 permit federal funding to the IH 35E Dickerson Parkway project and transfer $1.45 million in local Regional Toll Revenue funds to the 404 permitting and environmental mitigation bank project. This transfer will allow staff the flexibility to fund 404 permitting and mitigation projects. The total project cost of the IH 35E Dickerson Parkway project will not change and TIP modifications would be required. Mayor Marchant asked if the action would negatively impact the IH 35E Dickerson project. NCTCOG staff suggested that RTC action include a statement ensuring federal funding is
available for the IH 35E Dickerson project when needed for implementation. Linda Koop asked about the remaining balance of funds. Mr. Morris indicated that the $3.55 million balance would remain under the 408 program for future use. Gary Cumbie asked if the funds to establish a regional mitigation bank were sufficient to begin the development of the mitigation bank. Mr. Morris indicated that staff believed the funds would be sufficient. Vonciel Jones Hill asked what future options would be used in the event that enough 408 funds were not available for the Trinity Parkway. Staff indicated that much of the work required by 408 permitting is also required for 404 permitting. Therefore, by using additional funds to continue the 404 permitting process, many of the elements necessary for 408 would also be completed. Mr. Morris indicated that staff does not believe the current total of 408 funds would be necessary, but noted that additional STP-MM or RTR funds would be requested if required. Andy Eads suggested that the transfer of funds be documented for future reference. A motion was made to transfer $1.45 million in RTR funds from the IH 35E Dickerson Parkway project to the 404 permit/Regional Mitigation Bank program "new" project and $1.45 million in STP-MM funds from the Trinity Parkway 408 permit funds to the IH 35E Dickerson Parkway project. Action includes approval for staff to administratively amend the 2011-2014 TIP to add/changes the listing for these projects. NCTCOG ensures that the IH 35E Dickerson Parkway project will not experience a loss of funding or delay in construction due to this action. In addition, NCTCOG ensures that the remaining 408 funding will meet expected needs and will identify additional funding if needed in the future. John Monaco (M); Ron Jones (S). The motion passed unanimously.

6. **FY2012 and FY2013 Unified Planning Work Program:** Dan Kessler presented the FY2012 and FY2013 Unified Planning Work Program (UPWP). In June 2011, staff provided a draft copy of the document to members and submitted the draft to TxDOT for review. Since that time, TxDOT has reviewed the document and provided no comments. The document identifies the activities to be carried out by the Metropolitan Planning Organization (MPO) staff between October 1, 2011, and September 30, 2013, and allows the Metropolitan Planning Organization to receive federal funding for planning activities. In the spring, staff requested that local governments/transportation agencies submit projects expected to require NCTCOG assistance in FY2012 and FY2013 for consideration. A total of 37 planning assistance requests were received from 22 local governments/transportation agencies. Of the requests, staff proposed to include 35 projects in the document. Six of the projects will be inventoried for further assessment in October 2011 due to uncertain funding levels. Mr. Kessler discussed the uncertainty regarding federal funding levels and reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Staff anticipates an approximate 10-15 percent reduction in transportation funding. Three projects will be identified in the document as Regional Strategic Initiatives. These projects are currently unfunded because the projects are not eligible for Transportation Planning Funds. Due to action taken prior to this agenda item, staff recommended that the FY2012 and FY 2013 UPWP be modified to reflect the projects/project changes in the 2011-2014 TIP modification item and the USACE FY2012 item. Mr. Kessler noted that two projects were not recommended for inclusion in the UPWP at this time. Included in the UPWP are five major tasks and 32 subtasks, translating into over 150 different programs and programs to be carried out of the course of the document. He highlighted the funding summary for Transportation Planning Funds in the FY2012 and FY2013 UPWP, specifically noting that Federal Transit Administration (FTA) Section 5303 funds, Federal Highway Administration (FHWA) PL 112 estimated funds, and FHWA estimated carryover funds total approximately $23 million. Of this amount, approximately $18.8 million is being programmed for the FY2012 and FY2013 UPWP, with a carryover balance to FY2014 of approximately $4 million. He noted the various funding categories for all planning activities documented in
the UPWP, with Transportation Planning Funds representing approximately 17 percent of the total amount of funding in the document. Mr. Kessler also noted that as a result of a new requirement by our State and federal partners, the UPWP will contain a Memorandum of Agreement outlining the respective roles and responsibilities of NCTCOG and its transportation partners. The draft document will be presented to the Executive Board in July and then submitted to FTA and FHWA. Copies of the document were made available upon request at the meeting. A motion was made to approve the FY2012 and FY2013 Unified Planning Work Program. Rob Franke (M); Rick Stopfer (S). The motion passed unanimously.

