

MINUTES

REGIONAL TRANSPORTATION COUNCIL October 12, 2023

The Regional Transportation Council (RTC) met on October 12, 2023, at 1:00 pm in the Transportation Council Room. The following members or representatives were present: Daniel Alemán, Bruce Arfsten, Steve Babick, Dennis Bailey, Rick Bailey, Adam Bazaldua, Gyna Bivens, Alan Blaylock, Brianna Chacón (representing George Fuller), Ceason Clemens, Dianne Costa, Michael Crain, Theresa Daniel, Pat Deen (representing J.D. Clark), Andy Eads, Michael Evans, Raul Gonzalez, Barry Gordon, Lane Grayson, Mojoy Haddad, Clay Lewis Jenkins, Ron Jensen, Brandon Jones, Brad LaMorgese, Ed Moore, John Muns, Raj Narayanan, Omar Narvaez, Matthew Porter (representing Chris Schulmeister), Manny Ramirez, Jim Ross, David Salazar, Jeremy Tompkins, William Tsao, Chris Watts, Duncan Webb, Chad West, and Michele Wong Krause.

Others present at the meeting included: Vickie Alexander, James Bell, Zachary Bell, Natalie Bettger, Brandi Bird, Alberta Blair, Stephanie Boardingham, David Boski, Joel Burns, Jack Carr, Don Carroll, Angie Carson, Jeff Coulter, Walter Council, Paul Cristine, Dawn Dalrymple, Bob Dubey, Chad Edwards, Andrew Fortune, Carmen Garcia, TJ Gilmore, Rebekah Gongora, Tom Hammons, Tony Hartzel, Ashley Harvey, Lieutenant Commander Husky, Joel James, Amy Johnson, Dan Kessler, Gus Khankarli, Ken Kirkpatrick, Chris Klaus, Tracey Knight, Dan Lamers, Christopher Lee, Eron Linn, Paul Luedtke, Dillon Maroney, Tod Martin, Rob Matwick, John Mears, Erin Moore, Michael Morris, Marcia Nascimeito, Mark Nelson, Donald Parker, TJ Patterson, Monica Paul, Linda Pavlik, Robert Perr, Michael Peters, John Polster, James Powell, Vercie Pruitt-Jenkins, Andrei Radu, Randy Richardson, Sarah Sargent, Randy Skinner, Gary Slagel, Toni Stehling, Shannon Stevenson, Jonathan Toffer, Christopher Tolar, Lauren Trimble, Jennifer Villaire, Monique Ward, Brian Wilson, Karla Windsor, and Joseph Zachary.

1. **Opportunity for Public Comment on Today's Agenda:** This item allows members of the public an opportunity to comment on agenda items. Regional Transportation Council Chair Gyna Bivens asked if there were any public comments. No members of the public chose to speak at the meeting or provide written comments.
2. **Approval of September 14, 2023, Minutes:** The minutes of the September 14, 2023, meeting were approved as submitted in Electronic Item 2. Jim Ross (M); Barry Gordon (S). The motion passed unanimously.
3. **Consent Agenda:** The following items were included on the Consent Agenda.
 - 3.1. **November 2023 Transportation Improvement Program Modifications:** Regional Transportation Council (RTC) approval was requested of revisions to the 2023-2026 Transportation Improvement Program (TIP), along with the ability to amend the Unified Planning Work Program and other planning documents with TP-related changes. November 2023 revisions to the 2023-2026 TIP were provided in Electronic Item 3.1 for the Council's consideration.
 - 3.2. **Transit Strategic Partnerships Program: Selected Projects from the May 2023 Cycle:** Regional Transportation Council (RTC) approval was requested to provide funding in an amount not to exceed \$2,093,693 for the three projects

selected through the Transit Strategic Partnerships Program May 2023 Cycle. As part of the program, staff is recommending projects for Federal Transit Administration (FTA) funding under two programs: Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program and Section 5307 Urbanized Area Formula's Job Access/Reverse Commute Program. From the May 2023 Cycle of applicants, three projects have been selected for funding: 1) Dynamic Direct Route pilot in the City of Arlington; 2) Mobility Management to/within Collin County by the Denton County Transportation Authority; and 3) Transit On-Demand Service provided by Trinity Metro in the City of Forest Hill. All projects align with the goals set forth in Mobility 2045. Electronic Item 3.2 contained more information.

