

MINUTES

REGIONAL TRANSPORTATION COUNCIL November 9, 2023

The Regional Transportation Council (RTC) met on November 9, 2023, at 1:00 pm in the Transportation Council Room. The following members or representatives were present: Bruce Arfsten, Steve Babick, Dennis Bailey, Rick Bailey, Gyna Bivens, Tandy Boroughs (representing Daniel Alemán), J.D. Clark, Ceason Clemens, Jorga Clemson (representing Ron Jensen), Theresa Daniel, Jeff Davis, Michael Evans, George Fuller, Raul Gonzalez, Barry Gordon, Lane Grayson, Mojoy Haddad, Brandon Jones, Brad LaMorgese, Pham Long (representing Jim Ross), Jon McKenzie (representing Jeremy Tompkins), Cara Mendelsohn, Cesar Molina (representing T.J. Gilmore), Ed Moore, Raj Narayanan, Omar Narvaez, David Salazar, Chris Schulmeister, Gary Slagel, Andy Sommerman (representing Clay Lewis Jenkins), Oscar Trevino, Jr., William Tsao, Duncan Webb, and Chad West.

Others present at the meeting included: Vickie Alexander, Gustavo Bacz, Natalie Bettger, Brandi Bird, David Boski, Jason Brown, Don Carroll, Molly Carroll, Angie Carson, Curt Cassidy, Lori Clark, Diana Colaross, Mike Coleman, Dawn Dalrymple, Clarence Daugherty, Brian Dell, Caryl Devries, Chad Edwards, Kevin Feldt, Laura Freeland, Christie Gotti, Tom Hammons, Tony Hartzel, Irlenia Heramosillo, Amy Hodges, Joel James, Will Janney, Zachary Joseph, Dan Kessler, Jacki Kilgore, Tony Kimmey, Ken Kirkpatrick, Chris Klaus, Dan Lamers, Eron Linn, Paul Luedtke, Stanford Lynch, Dillon Maroney, Rich Matyiku, Erin Moore, Michael Morris, Jenny Narvaez, Mark Nelson, Amelia Owre, Paul Paine, Morgan Parish, Donald Parker, Michael Peters, John Polster, James Powell, Vercie Pruitt-Jenkins, Abbas Rastandeh, Tito Rodriguez, Kyle Roy, Aliyah Shaikh, Toni Stehling, Shannon Stevenson, Helena Studmire, Caroline Waggoneer, Noah Walker, Brendon Wheeler, Amanda Wilson, Brian Wilson, and Jared Wright.

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 October 12, 2023, Minutes:** The minutes of the October 12, 2023, meeting were approved as submitted in Electronic Item 2. Barry Gordon (M); Theresa Daniels (S). The motion passed unanimously.
3. **Consent Agenda:** The following items were included on the Consent Agenda.
 - 3.1. **Proposed Administrative Amendments to Mobility 2045 – 2022**
Update: Regional Transportation Council (RTC) approval was requested to amend the Mobility 2045 Update with the inclusion of three non-regionally significant roadway projects for Texas Department of Transportation (TxDOT) to advance planning and design activities. Fact sheets of the proposed additions were provided in Electronic Item 3.1.

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

4. **Orientation to Agenda/Director of Transportation Report:** Michael Morris announced North Central Texas Council of Government's (NCTCOG's), Assistant Director, Dan Kessler, had a special presentation and an award from the Regional Coordination Committee's (RCC) to be presented to the Regional Transportation Council. Dan introduced special guests, Mike Coleman, Former Mayor of Westworth Village and Jeff James, RCC Treasurer. A short video was presented on the RCC and the Naval Air Station Joint Reserve Base: <https://youtu.be/cUzOhqdNsrs>. Michael thanked the RCC for the recognition and providing a critical role in coordination with the RTC and Executive Board for meeting the commitment to preserve the installation for Lockheed Martin. Chair Bivens acknowledged Kay Granger as "lifting the sky from falling while putting stars in sky" to make us stronger. Secretary, Rick Bailey led everyone in the pledge to the American and Texas flags, he also acknowledged and honored all the Veteran's for their service. Michael noted a new project for North Texas Center for Mobility Technologies and stated details were provided in Electronic Item 4.1. Michael also noted that the Texas Department of Transportation Statewide Active Transportation Plan is provided in Electronic Item 4.2. Michael thanked the Texas Transportation Commission for awarding the Dallas Area Rapid Transit with \$125 million for the Silverline – Cotton Belt Corridor Project. Michael announced the deadline for the May 2024 Transportation Improvement Program Modifications submittals is December 8, 2023. Michael highlighted that recently local elected officials met with the Texas Department of Transportation Commissioners, Commissioner Meade and Commissioner New, regarding several partnership items, presentation will be provided later. The remaining items under the Director's Report were not presented.

