MINUTES
REGIONAL TRANSPORTATION COUNCIL
August 9, 2012

The Regional Transportation Council (RTC) met on Thursday, August 9, 2012, 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, Rudy Durham, Andy Eads, Charles Emery, Mark Enoch, Gary Fickes, Robert Franke, Sandy Greyson, Kelly Selman (representing Bill Hale), Roger Harmon, David Magness (representing John Horn), Karen Hunt (representing Irving and Coppell), Clay Jenkins, Ron Jensen, Ron Jones, Jungus Jordan, Sheffie Kadane, Pete Kamp, Geralyn Kever, Linda Koop, Stephen Lindsey, Laura Maczka, Matthew Marchant, Maher Maso, Bill McLendon, John Monaco, Mike Nowels, Mark Riley, Lissa Smith, Jere Thompson, Tim Welch (representing Oscar Trevino), William Velasco, Bernice J. Washington, Glen Whitley, and Kathryn Wilemon.


1. Minutes: The minutes of the July 12, 2012, Regional Transportation Council (RTC) meeting were approved as submitted in Reference Item 1. Glen Whitley (M); Mike Cantrell (S). The motion passed unanimously.

2. Consent Agenda: There were no items on the Consent Agenda.

3. Orientation to Agenda/Director of Transportation Report: Michael Morris provided an overview of the agenda and highlighted items contained in the Director of Transportation report. He discussed opportunities to partner with the Texas Department of Transportation (TxDOT). Electronic Item 3.1 contained a list of draft project ideas being discussed with TxDOT to improve management and operations in the region. In addition, conversations have continued regarding the Regional Transportation Council’s (RTC) potential purchase of the North Texas Tollway Authority (NTTA) loan for the President George Bush Turnpike. Details of this partnership opportunity will be presented at a future meeting. There is also an opportunity to partner with TxDOT to advance passenger rail transit opportunities within the
region. Details of this option will also be presented at a future meeting. An air quality funding update was provided in Electronic Item 3.2 and Electronic Item 3.3, the ozone season update was provided in Electronic Item 3.4, and Clean Cities MotorWeek segments were provided in Electronic Item 3.5 and Electronic Item 3.6. A segment highlighting McShan Florist for its use of compressed natural gas vans in its delivery fleet was shown at the meeting. Clean Cities annual survey results were provided in Electronic Item 3.7. Mr. Morris noted that an Environmental Protection Agency Sustainable Practices Symposium was scheduled for August 28. Details were provided in Electronic Item 3.8. He also noted that a 2012 Job Access/Reverse Commute and New Freedom Call for Projects was opening. July public meeting minutes were provided in Electronic Item 3.9. Collin County Regional Toll Revenue project priorities have been developed and will be presented at a future meeting. In addition, a private sector rail proposal is expected to be received and vehicle procurement efforts are continuing. Recent news articles were provided in Electronic Item 3.10, recent correspondence was provided in Electronic Item 3.11, and transportation partner progress reports were provided at meeting.