A motion was made to approve Items 3.1 and 3.2 on the Consent Agenda. Duncan Webb. (M); Theresa Daniels (S). The motion passed unanimously.

4. **Partnerships for Regional Events: Arlington Entertainment District Partnership:**
Karla Windsor requested approval of the Regional Transportation Council (RTC) for funds to support planning and infrastructure for upcoming regional events that are coming to the Dallas-Fort Worth area. Special guests were introduced; Lieutenant Commander Husky from the Naval Air Station Joint Reserve Base (NAS JRB) as the Wings Over Cowtown Air Show Coordinator on April 13–14, 2023; Rob Matwick, Executive Vice President of Business Operations for the Texas Rangers for the Major League Baseball All Star Game in July 2024; Tod Martin, AT&T Stadium General Manager which will be the game location of the FIFA World Cup Summer of 2026; and Monica Paul, Executive Director of the Dallas Sports Commission as the Regional Lead Coordinator for FIFA World Cup Summer of 2026. These events will bring significant economic development to various parts of the region but present transportation challenges. The Dallas-Fort Worth area has national and international events coming to the region. In 2024, the Texas Rangers will host the Major League Baseball All-Star game. The region has also been selected to participate in the North American FIFA World Cup in 2026. Both events will be held in the Arlington Entertainment District. In order to prepare, various coordinating items have occurred. A letter was sent to the United States Department of Transportation requesting 50 electric vehicles. Subcommittees were formed to identify needs for operations, transit, and streetscape/safety and stakeholders from the public and private sector were involved. Staff recommended \$6 million for operations which includes dynamic message signboards, software improvements, traffic signal enhancements, fiber, and Traffic Management Center (TMC) modifications. Transit recommends \$3 million for Trinity Railway Express (TRE) station improvements, bus staging, and enhanced transit capacity. Streetscape and safety recommended \$8 million for sidewalks, lighting, crossing improvements, and wayfinding/signage. A total of \$17.5 million in funding was requested with a \$500,000 cushion for cost overruns. Funding between the North Central Texas Council of Governments (NCTCOG) and the City of Arlington will be exchanged for Randol Mill. There were \$17.5 million in local funds available for exchange of federal funds plus an interim asphalt overlay was needed for \$3.8 million in Regional Toll Revenue (RTR) and \$750,000 in Surface Transportation Block Grant (STBG) Program funds for dynamic message boards for Texas Department of Transportation (TxDOT)/NCTCOG. These details would be worked out in agreements between the City and NCTCOG. Detailed project sheets and costs exist for work that add up to the \$17.5 million. An additional partner in need of assistance in preparing for an event that will affect transportation systems in areas with constrained access was presented. The Naval Air Station Joint Reserve Base (NAS JRB) in Fort Worth will be hosting a "Wings Over

Cowtown” Air Show featuring the Blue Angels in April 2024 and is expecting 150,000–180,000 spectators daily to access their facility off State Highway (SH) 183. Areas for assistance identified include parking on base and regional park-and-ride lots such as Ridgmar Mall; traffic analysis: base circulation and security protocols; and increased transit support through Trinity Metro Route 91 connections to the base entrance, Tex Rail North Side stop, TRE downtown (stations), connections to and from Ridgmar Mall, charter service/buses from regional park-and-ride lots with a total of \$250,000 in estimated costs for all three areas. Additional details were provided in Electronic Item 4.

A motion was made to approve of a \$17.5 million allocation in Surface Transportation Block Grant (STBG) Program funds to the City of Arlington, matched with Regional Transportation Development Credits (TDCs) in exchange for \$17.5 million in City “local” funds to be applied to projects identified within the Arlington Entertainment District; an allocation of \$3.8 million in Regional Toll Revenue (RTR) funds to the City of Arlington for interim improvements on Randol Mill Road; an allocation of \$750,000 in federal funds to Texas Department of Transportation (TxDOT) and North Central Texas Council of Governments (NCTCOG) for regional dynamic message signs; an allocation of \$250,000 in RTC Local to be allocated for transportation support for the NAS JRB Wings over Cowtown Air Show; and to administratively amend Transportation Improvement Programs (TIP) and Statewide TIP, as well as other planning and administrative documents, to include the proposed projects. Dianne Costa (M); Adam Bazaldua (S). The motion passed unanimously.

