



Metropolitan Planning Organization Roles and Responsibilities and Related Agreements

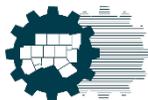
Ken Kirkpatrick | General Counsel

Regional Transportation Council Workshop

March 12, 2026

Workshop Materials (Provided in Agenda Packet)

1. **March 12, 2026, Workshop Presentation**
2. **Annotated Version of January 22, 2026, Executive Board and February 12, 2026, RTC Presentation on MPO Roles and Responsibilities Presentation (Cross-Referenced to Legal Brief - #3 below).**
3. **February 11, 2026, Legal Brief on MPO Roles and Responsibilities**
4. **MPO Planning Memorandum of Understanding (not included in Legal Brief)**
5. **September 13, 2018, RTC Presentation on MPO Planning Agreement**
6. **August 9, 2012, RTC Presentation on MPO Planning Agreement**
7. **Executive Board Orientation from the Transportation Director**



1. Scope of RTC Requested Legal Review

January 12, 2026, RTC Meeting: Item 6.

“NCTCOG General Counsel is being requested to review key statutory provisions, agreements, and foundational documents related to the responsibilities of the Regional Transportation Council as the MPO Policy Committee for the Dallas-Fort Worth Metropolitan Area, including but not limited to the following:

Title 23, United States Code, Section 134 (Highways – Metropolitan Planning)

Title 49, United States Code, Section 5303 (Transit – Metropolitan Planning)

Corresponding federal regulations impacting MPO responsibilities (e.g., 23 CFR Part 450)

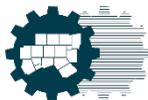
Review of applicable State statutes and regulations impacting MPO responsibilities

MPO Planning Agreement between TxDOT, NCTCOG, and RTC

MPO Planning MOU between RTC, NCTCOG, and Public Transportation Operators

Documents related to the Governor’s MPO Designation

General Counsel shall provide a written report and presentation regarding RTC roles and responsibilities to the RTC and Executive Board.”



2. Activities Since January 12, 2026 RTC Request

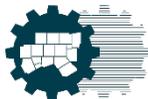
January 22, 2026: NCTCOG Executive Board Presentation on MPO Roles and Responsibilities (Item 14)

Judge Jenkins requested presentation be annotated and provided to the Executive Board and RTC

February 12, 2026: Regional Transportation Council Presentation on MPO Roles and Responsibilities (Item 7)

February 25, 2026: Annotated MPO Roles and Responsibilities Presentation and Supporting Legal Brief (dated February 11) Provided to the NCTCOG Executive Board (Judge Jenkins request)

March 6, 2026: Workshop Materials Provided in RTC Agenda Packet



3. Statutory Foundation: Metropolitan Planning Organization Designation

23 United States Code Section (U.S.C.) §134 – Metropolitan Transportation Planning

Metropolitan Planning Organization (MPO)

Defined as “the policy board of an organization established as a result of the designation process” in §134(d)

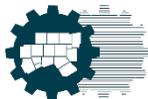
Responsible for carrying out the transportation planning process required by §134

MPO Designation: 23 USC §134(d)(1)

An MPO must be designated as follows:

for each urbanized area greater than 50,000 based on the latest U.S. Census

by agreement between Governor and general purpose local governments representing at least 75% of the affected population (including the largest city) or in accordance with applicable state or local law



Metropolitan Planning Organization Structure

23 United States Code Section (U.S.C.) §134 – Metropolitan Transportation Planning

MPO Policy Committee Structure: 23 USC §134(d)(2)

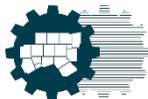
Local elected officials

Officials of major public transportation modal operators, including representation by providers of public transportation

Appropriate state officials

MPO Policy Committee Representation: 23 USC §134(d)(3)

Selection of officials for the MPO Policy Board is determined according to the bylaws or enabling statute of the organization



4. Historical Foundation: MPO Designation in Dallas-Fort Worth Region

Original MPO Designation

April 12, 1974 – NCTCOG designated by Governor Briscoe as the MPO for the DFW urbanized area subject to two conditions:

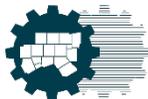
- 1) local governments concur (“signatories to Urban Transportation Planning agreements with the State”)
- 2) NCTCOG agrees that the Steering Committee* approve the use of Section 112 funds (i.e., metropolitan transportation planning funds)

Local Government Concurrence (April – August, 1974)

Arlington	Garland	Lake Dallas	Dallas County
Dallas	Grand Prairie	Mesquite	Tarrant County
Fort Worth	Irving	Richardson	

NCTCOG Designated as MPO for Denton-Lewisville urbanized area (1992) and McKinney urbanized area (2002), now known as the McKinney-Frisco urbanized area (2022)

* The Steering Committee was reconstituted as the Regional Transportation Council in 1978

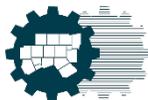


MPO Designation in Dallas-Fort Worth Region

1992 – As result of the 1990 Census, Denton-Lewisville was identified as a separate urbanized area
Cities of Denton and Lewisville concurred that NCTCOG serve as the MPO for the Denton-Lewisville urbanized area
Updated MPO designation reflected in 1992 MPO Agreement

2002 - As a result of the 2000 Census, McKinney was identified as a separate urbanized area
City of McKinney concurred that NCTCOG serve as the MPO for the McKinney urbanized area
Updated MPO designation reflected in 2006 MPO Agreement

2022 – As a result of the 2020 Census, the McKinney urbanized area was expanded and renamed the McKinney-Frisco urbanized area
Cities of McKinney and Frisco concurred that NCTCOG, in conjunction with the RTC, to serve as the MPO for the McKinney-Frisco urbanized area



MPO Policy Committee Structure in Dallas-Fort Worth Region

1974- Initial MPO Policy Committee Structure Composed of Policy Advisory Committee and Steering Committee

1978 – MPO Policy Committee Structure Revisited

Policy Advisory Committee dissolved (by their own action)

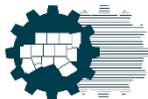
Steering Committee reconstituted as the Regional Transportation Council

Initial Bylaws and Operating Procedures of the RTC

Restates that NCTCOG is designated as the MPO with the proviso that the Steering Committee (reconstituted as the RTC) serve as the policy group for cooperative transportation decision-making by principal elected officials of general purpose local governments

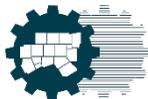
Restates that NCTCOG's responsibility is to ensure transportation planning is coordinated and integrated with other comprehensive planning activities

Current – RTC Bylaws Reviewed every four years (2026, next review)



5. Agreements Related to MPO Roles and Responsibilities: MPO Designation in Dallas-Fort Worth Region

1. MPO Designation Agreement (Brief, Attachments 5 and 6)
2. MPO Planning Agreement (Brief, Attachment 7)
3. MPO Planning Memorandum of Understanding (Workshop Materials)
4. Other RTC-Related Agreements



MPO Designation Agreement

MPO Designation Agreement (1974-Present)

Parties: NCTCOG, Governor's Office

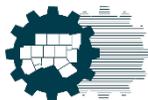
Term: Initially one-year terms

1988 - agreement made effective until MPO designation changes

Formalizes the Governor's Designation of NCTCOG as the MPO

The MPO shall:

- 1. Develop or assist in a multi-modal transportation planning process and obtain Steering Committee (RTC) approval for use of planning funds**
- 2. Ensure that transportation planning is integrated and coordinated with other comprehensive planning occurring in the NCTCOG region**
- 3. Use the Steering Committee (RTC) established pursuant to §134 as the MPO's policy committee**



MPO Planning Agreement

MPO Planning Agreement (1974- Present)

Parties: TxDOT, NCTCOG, and RTC

2006 – RTC became a party to the MPO Agreement

Term: Initially one-year terms, now six-year terms with TxDOT option to extend

Current Term: Expires September 30, 2027 (no further option years)