7. **North Central Texas Council of Governments Comments Regarding Reclassification State Implementation Plan for Ozone:** Jungus Jordan noted that the City of Fort Worth Barnet Shale study has been released. He reviewed results and noted that a detailed presentation would be provided by the City of Fort Worth to the public. (This occurred on Tuesday, July 19 at 6 pm and is listed on the City of Fort Worth Web site). Chris Klaus noted that comments have been provided to the Texas Commission on Environmental Quality (TCEQ) regarding oil and gas operations on behalf of the North Texas Clean Air Steering Committee.

Mr. Klaus also discussed proposed RTC comments regarding the reclassification State Implementation Plan (SIP). In June 2011, TCEQ approved the proposal for Dallas-Fort Worth SIP revisions, initiating a public comment period from June 24-July 25, 2011. In addition, TCEQ has released two supplemental changes/updates to SIP revisions and extended the comment period through August 8, 2011. In October 2010, RTC approved NCTCOG staff to place all transportation projects in the weight of evidence section of the SIP to allow future flexibility if a project is unable to be met in the specified timeframe so that future conformity and the Mobility Plan will not be jeopardized. Staff has reviewed the SIP document and determined that the Dallas-Fort Worth list of projects has been included in the legally binding section of the document instead of in the weight-of-evidence section. Reference Item 7, provided at the meeting, contained draft comments to TCEQ regarding revisions to the DFW SIP. The correspondence requested that TCEQ move the list of projects to the weight-of-evidence section of the document. In addition, the correspondence included supporting comments related to the incorporation of the MOVES2010 emission model results in the SIP. A motion was made to approve correspondence in Reference Item 7 containing RTC comments to TCEQ including 1) the documentation of Dallas-Fort Worth transportation projects into the weight-of-evidence section of the SIP, and 2) incorporate the updated vehicle emissions utilizing EPA’s latest software MOVES2010. The correspondence will be provided to TCEQ at the July 14 public hearing. Linda Koop (M); Vonciel Jones Hill (S). The motion passed unanimously.