5. **Orientation to Agenda/Director of Transportation Report:** Michael Morris noted that he and Christie Gotti would be leading discussion for the Workshop on Texas Department of Transportation (TxDOT) proposed policy/rule change for Metropolitan Planning Organization (MPO) selected funding categories during the meeting. He also announced that the North Central Texas Council of Governments Executive Board’s action on the advertising campaign and introduction of risk analysis was not fully supported by the Board at its September 21, 2023, meeting. Some of the items on the advertising campaign were approved but the campaign for air quality and congestion relief were not. Staff is working with legal counsel to review the implications of the Board’s action. Once this review is complete, staff will bring the item back to the Regional Transportation Council (RTC) to receive direction on how it wants to proceed. Michael announced the RTC is in receipt of the \$10 million in Regional Transportation Council Local funds from Dallas Area Rapid Transit (DART) from its recent partnership. Michael thanked RTC Chair Gyna Bivens for the partnership during her tenure and DART for the 40-year partnership. Michael congratulated the City of Fort Worth, University of Texas in Arlington, Southern Methodist University (SMU), and NCTCOG staff members Collin Moffit and Connor Sadro, as recipients of the Texas Innovation Alliance 2023 Innovation Invitational Smart Transportation and Advanced Roadways Award. Electronic Item 5.1 contained correspondence in regard to the Dallas-Fort Worth High-Speed Transportation Connections project. Michael briefed the Council regarding the professional services agreement extension with Sandra Wesch for another two years. He highlighted the City of Irving Environmental Career Symposium scheduled for November 11, 2023 (Electronic Item 5.2). Michael and Natalie Bettger, along with police and fire instructors, will be teaching the Traffic Incident Management Executive Level Course on November 2, 2023 (Electronic Item 5.3). The remaining items under the Director’s Report were not presented.

6. **Workshop on Texas Department of Transportation Proposed Rules for Category 5 and Category 7:** While Michael Morris introduced Christie Gotti, he mentioned that the Texas Department of Transportation (TxDOT's) trend is moving away from Metropolitan Planning Organization (MPO) partnership to central control. Christie briefed the Regional Transportation Council (RTC) on TxDOT's proposed policy/rule change for MPO selected funding categories. Christie presented a range of options for RTC's consideration, by first providing some background. In 1991, federal law established MPO selection authority for Surface Transportation Planning – Metropolitan Mobility funds, which were later renamed Surface Transportation Block Grant (STBG) Program funds. Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds are allocated to nonattainment areas and for decades the TxDOT has delegated selection authority to MPOs. On September 11, 2023, TxDOT Headquarters staff briefed MPOs across the State on a proposed new policy change that would remove carryover funds from MPOs and redistribute them to TxDOT Districts for selection. TxDOT Headquarters has been focused on the reduction of carryover balances in MPO-selected categories for years that led to the creation of the RTC's ten-year Milestone Policy and annual project tracking efforts implemented by staff. Per federal law, funds are available in the year of apportionment, plus 3 years (4 years total). This means funds can carryover legally for up to 3 years, then they lapse. The only lapse in our history was in Fiscal Year 2020, when TxDOT allowed funds to lapse by not spending the oldest funds first (not caused by an MPO). TxDOT is using this lapse as a reason to pursue removal of funds from MPO selection and transitioning it to TxDOT District selection. TxDOT headquarters historically spent the oldest funding first on a "first in, first out" basis, and stopped this practice at some point, not realizing the ramifications. The ramifications were the State lost \$70+ million and North Central Texas Council of Governments (NCTCOG) lost \$23 million. A portion of STBG funds are federally allocated to urbanized areas over 200,000 in population (e.g., MPOs) and cannot be reallocated to other areas of the State. TxDOT is proposing that if MPO carryover balances exceed 200 percent of a given year's annual allocation, they would sweep the amount over the 200 percent threshold from the MPO's Category 2 allocation. Meaning that TxDOT is only allowing 2 years of use (the year of apportionment plus 1) vs. the federal rule of year of apportionment plus 3. Since TxDOT cannot reallocate STBG funds, they are proposing to reallocate other MPO-selected funds via the Category 2 program. The proposed rule states that Category 2 funds will be allocated to MPOs and TxDOT Districts. This changes selection authority for all Category 2 funding, not just the future "STBG-related Category 2 adjustments". CMAQ funds are allocated to States based on nonattainment areas. TxDOT is proposing a rule change for CMAQ funds which states that if MPO carryover balances exceed 200 percent of the annual allocation, the amount over the threshold will be reallocated to TxDOT District Category 11 Safety Program. In addition, TxDOT is proposing that MPOs must obtain District concurrence on all CMAQ funds, not just funds reallocated to Districts. Removal of funds from MPO to TxDOT selection authority is proposed to happen at the staff level vs. by the Texas Transportation Commission (TTC). MPO allocations can be reduced with no public involvement and no transparency. TTC approves the Unified Transportation Program (UTP), funding allocations, and major changes to the UTP. Under this proposal, removal of MPO funds is not considered to be a "major change". Proposed comments for consideration include if TxDOT is going to take funding away from MPOs, it should occur via a formal TTC action, formal notification should be sent to MPOs policy boards in advance, and an appeals process should be created to review data to ensure accuracy and context. Annually, TxDOT will review carryover balances and judge them against how much of the funding the MPOs have "encumbered" in late October and will consider implementing the 200 percent threshold rule. However, the threshold rule does not define "encumbered" or "unencumbered."-