Current agreement executed in September 2018

Purpose: Defines the roles of each party and serves as the mechanism by which NCTCOG/RTC receive formula metropolitan transportation planning funds to carry out MPO functions

TxDOT

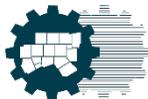
NCTCOG as the MPO and Fiscal Agent

RTC as the MPO Policy Committee

Transportation Planning Director

Geographic Scope: Dallas-Fort Worth Metropolitan Area (12 Counties)

Covers the three urbanized areas



MPO Planning Agreement Key Provisions

Division of Responsibilities between NCTCOG/RTC Stem from Governor's Original Designation

NCTCOG – MPO, Fiscal Agent (Articles 3, 5)

Integrate and coordinate transportation planning with other comprehensive planning

Assemble and maintain competent staff to perform all MPO activities

Provide human resource, fiscal, staff support services for MPO activities

Exercise sole responsibility to hire, supervise, evaluate, and terminate the MPO Transportation Planning Director

RTC – MPO Policy Committee (Article 4)

Establish overall transportation policy for the MPO

Develop and adopts MTP, TIP, UPWP

Provide policy direction to the MPO Transportation Planning Director

MPO Transportation Planning Director (Article 6)

Develop and present required planning and programming documents to MPO Policy Committee

Take policy direction from and be responsible to the MPO Policy Committee

Oversee and direct all MPO transportation planning work activities



MPO Planning Memorandum of Understanding

Required by 23 CFR Part 450.314

The MPO, State, and providers of public transportation shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process

Must include specific provisions related to development of financial plans that support the development of the MTP and TIP

Current MPO Planning MOU

Executed in 2018, Perpetual Term

2018 Agreement incorporated responsibilities for transportation performance data, targets, and reporting required by federal transportation legislation reauthorization

Parties: NCTCOG, RTC, TxDOT Districts, Operators of Public Transportation (DART, Trinity Metro, DCTA, Arlington, McKinney, Mesquite, Grand Prairie), Toll road Authorities (NTTA, CCTRA) and DFWIA

Describes NCTCOG and RTC “serving together as the Dallas-Fort Worth MPO”

Refers to 1978 Governor designation of NCTCOG, as the MPO in Dallas and Tarrant Counties, as having a role in air quality transportation planning activities for the State Air Quality Plan



Other RTC-Related Agreements (Examples)

Parties: RTC, Local Government/State Partner

MOU with Texas Transportation Commission on Regional Toll Revenue

MOUs with Local Governments Regarding Project Funding Strategies, Commitments of RTC Programming Authority (e.g., TIP MOUs)

Parties: NCTCOG, RTC, Local Government/Transportation Authority Partners

NCTCOG/RTC/Local Government ILAs Regarding Project Funding Strategies (Federal/Local Swaps, Advances of RTC Programming Authority, Financial Backstops)

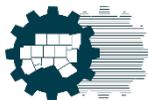
Party: NCTCOG, State or Federal Funding Agency

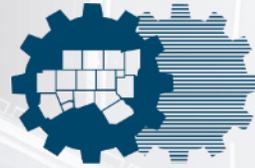
Grant Agreements for RTC-Related Programs and Initiatives

Federal or State Funds (e.g, STBG, CMAQ, RTR) Awarded by the RTC to NCTCOG

Competitive Federal Funds Applied for by NCTCOG at the direction of RTC

NCTCOG Agreements as MPO Fiscal Agent carrying out RTC-Related Programs and Initiatives (e.g., consultants, contractors, rebate recipients, subrecipients)