8. **Federal Authorization Position:** Amanda Wilson discussed the RTC federal authorization position in Reference Item 8, and highlighted updates to the previous position developed in February 2010. She noted that a Surface Transportation Authorization bill has not been introduced or passed, but there has been recent activity in the House and the Senate. In May 2011, information regarding a version of an administration bill leaked. Although it was not an official bill, the version indicated a significant funding increase primarily for rail and transit. The non-bill did include information about raising the population threshold for Metropolitan Planning Organizations (MPOs) from 50,000 to 200,000 in an urbanized area. MPOs between 50,000 and 200,000 could request to be grandfathered in by their state. It would revise the two tiers designating MPOs larger than 1 million and MPOs 200,000 to 1 million. In late May, the Senate Environment and Public Works Committee held a press
conference to announce the principles of their bill. At the time of the meeting, the Committee had not released a bill. The Senate is expected to propose a two-year bill strategy, keeping the funding levels at the current amount which is the highway trust fund plus transfers received from the general fund plus inflation. Other proposals include the elimination of earmarks, consolidation of programs, focus on freight, expediting project delivery, and Transportation Infrastructure Finance and Innovation Act (TIFIA) enhancements. Ms. Wilson noted that at the current two-year funding level plus inflation, there is a $12 billion gap in funding so the Finance Committee would have to come up with $12 billion in additional funding for the highway trust fund. She also noted that the republican side of the House Transportation and Infrastructure Committee unveiled their proposal which was actually more of an executive summary as opposed to a bill, and staff is waiting on additional information on the House proposal. Notably absent from any discussion in either the Senate or House is how to handle thresholds for MPOs. Ms. Wilson highlighted some of the House proposals for reauthorization which include a six-year bill at $230 billion, a 15 percent reduction in funding, possible elimination of programs that are more discretionary in nature, expansion of TIFIA, project streamlining, and no earmarks. She noted the RTC authorization position in Reference Item 8, originally approved in February 2010 and proposed staff additions suggested due to the fact that several issues have come up since the position was approved. The proposed authorization position contains the original four elements: 1) adequately fund the transportation system, 2) define a national transportation vision, 3) streamline project delivery, and 4) enhance sustainability and accountability. Under the element, adequately fund the transportation system, staff proposed the addition of the phrase "utilize the Highway Trust Fund for system preservation and make General Revenue available to improve the system" and clarification of the innovative funding statement to include "such as toll roads, TIFIA, and infrastructure banks." Under the element, define a national transportation vision, staff proposed to add a position to "establish a population threshold of 200,000 for the creation of a MPO unless a region of at least 50,000 is designated by the US Department of Transportation (USDOT) as part of a strategic goods movement system" and "extend the deadline, provide adequate funding, and enhance participation for the implementation of Positive Train Control." Under the element, enhance sustainability and accountability, staff proposed to add clarification to "select mid-sized MPOs within mega regions" with regard to Metropolitan Mobility Authorities due to their history of innovation.

Michael Morris discussed the potential controversy related to the proposed threshold for MPOs and the impact that this threshold will potentially have to MPOs across the country. He discussed the location of congestion and percentages of gross domestic product produced in areas across the country, specifically noting regions with populations above 1 million and the need for a more efficient structure.

Dan Kessler noted that approximately 384 MPOs currently exist throughout the country. The proposed population threshold would reduce that total by approximately 220. Of the 25 MPOs in Texas, 8 are over the 200,000 threshold. He discussed urbanized areas and the benefit of joining urbanized areas to form a single MPO. There are potentially 4 new urbanized areas being formed in the State of Texas, 2 of which are San Marcos and Seguin who have expressed interest in becoming their own MPOs. Many are encouraging these communities to consider joining the San Antonio MPO to become more effective organizations. Ms. Wilson noted that staff understands the desire for smaller MPOs to continue their designations and highlighted argument for and against the proposed population threshold.
Linda Koop noted that she believed more information was necessary to make an appropriate decision. She discussed the proposed population tiers for MPOs and the need for the administration to determine the planning/funding issues of smaller MPOs. Ms. Koop also asked if staff had any details regarding the consolidation of programs. Ms. Wilson noted that no further information was available at the time of the meeting regarding the consolidation of programs. Ms. Koop also discussed vehicle miles traveled, noting that she was not clear what the relationship would be of taking money from the general revenue as opposed to creating a different source of revenue based on vehicle miles traveled. She noted that this may be a topic for future discussion. John Monaco also noted that he believed additional information would be beneficial to members and that he believed the increased population thresholds seemed appropriate. Rob Franke requested that staff provide him information regarding the policy discussion around transportation land decisions. Gary Cumbie discussed positive train control and noted that he wished to move forward with that issue if it could be separated from the other authorization positions. Charles Emery noted that RTC has not weighed in on funding for positive train control and expressed the importance of moving forward with positive train control comments. A motion was made to approve the original elements of the RTC Federal Surface Transportation authorization position, including the proposed addition “to extend the deadline, provide adequate funding, and enhance participation for the implementation of positive train control.” All other proposed additions will be deferred for discussion at a future RTC meeting. Linda Koop (M); John Monaco (S). The motion passed unanimously.

