



The Transportation Policy Body for the North Central Texas Council of Governments  
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

March 12, 2026

Mr. Brian Barth  
Deputy Executive Director for Program Delivery  
Texas Department of Transportation  
125 E. 11<sup>th</sup> Street  
Austin, Texas 78701

Dear Mr. Barth:

On behalf of the Regional Transportation Council (RTC), which serves as the independent transportation policymaking board of the Dallas-Fort Worth (DFW) Metropolitan Planning Organization (MPO), I am writing to request assistance from the Texas Department of Transportation (TxDOT) to clarify the relationship between an MPO's independent transportation policymaking board and its fiscal agent. While there is an ongoing discussion between the RTC and our fiscal agent, the North Central Texas Council of Governments (NCTCOG) Executive Board, to establish a closer partnership, it would benefit MPOs across the State if TxDOT would create consistency regarding this issue. In the next two years, multiple MPOs will undergo reviews of their bylaws and the MPO-TxDOT Agreements will be renewed in 2027, so now is a critical time for TxDOT to step in on this issue. You bring a unique perspective to this matter having previously served as District Engineer in both the Dallas and Fort Worth Districts and as a member of the RTC as well as your current position in the TxDOT Administration.

Members of the RTC and the NCTCOG Executive Board have begun discussions surrounding the roles and responsibilities of each body in moving forward policies determined for the MPO. Title 23 of the United States Code defines the MPO as the "policy board of an organization established as a result of the [MPO] designation process..." For the majority of the long history of the RTC serving as the MPO transportation policy board and NCTCOG serving as the MPO and fiscal agent, the NCTCOG Executive Board has served in that role by entering into agreements, providing accounting services, and providing benefits for the MPO staff as requested by the RTC. The State's interest in MPO policies, plans, programs, and projects is represented on the RTC as the independent transportation policymaking board, so there is a direct TxDOT interest in addressing this matter.

The specific request from the RTC is for TxDOT to help answer the following questions:

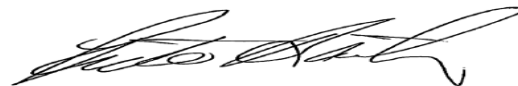
- Because of previous similar controversies in Austin and San Antonio as well as more recently in Houston and DFW, does TxDOT anticipate developing an updated standard agreement that attempts to clarify the State's interest?
- If so, when would MPOs anticipate new draft language for the standard MPO-TxDOT Agreements?

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- Are there written interpretations of the resolution of similar concerns related to transportation policy direction and the MPO Transportation Planning Director in other regions of the state, including whether the resolution involved changing fiscal agents?
- In which MPOs across the State does the MPO Transportation Planning Director report directly to the transportation policy board and in which MPOs does the MPO Transportation Planning Director report to the fiscal agent?
- What is the recourse for the MPO transportation policy board if it believes the fiscal agent is substituting its own wishes as it relates to transportation policy? Are there written examples of this from other MPOs?
- Are there examples of the MPO transportation policy board withholding funds to the fiscal agent to ensure the MPO transportation policy board's transportation policy direction is implemented by the fiscal agent?
- Does an MPO transportation policy board have the ability to hire its own MPO Transportation Planning Director?

Thank you for your consideration of this request from the RTC. It is our goal to ensure a productive working relationship between the RTC and State, as provided in Title 23, in order to serve the mobility needs of our growing region. This is an outcome that would benefit TxDOT and we welcome your assistance to help resolve this matter.

Sincerely,



Rick Bailey, Chair  
Regional Transportation Council  
Johnson County Commissioner

MM:vpj

cc: Marc Williams, Executive Director, Texas Department of Transportation  
Brandye Hendrickson, Deputy Executive Director, Texas Department of Transportation  
Casey Wells, Advance Transportation Planning Section Director,  
Texas Department of Transportation  
Todd Little, Executive Director, North Central Texas Council of Governments



125 E 11th St | Austin, Texas 78701  
512.463.8588  
txdot.gov

March 31, 2026

Mr. Rick Bailey, Chair  
Regional Transportation Council for the North Central Texas Council of Governments MPO  
P.O. Box 5888  
Arlington, TX 76005-5888  
Via email: rickb@johnsoncountytexas.org

Dear Mr. Bailey,

The Texas Department of Transportation (TxDOT) is in receipt of your March 12, 2026 letter requesting TxDOT's position on the structure of Metropolitan Planning Organizations (MPO), including the role of MPO Policy Boards. Due to the legal nature of many of the questions presented, Mr. Barth referred the letter over to me for a response. Please note that I represent TxDOT and the information provided below is for informational purposes and should not be considered legal advice to the Regional Transportation Council for the North Central Texas Council of Governments MPO (RTC).