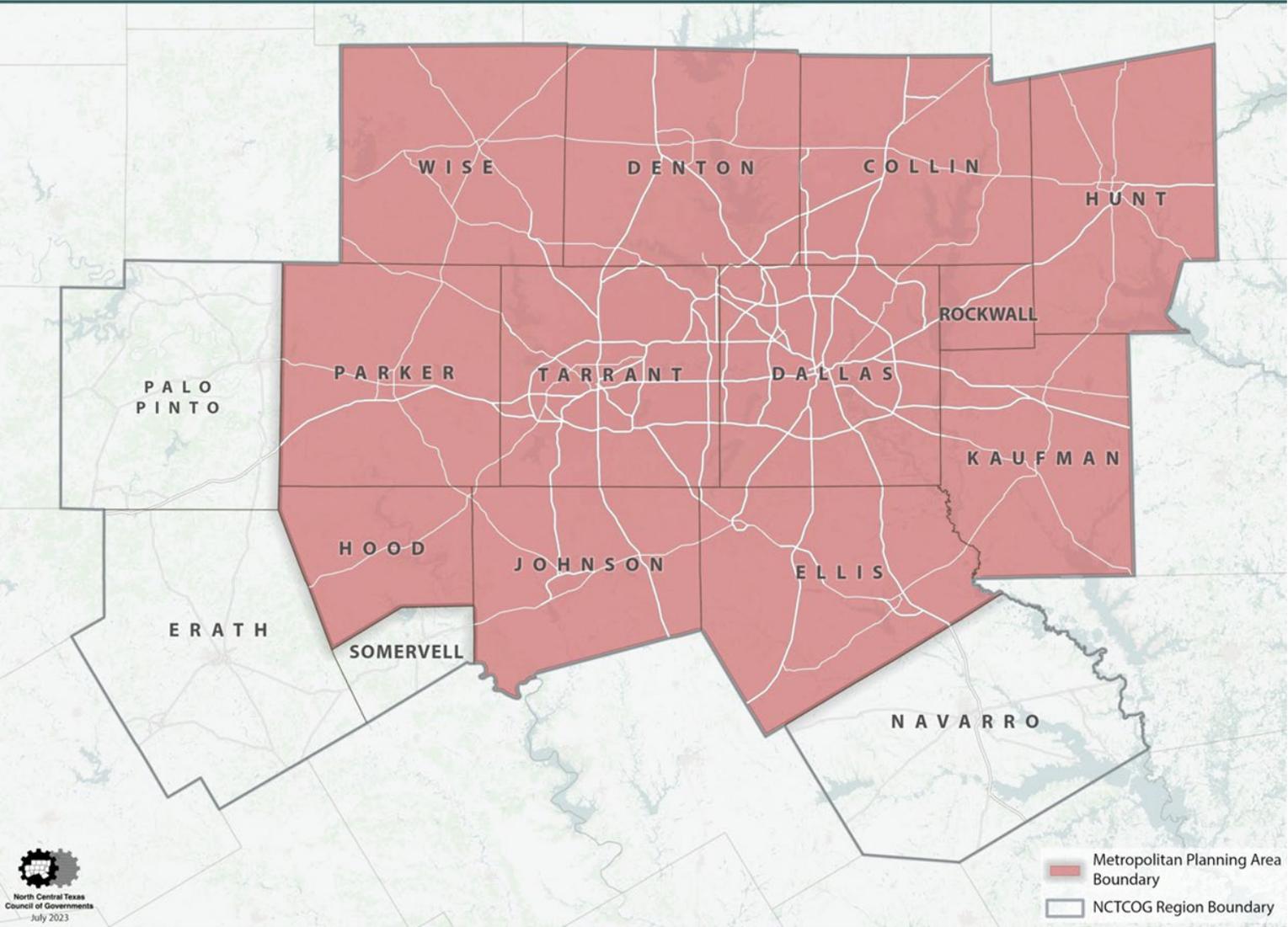


EXECUTIVE BOARD ORIENTATION
TRANSPORTATION DEPARTMENT

November 20, 2025

**The Role of the Regional
Transportation Council and the
Executive Board**

Metropolitan Planning Area



NCTCOG TRANSPORTATION DEPARTMENT

Regional Transportation Council: Transportation Actions

Transportation Outcomes: Projects, Programs, and Systems

Financial Equity

Approving “Projects and Programs”