4. **Endorsement of Regional Air Quality Assessment for IH 35E**: Jenny Danieau reviewed information from the July Regional Transportation Council (RTC) meeting and action to implement the appropriate procedural steps with regard to the regional air quality assessment of IH 35E. The presentation provided at this meeting is a final presentation brought before members following the conclusion of the public comment period. Reference Item 4.1, provided at the meeting, contained a copy of RTC Resolution R12-04, Resolution Endorsing Regional Air Quality Assessment of IH 35E, endorsing the regional air quality assessment results. As discussed, new funding for the IH 35E project became available that must be obligated by September 30, 2012. In addition, a slight modification to the interim analysis year 2020 was recommended by the Senate Bill (SB) 1420 Committee. The proposed operational adjustment recommended by the year 2020 is from three main lanes and two high occupancy vehicle lanes per direction (3-2-2-3) to four main lanes in each direction and two reversible high occupancy vehicle lanes (4-2R-4). The original 10 lanes for the project remain and the operational change does not impact Mobility 2035. In May 2012, a Transportation Improvement Program (TIP) modification to account for this change was approved and staff has worked to complete an air quality assessment for year 2020 as a result of this modification. Ms. Danieau highlighted staff’s air quality assessment efforts for the year 2020 for vehicle speeds and vehicle miles of travel, which resulted in no significant impact being found. In addition, staff reviewed air quality impacts in the year 2020 for nitrogen oxides and volatile organic compounds. She presented the results of the analysis in year 2020 for nitrogen oxides and volatile organic compounds, as well as efforts also completed that are equivalent to a full conformity analysis for all analysis years using the most recent planning assumptions. Results from each analysis suggest no significant changes. In summary, the proposed changes to the staging of the IH 35E project are consistent with Mobility 2035 and the TIP. The proposed changes to the staging of the project in the year 2020 do not constitute a significant change, and the proposed changes to the staging of the project do not impact the July 14, 2011, air quality conformity analysis. The additional analysis confirms that the proposed changes with the updated planning assumptions and the staging of IH 35E also do not impact the July 2011 conformity analysis. Since the July RTC meeting, the public comment period has ended and no comments were received. NCTCOG has received verbal support from consultation partners on the regional air quality assessment. A motion was made to endorse results of the regional air quality assessment effort for IH 35E, as well as approve the Resolution Endorsing Regional Air Quality Assessment of IH 35E provided in Reference Item 4.1. Andy Eads (M); Charles Emery (S). Glen Whitley noted that as the region looks at expansion of roadways in the
future, considerations should be made for right-of-way that may be necessary for various types of commuter rail projects. The motion passed unanimously.

5. **Metropolitan Planning Organization Planning Contract**: Dan Kessler briefed the Council on the Metropolitan Planning Organization (MPO) Planning Contract with the Texas Department of Transportation (TxDOT). The current six-year MPO Planning Contract is set to expire on September 30, 2012. This Contract is the mechanism by which the MPO receives federal transportation planning funds for the region. The MPO and TxDOT have been working to develop the new agreement with a structure that accommodates the various MPO structures throughout the State. He reviewed the proposed contract for the next six-year period, noting that the preamble of the document reiterates legislative authority. Title 23 addresses the MPO’s responsibility to develop transportation plans and programs for urbanized areas in coordination with the State and transit agencies, and also authorizes funds for MPOs to support the urban transportation planning process. Title 49 authorizes the use of other federal transportation funds such as Surface Transportation Program (STP-MM) and Congestion Mitigation and Air Quality Improvement (CMAQ) Program to be used in conjunction with work conducted under the terms of the agreement. In addition, Title 23 gives TxDOT oversight to monitor all activities performed by sub-recipients using Federal Highway Administration (FHWA) planning and research funds. Mr. Kessler highlighted six areas of the Planning Contract. The document is an agreement from October 1, 2012, to September 30, 2018. It lays out the responsibilities of the State, such as the responsibility to provide federal funding and in-kind match to the North Central Texas Council of Governments (NCTCOG), provide appropriate technical assistance, jointly promote development of the intermodal transportation system, and share information to support the metropolitan planning process. The document also addresses the responsibilities of NCTCOG as the MPO such as the responsibility to use funds in accordance with State and federal regulations, maintain appropriate staff, collect and forecast data, prepare required plans and programs, and operate under an MPO planning director. Responsibilities of the MPO policy committee, the Regional Transportation Council (RTC), are also addressed in the Contract. The RTC is established to ensure the federal requirement of the metropolitan planning process are fulfilled and ensure that federal laws and regulations are being followed. Through RTC, a Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), Unified Planning Work Program, Congestion Management Process, and Conformity Analysis for the MTP and TIP must be developed and adopted. Most importantly, RTC provides planning policy direction to the MPO transportation planning director. NCTCOG responsibilities as the fiscal agent are addressed in the document, as well. NCTCOG is responsible to maintain required accounting records, provide appropriate funding to effectively operate programs, provide human resource services, provide benefits for staff, and establish and maintain procedures and policies for procurement and purchasing. The NCTCOG Executive Board acts as the MPO fiscal agent. The document also lays out the responsibilities of the MPO director. Signatories to the agreement include the transportation director (on behalf of the MPO policy committee), the NCTCOG executive director (on behalf of the Executive Board), and the director of the Transportation Planning and Programming Division for the Texas Department of Transportation. He noted that the document also includes various items that address typical State and federal grant processes such as indemnification and Disadvantage Business Enterprise requirements. He also noted that there is nothing in the agreement that is dramatically different from previous agreements approved by RTC. A motion was made to approve the Metropolitan Planning Organization Planning Contract with the Texas
Department of Transportation and to authorize Michael Morris to execute the Planning Contract on behalf of RTC. Gary Cumbie (M); Lissa Smith (S). The motion passed unanimously.

