

Appendix H: Resolutions

Regional Transportation Council

**A JOINT RESOLUTION ADOPTING
MOBILITY 2035: THE METROPOLITAN TRANSPORTATION PLAN FOR NORTH CENTRAL TEXAS, THE 2011-2014 TRANSPORTATION IMPROVEMENT PROGRAM FOR NORTH CENTRAL TEXAS – 2011 AMENDMENT, AND THE 2011 TRANSPORTATION CONFORMITY DETERMINATION FOR THE DALLAS-FORT WORTH NINE-COUNTY NONATTAINMENT AREA
(R11-03)**

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the NCTCOG and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) assigns the MPO the responsibility for developing and maintaining the metropolitan transportation plan and transportation improvement program and their periodic updates; and,

WHEREAS, SAFETEA-LU requires that the metropolitan transportation plan and transportation improvement program include a financial plan that demonstrates the consistency of proposed transportation investments with available and projected sources of revenue; and,

WHEREAS, Mobility 2035: The Metropolitan Transportation Plan for North Central Texas was developed in cooperation with local governments, the Texas Department of Transportation, North Texas Tollway Authority, Dallas Area Rapid Transit, Fort Worth Transportation Authority, Denton County Transportation Authority, and other transportation agencies; and,

WHEREAS, the transportation funding shortfall makes it necessary to reduce the number of projects in the metropolitan transportation plan and the transportation improvement program; and,

WHEREAS, the Civil Rights Act of 1964 and Executive Order 12898 mandate nondiscrimination and analysis of impacts to protected populations for all federally funded projects; and,

WHEREAS, the RTC's policy is to evaluate the benefits and burdens of transportation policies, programs, and plans to prevent disparate impacts and improve the decision-making process, resulting in a more equitable system; and,

WHEREAS, amendments to the 2011-2014 Transportation Improvement Program are necessary to ensure consistency with Mobility 2035: The Metropolitan Transportation Plan for North Central Texas; the revised version is being resubmitted as the 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment; and,

WHEREAS, SAFETEA-LU assigns the MPO the responsibility for carrying out the transportation conformity process, in cooperation with the State and operators of publicly owned transit services; and,

WHEREAS, the Environmental Protection Agency (EPA) has designated the nine-county area of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant counties

as serious nonattainment under the 1997 8-hour National Ambient Air Quality Standards for the pollutant ozone, effective January 19, 2011; and,

WHEREAS, the current RTC metropolitan planning area includes all of Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties; and,

WHEREAS, SAFETEA-LU and the Clean Air Act regulations require that information regarding the development of the Mobility 2035: The Metropolitan Transportation Plan for North Central Texas, 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment, and 2011 Transportation Conformity analysis be available for public comment according to the adopted MPO public participation plan; and,

WHEREAS, Mobility 2035: The Metropolitan Transportation Plan for North Central Texas, 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment, and 2011 Transportation Conformity has been recommended for adoption to the RTC by the NCTCOG Surface Transportation Technical Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

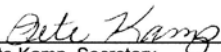
- Section 1.** The Regional Transportation Council as the transportation policy body for the Metropolitan Planning Organization adopts Mobility 2035: The Metropolitan Transportation Plan for North Central Texas.
- Section 2.** The development of Mobility 2035: The Metropolitan Transportation Plan for North Central Texas utilized the most recent regional demographic projections as adopted by the NCTCOG Executive Board on February 24, 2001.
- Section 3.** The Regional Transportation Council recognizes that projected financial shortfalls due to stagnant transportation revenue from federal and State taxes and fees have necessitated the deferral of nearly \$45 billion worth of projects and programs from Mobility 2035: The Metropolitan Transportation Plan for North Central Texas.
- Section 4.** The Regional Transportation Council as the transportation policy body for the Metropolitan Planning Organization approves the 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment.
- Section 5.** The Regional Transportation Council as the transportation policy body for the Metropolitan Planning Organization approves the results of the 2011 Transportation Conformity demonstrating successful passing of the motor vehicle emissions budgets test as required by SAFETEA-LU and Clean Air Act.
- Section 6.** Mobility 2035: The Metropolitan Transportation Plan for North Central Texas and 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment provide for the timely implementation of Transportation Control Measures (TCM).