Executive Board: Efficiency

Fiduciary Agent of Department and NCTCOG “Projects and Programs”

“Comprehensive Policy Development” Chapter 391



EXECUTIVE BOARD: “COMPREHENSIVE POLICY DEVELOPMENT”

Land Use/Transportation Interface

Information/Data

Training

Money Management

Risk Assessment



IMPORTANT DELIVERABLES

AGENDA	PRODUCTS
A. RTC Policy Foundation	RTC Bylaws: Federal Process Public Involvement Procedures Technical Software NCTCOG Strategic Plan
B. Planning	Metropolitan Transportation Plan: Mobility 2050
C. Project and Program Delivery	Transportation Improvement Program Air Quality Conformity Congestion Management Process
D. Fiscal Discipline	Unified Planning Work Program Risk Management Procedures



Cooperative Planning Agreement

Memorandum of Understanding Among the Dallas-Fort Worth Metropolitan Planning Organization, the Texas Department of Transportation, Public Transportation Operators, and Other Transportation Agencies

***Metropolitan Planning Organization (Regional Transportation Council
with the North Central Texas Council of Governments)***

Texas Department of Transportation Dallas, Fort Worth, and Paris Districts

Dallas Area Rapid Transit

Trinity Metro

Denton County Transportation Authority

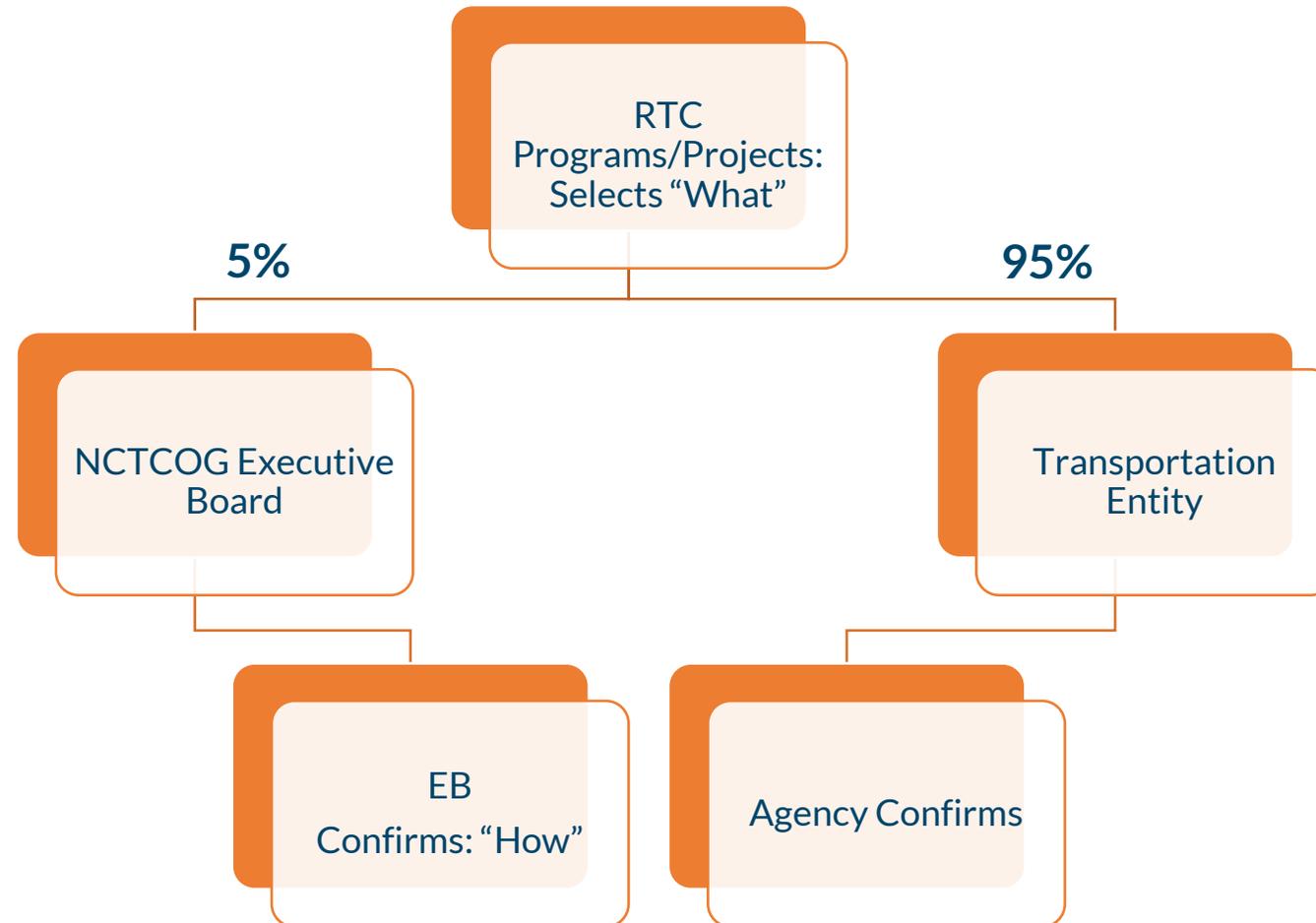
North Texas Tollway Authority

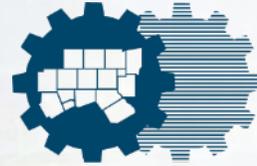
Collin County Toll Road Authority

Dallas Fort Worth International Airport

Cities of Arlington, Grand Prairie, McKinney and Mesquite

Executive Board as Fiscal / Fiduciary Agent





NCTCOG PRESENTATION

Observations About Executive Board - RTC - TxDOT Agreements

MICHAEL MORRIS, P.E.
March 12, 2026

Overview

Transportation Director Insights:

- December RTC Letter to Board: Partnership Proposal
- External Legal Council: Maintain General Council
- Careful of Nuclear Option: Don't Change Fiscal Agent
- Workshop Next Steps: Assistance from TxDOT
- Last Time to Suggest



1) Why doesn't the RTC members not know more about the agreements?