6. **Coordination of Transportation Infrastructure Finance and Innovation Act Applications and Upcoming Public-Private Partnerships Requiring Legislative Support:** Michael Morris discussed efforts to coordinate Transportation Infrastructure Finance and Innovation Act (TIFIA) applications, as well as the selection of the next group of public-private partnerships for the next legislative session. As a result of the new federal transportation bill, Moving Ahead for Progress in the 21st Century (MAP-21), TIFIA applications are now being taken on a first-come first-served basis versus a Call for Projects. It is critical that the Dallas-Fort Worth region move forward with TIFIA applications because these funds have been instrumental in funding projects such as IH 35W and SH 161 within the region. Staff proposed to coordinate with transportation partners for the submittal of TIFIA applications. He noted that staff must also work in conjunction with the Tarrant Regional Transportation Coalition (TRTC), Dallas Regional Mobility Coalition (DRMC), and regional partners to identify the next group of public-private partnership for the upcoming legislative session. Electronic Item 6 contained a copy of the North Texas Tollway Authority (NTTA)/Regional Transportation Council (RTC) joint resolution on potential Comprehensive Development Agreement projects from the previous legislative session: IH 35E, SH 183, and the North Tarrant Express. It is important to consider the TIFIA applications and the new list of public-private partnerships items together since a project that will be implemented through a public-private partnership will likely benefit from receiving a TIFIA loan versus a design build project for which no money is borrowed. TIFIA applications require that the project is built in the near term so staff must work to determine projects that will be cleared and are ready to move ahead. The other initiative that will require RTC approval is the next selection of potential public-private partnership projects. These two actions may not be presented to RTC at the same time and not all TIFIA applications will need approval at one time, but it is critical that the region is prepared to compete against other TIFIA application submittals from across the United States. Glen Whitley noted the entities that submitted TIFIA applications previously, and asked if each of the entities and RTC endorsed each of the submittals. Mr. Morris noted that the application submittals were divided among the entities for submittal since entities were allowed one submittal each. Staff believes projects should be prioritized and it should be determined what entity should submit which project. Mr. Whitley asked if applications will be held until the next RTC meeting. Mr. Morris noted that RTC must make that decision, but that the intention was not to prevent an entity from submitting an application, but simply to coordinate so that opportunities are not lost to the region. A motion was made to instruct staff to coordinate with regional partners regarding TIFIA applications and to also work with regional partners to identify the next group of public-private partnerships for the next legislative session. Glen Whitley (M); Bernice Washington (S). The motion passes unanimously.