- Section 7.** The recommendations included in Mobility 2035: The Metropolitan Transportation Plan for North Central Texas meet all federal nondiscrimination and Environmental Justice requirements and have no disproportionate impacts on protected populations.
- Section 8.** This resolution will be transmitted to the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, Texas Department of Transportation, Texas Commission on Environmental Quality, Dallas Area Rapid Transit, Fort Worth Transportation Authority, Denton County Transportation Authority, North Texas Tollway Authority, Collin County Toll Road Authority, and all impacted local governments.
- Section 9.** The 2011 Transportation Conformity document, including Mobility 2035: The Metropolitan Transportation Plan for North Central Texas and 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment, will be transmitted to the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, Texas Department of Transportation, and Texas Commission on Environmental Quality.
- Section 10.** The development of Mobility 2035: The Metropolitan Transportation Plan for North Central Texas (MTP), 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment (TIP), and 2011 Transportation Conformity, was conducted in accordance with NCTCOG's approved public participation plan, including presentation of draft recommendations and analysis results prior to RTC adoption. In an effort to continue public communication, the final metropolitan transportation plan and transportation improvement program recommendations, and results of the final conformity and Title VI and Environmental Justice analyses will be presented at the next scheduled public meeting.
- Section 11.** This resolution shall be in effect immediately upon its adoption.



Ron Natinsky, Chair
Regional Transportation Council
Councilmember, City of Dallas

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on March 10, 2011.



Pete Kamp, Secretary
Regional Transportation Council
Mayor Pro Tem, City of Denton

Executive Board of the North Central Texas Council of Governments

RESOLUTION ENDORSING MOBILITY 2035: THE METROPOLITAN TRANSPORTATION PLAN FOR NORTH CENTRAL TEXAS, THE 2011-2014 TRANSPORTATION IMPROVEMENT PROGRAM FOR NORTH CENTRAL TEXAS – 2011 AMENDMENT, AND THE 2011 TRANSPORTATION CONFORMITY DETERMINATION FOR THE NORTH CENTRAL TEXAS NINE-COUNTY NONATTAINMENT AREA

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, federal law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), assigns the MPO the responsibility for carrying out the metropolitan transportation planning process, in cooperation with the State and operators of publicly owned transit services; and,

WHEREAS, SAFETEA-LU assigns the MPO the responsibility for approving the metropolitan transportation plan and transportation improvement program and periodic updates; and,

WHEREAS, Mobility 2035: The Metropolitan Transportation Plan for North Central Texas and The 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment were developed in cooperation with local governments, the Texas Department of Transportation, North Texas Tollway Authority, Dallas Area Rapid Transit, Fort Worth Transportation Authority, Denton County Transportation Authority, and other transportation agencies; and,

WHEREAS, SAFETEA-LU assigns the MPO the responsibility for carrying out the transportation conformity process, in cooperation with the State and operators of publicly owned transit services; and,

WHEREAS, the air quality conformity review of Mobility 2035: The Metropolitan Transportation Plan for North Central Texas and The 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment meet the transportation conformity-related requirements of the State Implementation Plan; the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d)) as amended on November 15, 1990; and the conformity rule as specified in the U.S. Environmental Protection Agency's Transportation Conformity Rule Amendments, dated January 24, 2008; and,

WHEREAS, the environmental justice review of Mobility 2035: The Metropolitan Transportation Plan for North Central Texas meet the requirements of the Civil Rights Act of 1964 and Executive Order 12898 regarding nondiscrimination of protected populations for all federally funded projects; and,

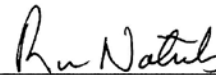
Section 7. The recommendations included in Mobility 2035: The Metropolitan Transportation Plan for North Central Texas meet all federal nondiscrimination and Environmental Justice requirements and have no disproportionate impacts on protected populations.