As you know, TxDOT's primary responsibility in the management of Federal funds is to ensure compliance with Federal law and regulation. TxDOT reviews each MPO designation and enters into a separate planning agreement with each individual MPO to ensure compliance with Federal law. As a voting member of the various policy boards, including the RTC, TxDOT does not provide legal guidance on MPO governance or operational matters, except to the extent necessary to ensure compliance with applicable federal law and regulation. Federal law and regulation do not mandate the creation, title, or management structure of a Transportation Planning Director position. As a result, there is no single, federally prescribed model for how MPOs structure or oversee such a position.

TxDOT is continuously trying to improve the efficiency and effectiveness of the use of federal transportation funds. As part of that effort, TxDOT is in the process of revising the standard MPO planning agreement template to ensure compliance with 23 CFR Part 450, Subparts A & C and §450.310 within Subpart C. We anticipate sharing the revised planning agreement later this year in preparation of the expiration of the current planning agreement in 2027.

Should you wish to review the individual planning agreements TxDOT has with the various MPOs across the state, you may reach out to Casey Wells, Advance Transportation Planning Section Director, at [Casey.Wells@TxDOT.gov](mailto:Casey.Wells@TxDOT.gov), and he can provide copies of the various planning agreements.

TxDOT looks forward to continuing to work with the MPO and RTC to address transportation needs in the region. If you have any further questions, feel free to reach out.

Sincerely,

DocuSigned by:  
*James Kirk*

AADC3FA2650140D...  
James Kirk

Senior General Counsel, General Counsel Division  
Texas Department of Transportation  
James.Kirk@TxDOT.gov

Cc:

Marc D. Williams, P.E., Executive Director, TxDOT

Brian Barth, P.E., Deputy Executive Director, Program Delivery, TxDOT

Brandye Hendrickson, Deputy Executive Director, Planning & Administration, TxDOT

Humberto "Tito" Gonzalez, Jr., P.E., Transportation Planning & Program Division Director, TxDOT

Casey Wells, Advance Transportation Planning Sec. Director, TPP Div., TxDOT

Michael Morris, Transportation Planning Director, NCTCOG MPO



The Transportation Policy Body for the North Central Texas Council of Governments  
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

April 6, 2026

Mr. James Kirk  
Senior General Counsel  
Texas Department of Transportation  
125 E. 11<sup>th</sup> Street  
Austin, Texas 78701

Dear Mr. Kirk:

Thank you for your March 31, 2026, letter, which has been shared with the Regional Transportation Council (RTC), which serves as the independent policymaking board of the Dallas-Fort Worth (DFW) Metropolitan Planning Organization (MPO). The RTC appreciates information on the timeline for new MPO-TxDOT Planning Agreements and agrees with the approach to ensure compliance with 23 CFR Part 450, Subparts A & C and §450.310 within Subpart C.

The RTC stands ready to provide any necessary assistance to the Texas Department of Transportation during this process. We will await hearing from your organization on the next steps.

Thank you for your consideration of this request from the RTC. It is our goal to ensure a productive working relationship between the RTC and State, as provided in 23 CFR Part 450, in order to serve the mobility needs of our growing region. This is an outcome that would benefit TxDOT and we welcome your assistance to help resolve this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bailey", is written over a light blue horizontal line.

Rick Bailey, Chair  
Regional Transportation Council  
Johnson County Commissioner

AW:kw

cc: Marc Williams, Executive Director, Texas Department of Transportation  
Brian Barth, Deputy Executive Director, Texas Department of Transportation  
Brandye Hendrickson, Deputy Executive Director, Texas Department of Transportation  
Casey Wells, Advance Transportation Planning Section Director,  
Texas Department of Transportation  
Todd Little, Executive Director, North Central Texas Council of Governments

**From:** Michael Morris  
**Sent:** Thursday, April 9, 2026 10:07 AM  
**To:** Casey Wells  
**Cc:** Dan Kessler; Ken Kirkpatrick; Rick Bailey; Elisa Villnave; Toni Stehling  
**Subject:** RE: bylaws

Mr. Wells,

We will get you dates to address a new Planning Agreement. You, Dan and Ken have done these in the past. Ken can't serve as our legal staff in this matter. We are securing legal staff to help us on this agreement. Ken will represent NCTCOG Executive Board.

Dan,

You will need to expedite the legal assistance in Account #1 to meet this schedule. At a minimum, you, I and the new lawyer will be our representatives for the first meeting.

Ken,

Please meet with Mr. Little and let us know who will be in this first meeting. Let Elisa know. If there will be a Board member we will need to alert Chair Bailey.