7. **Managed Lane Policy Revisions:** Dan Lamers discussed the system of managed lanes identified in Mobility 2035. In 2006, the Surface Transportation Technical Committee (STTC) and the Regional Transportation Council (RTC) adopted managed lane policies for the Dallas-Fort Worth region. As staff worked with the Texas Department of Transportation, North Texas Tollway Authority (NTTA), Dallas Area Rapid Transit, and developers of Comprehensive Development Agreements (CDAs), it was determined that policy revisions were necessary in 2007 and also during the development of Mobility 2035. Since that time, staff has been working with partners regarding the implementation of the first set of
managed lanes scheduled to open in 2013, and staff believes additional policy changes should be considered in order to provide consistency on all facilities in the region. In Mobility 2035, some permanent managed lane recommendations were deferred and reverted back to their interim High Occupancy Vehicle (HOV) lane configuration to be subsequently converted to managed lanes. This may cause potential conflicts and inconsistencies where interim facilities connect with permanent facilities. It is important that the region address several issues to ensure infrastructure, operations, technology, and software can be in place before these facilities open in 2013. Mr. Lamers reviewed a map for the Mobility 2035 priced facilities and highlighted current and proposed toll roads, current interim managed/HOV lanes, and proposed managed/HOV lanes (permanent). He also highlighted areas of potential conflict where existing HOV lanes will connect with permanent managed lanes containing different operating characteristics. Five areas of potential issues include: 1) federal/State pricing authority, 2) toll collection, 3) occupancy verification, 4) rebates, and 5) public outreach/agency coordination. He reviewed actions already taken by RTC for Mobility 2035 to include a policy to transition from 2+ to 3+ for the permanent managed lanes. Initially, RTC intended for HOV users to travel free on managed lanes. During negotiations with TxDOT and potential developers for LBJ, developers identified a high level of private risk in order for the developer to assume the responsibility for HOV discounts. RTC agreed to a 3+ subsidy to lower the private-sector risk. Mr. Lamers also discussed three areas in which immediate RTC policy direction is needed. The first is whether there is a need for a separate managed lane policy for interim HOV/managed facilities. The original policy was adopted assuming all managed lanes would be permanent, so it may be necessary to have a separate policy since it could be possible that the only similar operating characteristic will be the occupancy. Secondly, it should be considered whether the region will grandfather current HOV 2+ users on the interim 3+ managed lanes. Glen Whitley asked how staff planned to determine which users currently use the HOV 2+ facilities. Mr. Morris noted that video data can be reviewed to determine regular HOV 2+ users. Those users could then be identified and grandfathered as users on the interim 3+ facilities. The third item for consideration is whether rebates will be credited to the transportation system or individual vehicle accounts. In the original managed lane policies, if speed in a facility dropped below 35 miles per hour the developer would rebate part of the toll back to the individual vehicle owners. CDA developers and NTTA have indicated the difficulty of assigning individual rebates with the current toll collection system. CDA contracts note that rebates will be in the form of a system rebate such as liquidated damages from the developer to a regional account that could be used by RTC on transportation improvements in the region. RTC must determine if individual rebates are still the desired option. Pete Kamp suggested that a work session be scheduled to give members an opportunity to make comments and ask questions. Clay Jenkins discussed the public’s opinion of suddenly paying for use of a roadway that was previously free and suggested that grandfathering the 2+ users was an appropriate solution. Rob Franke requested that members be provided an electronic copy of the presentation from the meeting. Glen Whitley asked if staff was proposing to take current HOV lanes and implement tolls. Mr. Morris discussed the policy transition from 2+ to 3+ on corridors in the region. For LBJ, the public-private concessionaire will be opening portions of the managed lanes in 2013. Two interim HOV 2+ facilities will be connecting to the permanent facility of HOV 3+ causing potential confusion for current users. One suggestion to address this confusion is to mature the whole system to 3+ users once the permanent facilities open and grandfather the current 2+ users from the interim facilities. The 3+ requirement should then provide additional capacity in the corridor. Single occupancy vehicles could then be allowed to use the corridor for a toll. Andy Eads requested that staff provide more detailed information regarding individual rebates and associated technologies at the work session.
He expressed concern regarding individuals not receiving an individual rebate. Mr. Lamers highlighted the upcoming schedule, noting that RTC action regarding updated policies was anticipated to be requested at the November RTC meeting. Public meetings are scheduled for September and November/December. Sheri Capehart discussed the public meeting schedule and asked if more direction was needed from RTC prior to presentation to the public. She requested that staff be cautious regarding the information that is presented to the public prior to the September RTC meeting so that members are prepared to address potential questions.