TxDOT has two possible information systems to use, the eSTIP (which they are moving away from via this effort) and TxDOT Connect (which they are moving to). The eSTIP is the mechanism available for MPOs to track, monitor, and communicate programmed funding on projects to the public, TxDOT, and the US Department of Transportation (US DOT). TxDOT Connect is their internal database. The STIP is the federally recognized tracking system for transportation projects and funding. TxDOT pulls data from TxDOT Connect to run the carryover analysis, and the data pulls are not always accurate. For example, in 2023, transit transfers that had already been finalized were not showing up in the analysis TxDOT was using for this process, which means that the region had less carryover than TxDOT was counting in their analysis. Christie presented the CMAQ and STBG utilization estimates from TxDOT for FY2023 using revised allocations, along with the total percent scheduled to be used or spent against those allocations. Approximately 92 percent of the CMAQ allocation was scheduled to be used and 76 percent of the STBG allocation was scheduled to be used. Total funding in the 2024 UTP is a record breaking \$100,565,592,319 in projects selected; \$80,336,338,956 is TxDOT selected and \$20,229,553,363 is MPO selected (CMAQ, STBG, Transportation Alternatives Set Aside [TASA], Category 2). The amount of carryover funding across the State that is currently over the 200 percent threshold is only 0.26 percent of the total UTP amount. It is a significant number for MPOs, but an extremely small amount compared to the rest of TxDOT-selected funding. She briefly went over what causes project delays, but it mainly comes down to the federal process itself is cumbersome and TxDOT does not provide adequate resources to enable timely execution of project funding agreements for local agency projects. Christie presented a timeline to complete a project after it is selected and assumes the project stays on track and does not experience any significant delays. Multi-jurisdictional projects or those requiring railroad coordination can take much longer. Implications of the proposed change is Districts having veto authority over all CMAQ and Cat 2 funding. Historically, TxDOT and MPOs coordinated and worked on solutions to ensure timely use of federal funds via "trade fairs."- TxDOT is proposing to remove MPOs from the selection authority process instead and transfer the selection authority back to TxDOT. Michael Morris highlighted that MPOs are responsible for air quality conformity in the regions. Congress has developed CMAQ as a revenue source to aid in the implementation of projects that improve air quality, and MPOs prioritize CMAQ funds to ensure sanctions are not implemented on the State and Region. The proposed rule sets a perilous precedent risking sanctions that halt roadway project implementation. TxDOT may use the funds for items that are technically eligible, but do not have a large impact on achieving air quality standards. Unintended consequences include loss of CMAQ funds due to actions or inaction of the District, not the MPO. There were three levels presented by staff on how to respond to TxDOT : Level 1 - Do little, let it happen (they are not going to listen anyways), we will be laser focused to never hit those caps, assume current relationship with Districts is maintained and impacts to our region will be minimal; Level 2 - Provide comments, draft rules have fatal flaws (we cannot assume local TxDOT partnership will always exist); Level 3 - confirm compliance with federal intent. Michael pointed out some points to consider on proposed rulemaking: this proposal changes selection authority for all Category 2 funding, not just future STBG-related Category 2 adjustments, which is not germane to the carryover issue. In addition, TxDOT is proposing that MPOs must obtain District concurrence on all CMAQ funds, not just funds reallocated to Districts. If TxDOT is proposing to take away funding from MPOs, it should occur via formal TTC action and formal notification should be sent to MPOs and MPO policy boards in advance. The rule should define "encumbered" and/or "unencumbered." There was concern from the majority of the RTC members that this policy was designed to limit local control and RTC members asked that the comments remain professional, but firmly