Chair Bailey,

It appears the current planning agreement does not comply with US Title 23 regulations. We have suspected this for some time and has been confirmed from TxDOT legal staff by mail. If you look below, Casey began work on this last year. If you wish to attend the first meeting, we will need to let Mr. Little know in order to offer an Executive Board representative the same opportunity.

Toni,

We need to copy for RTC.

Michael

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**From:** Dan Kessler <DKessler@nctcog.org>  
**Sent:** Thursday, April 9, 2026 9:31 AM  
**To:** Michael Morris <MMorris@nctcog.org>  
**Subject:** Fw: bylaws

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**From:** Casey Wells <[Casey.Wells@txdot.gov](mailto:Casey.Wells@txdot.gov)>  
**Sent:** Thursday, April 9, 2026 8:41:37 AM  
**To:** Ken Kirkpatrick <[KKirkpatrick@nctcog.org](mailto:KKirkpatrick@nctcog.org)>; Dan Kessler <[DKessler@nctcog.org](mailto:DKessler@nctcog.org)>  
**Subject:** RE: bylaws

Good morning,

I've been instructed to reach out to you for your availability to meet virtually to discuss the new Planning Agreement with Brian, Tito, and me.

As a reminder, we were working on it pretty heavily and put that effort on pause this time last year. We issued the 2-year extension, which expires in Sept 2027.

Please send over possible meeting times from April 13 to April 24.

I appreciate your time and attention and look forward to the discussion.

Thank you,

**CASEY WELLS**

Advance Transportation Planning Section Director  
Texas Department of Transportation  
Transportation Planning and Programming Division  
[casey.wells@txdot.gov](mailto:casey.wells@txdot.gov) | M: 512-423-8986

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**From:** Ken Kirkpatrick <[KKirkpatrick@nctcog.org](mailto:KKirkpatrick@nctcog.org)>  
**Sent:** Friday, March 13, 2026 2:14 PM  
**To:** Casey Wells <[Casey.Wells@txdot.gov](mailto:Casey.Wells@txdot.gov)>; Dan Kessler <[dkessler@nctcog.org](mailto:dkessler@nctcog.org)>  
**Subject:** RE: bylaws

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Casey –

Links to the Executive Board Bylaws and RTC Bylaws can be found on NCTCOG's website at the following links:

[2018-current-bylaws-adopted-06-2018\\_jrp-final.doc](#)

[RTC\\_Bylaws22.pdf](#)

The NCTCOG MPO Designation Letter, 1974 Agreement, and 1988 Agreement are attached.

Ken K

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**From:** Casey Wells <[Casey.Wells@txdot.gov](mailto:Casey.Wells@txdot.gov)>  
**Sent:** Friday, March 13, 2026 9:39 AM  
**To:** Ken Kirkpatrick <[KKirkpatrick@nctcog.org](mailto:KKirkpatrick@nctcog.org)>; Dan Kessler <[DKessler@nctcog.org](mailto:DKessler@nctcog.org)>  
**Subject:** RE: bylaws

Thank you. Can you also send the 1974 Designation Agreement (parties: NCTCOG, Governor's Office)?

**CASEY WELLS**

Advance Transportation Planning Section Director  
Texas Department of Transportation  
Transportation Planning and Programming Division  
[casey.wells@txdot.gov](mailto:casey.wells@txdot.gov) | M: 512-423-8986

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**From:** Ken Kirkpatrick <[KKirkpatrick@nctcog.org](mailto:KKirkpatrick@nctcog.org)>  
**Sent:** Friday, March 13, 2026 9:38 AM  
**To:** Casey Wells <[Casey.Wells@txdot.gov](mailto:Casey.Wells@txdot.gov)>; Dan Kessler <[dkessler@nctcog.org](mailto:dkessler@nctcog.org)>  
**Subject:** Re: bylaws

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Casey,

They have separate bylaws. I'll send them to you later today when i'm in the office.

Ken K

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**From:** Casey Wells <[Casey.Wells@txdot.gov](mailto:Casey.Wells@txdot.gov)>  
**Sent:** Friday, March 13, 2026 9:22:21 AM  
**To:** Ken Kirkpatrick <[KKirkpatrick@nctcog.org](mailto:KKirkpatrick@nctcog.org)>; Dan Kessler <[DKessler@nctcog.org](mailto:DKessler@nctcog.org)>  
**Subject:** bylaws

Good morning,

Do the NCTCOG Executive Board and the RTC have separate bylaws? If so, can you send to me?

Thanks,

**CASEY WELLS**

Advance Transportation Planning Section Director  
Texas Department of Transportation  
Transportation Planning and Programming Division  
[casey.wells@txdot.gov](mailto:casey.wells@txdot.gov) | M: 512-423-8986