8. **Transportation Improvement Program Quarterly Update: East/West Equity, American Recovery and Reinvestment Act, and Texas Department of Transportation/Regional Transportation Council Commitments**: Christie Gotti provided an update on the status of east/west equity in the region related to Texas Department of Transportation (TxDOT) non-formula commitments. In February 2010, the Regional Transportation Council (RTC) directed staff to track all TxDOT Austin project funding recommendations that did not meet current formula allocations and try to rebalance the equity as needed. Staff has cataloged the latest actions that have occurred, the most recent being the TxDOT $2 Billion Funding Initiative which brought the equity to 71 percent east/29 percent west. The tracking does not yet include the potential $30 million loan from the east to IH 35W in the west, and it does not account for the funding TxDOT Austin is expected to place on the IH 35W project. Once those items are added, staff anticipates that this future action will balance the equity back to 69 percent east/31 percent west. Additional details were provided in Electronic Item 8.1. In addition, she discussed RTC’s request for staff to track instances in which RTC assumed a previous TxDOT commitment. The $2 billion TxDOT Funding Initiative has offsets all remaining balances for Collin, Dallas, and Denton Counties. Staff recommended that tracking of this item be concluded. Electronic Item 8.3 provided a report of the TxDOT commitments assumed by RTC and recent funding by TxDOT that offset the original reductions in funding. Ms. Gotti also highlighted the status of American Recovery and Reinvestment Act projects. More projects are moving towards the completion stage, with fewer projects remaining in earlier phases. Additional details of individual projects were provided in Electronic Item 8.2. Staff will continue to track east/west equity and ARRA projects status and provide reports to members on a quarterly basis.

9. **Transportation Funding Initiatives Results**: Amanda Wilson highlighted the results of the recent Regional Transportation Council (RTC) Transit Funding Initiative Subcommittee meetings. The four subcommittees have been meeting since February 2012 to work on a transportation funding initiative for the upcoming legislative session. All subcommittee documents will be provided to members in the September RTC mail out and action may be requested on what will be included for the transit funding portion of the RTC legislative program for the upcoming session. The Legislative Fundamentals Subcommittee was led by Rob Franke. Subcommittee charges were to determine the implementing agency, voting geography, and equity issues related to this funding initiative. At the Subcommittee, three actions were taken: 1) affirmed the support for the three existing transit authorities with closer partnerships, 2) recommended that RTC support any statewide funding initiative and ensure transit eligibility, but also recommend that should no statewide initiative be brought forward that a county-by-county voter initiative be pursued, and 3) recommended RTC equity principles. The Partnership Subcommittee was led by Charles Emery. The Subcommittee had two charges, transit agency response and transit agency partnership. Two actions were taken: 1) approved the North Central Texas Regional Rail partnership, and 2) recommended an RTC resolution supporting the North Central Texas Regional Rail partnership. A copy of the draft resolution supporting this partnership was provided at the
meeting as Reference Item 9. This partnership will be a renewal of the tri-party agreement moving forward to ensure seamless development of regional rail. RTC action will be requested for this resolution and the transportation authorities have scheduled the consideration of this partnership on their individual Board agendas. The Funding Source Subcommittee was chaired by Linda Koop and was charged with determining candidate funding sources and the implementation difficulty that would go along with these funding sources. The Subcommittee took two actions: 1) directed staff to modify the online revenue tool to include additional options, and 2) recommended that RTC provide a list of potential funding sources as options to the Legislature to address the transportation funding problem. The final subcommittee, Legislative Communications, was chaired by Kathryn Wilemon. The Subcommittee was charged with drafting legislation, developing a communications plan, and meeting with legislators. A legislative communications plan was approved and staff presented a draft legislative strategy that will become part of the RTC legislative program. Ms. Wilson encouraged members to provide any comments regarding Reference Item 9 in order to for the transportation agencies to have some sense of the RTC’s opinion regarding the draft resolution. No comments or concerns were expressed by members.

10. **Progress Reports**: Regional Transportation Council attendance was provided as Reference Item 10.1, Surface Transportation Technical Committee attendance and minutes were provided as Electronic Item 10.2, the Local Motion was provided as Electronic Item 10.3, and the North Texas Transportation Connection was provided as Reference Item 10.4.

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

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

13. **Next Meeting**: The next meeting of the Regional Transportation Council is scheduled for Thursday, September 13, 2012, 1:00 pm, at the North Central Texas Council of Governments.

The meeting adjourned at 2:35 pm.