9. **Mobility 2035, 2011-2014 Transportation Improvement Program, and Transportation Conformity Analysis Update**: Chris Klaus provided an update on the transportation conformity determination for Mobility 2035 and the 2011-2014 TIP. In March 2011, a local conformity determination was granted by RTC allowing staff to initiate a formal interagency consultation process with State and federal partners. A favorable review has been noted by FHWA and an official letter was expected by July 15, 2011. A favorable conformity determination allows staff to begin implementing the projects, policies, and programs contained in Mobility 2035 and the 2011-2014 TIP.

10. **Innovative Finance Initiative Briefing**: Tom Shelton provided a summary of the concluding efforts of the Cotton Belt Innovative Finance Initiative as documented in the recently released Draft Summary Report. Working in close collaboration with transit authorities, cities, counties and corridor stakeholders, NCTCOG staff and consultants have identified and devised a funding strategy to implement the regional Cotton Belt passenger rail corridor. At the request of Dallas Area Rapid Transit (DART) and the Fort Worth Transportation Authority (The T) Boards, RTC and the region endorsed the opportunity for NCTCOG staff to investigate potential funding opportunities to expedite the corridor. The Draft Summary Report has been distributed to RTC members, transit authorities, and stakeholders along the corridor and comments are due to NCTCOG by July 22. Mr. Shelton noted that discussions continue with potential vehicle providers. DART is proceeding with preliminary engineering/environmental impact statement efforts and smart card solicitation, and that The T is nearing completion of its Federal Transit Administration (FTA) New Starts application. He also highlighted potential revenue sources such as advertising, naming rights, fiber optics, enhanced farebox recovery, public land development, value capture, and equity payments. Staff has taken a conservative approach during the analysis for capital and operating costs, as well as revenue. Potential revenue has been assumed at approximately $2.4 billion (net present value) with potential capital costs as high as $1.8 billion. Costs will vary based on the method of implementation and the cost/revenue gap will vary based on revenue assumptions chosen and the capital cost scenario chosen. Mr.
Shelton noted that staff has received feedback from the industry and highlighted comments. In addition, he noted that staff would be working to complete the final report, identify revenues for Phase II efforts, identify primary and backstop sources, determine fair share payments by city, review the smart card status, continue efforts on local passenger rail vehicle manufacturing facilities, and expedite rail agreements. A briefing is expected to be provided to the T and DART Boards in August. The final report is anticipated to be released in late August. RTC members will be asked to endorse the final report findings and support staff to proceed with the next phase of this initiative at the September meeting. Lee Dunlap noted that many of the items relative to the recapture of taxes and added value of the property may require elected officials to go back to their citizens and ask for the right to proceed with certain options that may not be local to the area. He asked if these types of issues had been incorporated into the study. Michael Morris noted that this element had been included in the study, and that staff will continue to work on the equity analysis elements of the initiative prior to presentation of the report to The T and DART Boards.

11. **Federal Functional Classification Amendments**: Dan Lamers provided an overview of proposed amendments to the Federal Functional Classification System (FFCS). Periodic updates and approval of the FFCS for roadways in the region are required to ensure appropriate federal funding eligibility for projects. Federal functional classification is a federal categorization of every public roadway in the United States according to the roadway’s mobility benefits and is usually reviewed every 10 years in conjunction to the release of census data. Amendments to the FFCS can occur as the function of a roadway changes or as roadways need to be added due to construction, new development, or shifts in demographic trends. Electronic Item 11 contained a listing of proposed FFCS amendments for the Dallas and Fort Worth TxDOT districts. Staff has been working in close coordination with TxDOT and local governments to ensure federal eligibility of roadways. RTC action will be requested at the August 2011 meeting.

12. **Progress Reports**: RTC attendance was provided as Reference Item 12.1, STTC attendance and minutes were provided at Electronic Item 12.2, the Local Motion was provided as Electronic Item 12.3, and the North Texas Transportation Connection was provided 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, August 11, 2011, at the Omni Mandalay Hotel at Las Colinas. A press conference recognizing State legislators will begin at 2:45 pm and the RTC meeting will begin at 3:00 pm.

The meeting adjourned at 3:15 pm.