Section 8. This resolution will be transmitted to the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, Texas Department of Transportation, Texas Commission on Environmental Quality, Dallas Area Rapid Transit, Fort Worth Transportation Authority, Denton County Transportation Authority, North Texas Tollway Authority, Collin County Toll Road Authority, and all impacted local governments.

Section 9. The 2011 Transportation Conformity document, including Mobility 2035: The Metropolitan Transportation Plan for North Central Texas and 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment, will be transmitted to the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, Texas Department of Transportation, and Texas Commission on Environmental Quality.

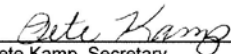
Section 10. The development of Mobility 2035: The Metropolitan Transportation Plan for North Central Texas (MTP), 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment (TIP), and 2011 Transportation Conformity, was conducted in accordance with NCTCOG's approved public participation plan, including presentation of draft recommendations and analysis results prior to RTC adoption. In an effort to continue public communication, the final metropolitan transportation plan and transportation improvement program recommendations, and results of the final conformity and Title VI and Environmental Justice analyses will be presented at the next scheduled public meeting.

Section 11. This resolution shall be in effect immediately upon its adoption.



Ron Natinsky, Chair
Regional Transportation Council
Councilmember, City of Dallas

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on March 10, 2011.



Pete Kamp, Secretary
Regional Transportation Council
Mayor Pro Tem, City of Denton

Federal Highway Administration Letter of Conformity Determination



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION
819 TAYLOR STREET, RM 8A36
FORT WORTH, TEXAS 76102

FEDERAL HIGHWAY ADMINISTRATION
300 EAST 8TH STREET, RM 826
AUSTIN, TEXAS 78701

July 14, 2011

In Reply Refer To:
HPP-TX

Mr. Amadeo Saenz Jr., P.E.
Executive Director
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701

Dear Mr. Saenz:

We have reviewed the documentation supporting the transportation conformity determination for Mobility 2035: The Metropolitan Transportation Plan for North Central Texas (MTP) and 2011-2014 Transportation Improvement Program for North Central Texas – 2011 Amendment (TIP), adopted by the Dallas-Fort Worth-Arlington, Lewisville-Denton and McKinney's Metropolitan Planning Organization (D/FW MPO) Regional Transportation Council on March 10, 2011. Based upon our review and consultation with the U.S. Environmental Protection Agency (EPA), the Texas Commission on Environmental Quality (TCEQ), and the Texas Department of Transportation (TxDOT), we hereby find that the Mobility 2035 MTP and FY 2011-2014 TIP -- 2011 Amendment, meet all the requirements for making a joint conformity determination under the Clean Air Act Amendments of 1990. In their letters dated May 17, 2011, June 7, 2011, and May 24, 2011, respectively; TCEQ, TxDOT and EPA, indicate that they have no unresolved issues concerning this conformity determination. The conformity determination and procedures used to make this determination are in accordance with the provisions of the transportation conformity rule (40 CFR Parts 51 and 93), dated August 15, 1997, as amended.

The Federal Highway Administration (FHWA) acts as executive agent for the Federal Transit Administration (FTA) on MTP and TIP air quality conformity determinations. Accordingly, this letter will serve as the joint FHWA/FTA conformity determination. Please provide copies of this joint FHWA/FTA conformity determination to the D/FW MPO, regional transportation authorities (i.e., Dallas Area Rapid Transit, the Fort Worth Transportation Authority and the Denton County Transportation Authority) and the TCEQ.

Additionally, we find the Mobility 2035 MTP to satisfactorily comply with the requirements of 23 CFR 450.322 regarding the review and update of metropolitan transportation plans in air quality non-attainment and maintenance areas at least every four years. Accordingly, this action

restarts the four-year update cycle for the D/FW MTP and corresponding conformity determination. Should you have any questions concerning this action, please contact Ms. Barbara Maley at (214) 224-2175, Ms. Shundreka Givan at (512) 536-5936 or Mr. Jose Campos at (512) 536-5932.

Sincerely yours,

Janice Weingart Brown
Division Administrator
Federal Highway Administration

cc: Peggy Crist, FTA-Region 6
Jeff Riley, EPA-Region 6