provide the RTC's feedback. RTC approval of comments to be submitted to TxDOT will occur next month.

7. **Regional Transit Version 2.0: Planning for Year 2050:** Michael Morris presented information on Regional Transit Version 2.0. As noted at the September RTC meeting, Michael met with selected transportation authority cities concerned that cities often take their local transit issues to the Texas Legislature bypassing opportunities closer to home for resolution. As part of those discussions, staff recommended that RTC initiate a comprehensive transit study focused on advancing transportation authority collaboration between agencies and additional attention on expanding transit services to areas with transit needs. As part of this initiative, seven work tasks and lead agency(ies) for each were identified: 1) A More Aggressive Transit Legislative Program (RTC); 2) Increased Membership (Transportation Authorities [TA]); 3) Three Agency Collaboration between Systems (TA); 4) Creating In-fill Development around Transit Stations (cities), 5) Transit Board Teamwork (TA cities), 6) Transit Fare Rewards Program (TA), and 7) Budget Understanding (Paradox)(TA cities). Michael proposed a two-step approval process with the Executive Board. The request for Executive Board approval of funding will be presented in October 2023 and the request for procurement of a consultant in January 2024. Representatives from transportation authority cities, transportation authority staff, and NCTCOG staff would sit on the nine-member consultant selection committee. Legislative findings will be completed by August or September 2024. NCTCOG and the transportation authorities will make their reports available to the consultants to aid in the development of the consultant's final report, therefore reducing consultant costs. The final report is anticipated in January 2025. The presentation was provided in Electronic Item 7.

A motion was made to approve the use of \$1+ million in Regional Transportation Council Local funds to address the seven initiatives as presented and noted above. The action also includes direction for staff to request North Central Texas Council of Government's Executive Board approval of funding in October 2023 and consultant selection in January 2024. Lane Grayson (M); Daniel Alemán (S). The motion passed unanimously.

8. **2023 Transportation Conformity and Mobility 2050:** Due to time constraints, the agenda item was not presented at this time. The agenda item will be presented at a later date.
9. **Progress Reports:** Regional Transportation Council attendance was provided in Electronic Item 9.1 and Surface Transportation Technical Committee attendance in Electronic Item 9.2.
10. **Other Business (Old or New):** Michelle Wong Krause announced it was her last meeting as an RTC member and Dallas Area Rapid Transit Board Chair. Denton County Judge Andy Eads thanked Dianne Costa for her service as a Denton County Transportation Authority (DCTA) Board member and as former mayor of Highland Village and congratulated her on her retirement. Dallas County Commissioner Theresa Daniels announced the Transportation Excellence for the 21st Century (Tex-21) statewide meeting in Dallas on October 19 and 20, 2023. Garland Councilmember Ed Moore invited everyone to attend the Downtown Garland Square Grand Reopening Celebration with LeeAnn Rimes on Saturday, October 14, 2023. Arlington Mayor Jim Ross noted that the Texas Rangers vs. Houston Astros game would be played in Arlington on Wednesday, October 18, 2023. Dianne Costa introduced TJ Gilmore, Mayor of Lewisville, and the new DCTA Chair. Chair Gyna Bivens introduced TJ Patterson, the City of Fort Worth's

Government Affairs Liaison.

11. **Future Agenda Items:** There was no discussion on this item.
12. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for 1 pm, Thursday, November 9, 2023, in the Transportation Council Room of the North Central Texas Council of Governments.

The meeting adjourned at 3:05 p.m.