Because there has never been an interpretation that the fiscal agent would trigger a Director replacement or any action that effects the policy committee without it coming from the RTC.

- 51 Years of understanding
- New interpretation with new Executive Director or with current Executive Board
- This issue has occurred in other Texas Regions (not new)
- Never thought to include in RTC Orientation



2) What does the TxDOT agreement say as viewed by the current Director since 1990?

Executive Director hires Transportation Director	✓	“Exercise sole responsibility to hire”
Transportation Director works for Regional Transportation Council	✓	“Take policy direction from and be responsible to the MPO Policy Committee”
Executive Director selects New Transportation Director when the Regional Transportation Council is not interested	✗	Non-RTC requested replacement triggers conflict in the agreement



3) The historical relationship designed by Congress is between the Policy Committee (i.e., the Regional Transportation Council) and TxDOT. The fiscal agent isn't discussed in US Title 23 or 49.

TxDOT is not a member of the fiscal agent.

Recent TxDOT call from a former TxDOT Commission Chair said, “we never had to worry about DFW with you there, now we do.”

Option: This issue has surfaced before in other regions of Texas. How were they resolved? Ask TxDOT?



4) The RTC controls all of the funds in partnership with TxDOT.

How is the new Director going to be paid, if the RTC is not requesting a new Director?

Transportation Director can't be paid with NCTCOG Indirect Revenues.

RTC controls all eligible funds for direct labor costs.

Is the Board and RTC members discussing this item?



5) TxDOT needs consistency regarding this topic .

Several regions have gone through this issue before.

We have not because we have had only 2 Executive Directors in 51 years.

Does RTC request clarification from TxDOT? Need standard policy?

No need to change fiscal agents.



6) Bylaws review by November 2026 and new TxDOT agreement in 2027.

Will there be standard language in the TxDOT agreement?

What will it be?



RTC Action

Request if TxDOT wishes to advise?