5. **Partnerships for Regional Events: Arlington Entertainment District Partnership:** Michael Morris requested Regional Transportation Council (RTC) approval for support of the request from the North Central Texas Council of Governments (NCTCOG) Executive Board to reconsider and approve up to \$595,000 in funding for Education Campaigns for Transportation, instead of the \$866,000 that was previously approved by the RTC in Fiscal Year (FY) 2024 related to Congestion Relief and Air Quality. At the September Executive Board meeting, the request to approve funding for these two categories of paid education campaigns failed and the Executive Board requested RTC to reevaluate the requests. Michael noted, education through advertising is done in some areas to enhance public policy items and safety. This advertising allows for lower media rates, increases awareness to targeted audiences, increases website traffic and engagement, greater public participation, cross communication for campaigns, and improved efficiencies with media outlets. The public's approval is requested through the Public Involvement Process for NCTCOG to receive federal funds. The RTC agreed there is a risk in not proceeding with the Congestion Relief and Air Quality paid education campaigns as originally approved. Additional details were provided in Electronic Item 5.

A motion was made to approve the North Central Texas Council of Governments (NCTCOG) Executive Board request to reconsider accepting the fiduciary responsibility to carry out the Congestion Relief and Air Quality Education Campaigns in the modified amount not to exceed \$595,000. This information was provided in detail on slide six of the presentation. The RTC directed staff to present this request to the NCTCOG Executive Board at their next meeting. Theresa Daniels (M); Ed Moore (S). The motion passed unanimously.

6. **Federal/Local Funding Partnership with Collin County on US 380:** Christie Gotti requested Regional Transportation Council (RTC) approval of a proposed federal/local partnership with Collin County on US 380. The North Central Texas Council of Governments (NCTCOG) would like to expand the pool of RTC local funds to allow the RTC to expedite projects and programs and to address these needs, a federal/local funding partnership is being proposed between the RTC and Collin County. To further increase the amount of non-federal funding available to the RTC, staff proposed to build upon the original two-project partnerships with Collin County that were approved in November of 2020. The two-projects were funded by the RTC because Collin County Bond funds were ineligible, yet Collin County had an interest in participating financially in the Panther Creek Parkway (Frisco) - \$30 million Surface Transportation Block Grant (STBG) and McKinney National Airport Runway Extension (McKinney) - \$30 million Regional Toll Revenue. In exchange for the \$60 million of RTC-selected Category 2 funds that were taken off the US 380 project and replaced with \$60 million of Collin County Bond funds. The current proposed trade with Collin County has committed \$60 million in local bond program funds to US 380 to complete the existing partnership agreement. Collin County is willing to send it's \$60 million of local funds to the RTC, if the RTC will place the same amount of new Category 2 funds on US 380. The \$60 million of County funds would be added to the RTC local pool. The approval timeline is: Collin County Commissioners County approved this request at its March 27, 2023, meeting; a recommendation for RTC approval was received from the Surface Transportation Technical Committee on October 27, 2023; RTC approval was received on November 9, 2023; and Executive Board approval will be sought on November 16, 2023. Electronic Item 6 contained additional details on the partnership.

A motion was made to approve the proposed US 380 federal/local partnership with Collin County, program \$60 million in Category 2 funds on US 380, receive \$60 million in local funds for placement in the Regional Transportation Council local pool, amend the Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP), and update any administrative and/or planning documents as needed to incorporate the project funding. Duncan Webb (M); George Fuller (S). The motion passed unanimously.

7. **Proposed Regional Transportation Council Comments Regarding Texas Department of Transportation Rule Making for Metropolitan Planning Organization-Selected Funding:** Christie Gotti briefed the Regional Transportation Council (RTC) on the Texas Department of Transportation's (TxDOT's) proposed policy/rule change for Metropolitan Planning Organization (MPO)-selected funding categories and requested action regarding public comments to be submitted to TxDOT. Christie presented some background information stating TxDOT's intention to reduce carryover balances in MPO selected categories across the state. 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, TxDOT has delegated selection authority to MPOs. TxDOT is proposing that if MPO carryover balances in STBG exceed 200 percent of a given year's annual allocation, they would remove the amount over the 200 percent threshold from the MPO's Category 2 allocation. TxDOT is only allowing two years of use (the year of apportionment plus one) versus the federal rule of year of apportionment plus three. Since TxDOT cannot reallocate STBG funds, they are proposing to reallocate other MPO-selected funds via the Category 2 program. TxDOT is proposing a rule change for

CMAQ funds which states that if MPO carryover balances exceed 200 percent, the amount over the threshold will be reallocated to TxDOT Districts. In addition, TxDOT is proposing that MPOs must obtain District concurrence on all CMAQ funds, not just funds reallocated to Districts. TxDOT Headquarters has been focused on the reduction of carryover balances in MPO-selected categories for years, which led to the creation of the RTC's Ten-Year Milestone Policy and annual project tracking efforts implemented by NCTCOG staff. Removal of funds from MPO to TxDOT selection authority is proposed to happen at the staff level versus by the Texas Transportation Commission (TTC). Comments are due by November 13, 2023, and will be transmitted by letter, signed by the RTC Chair. Electronic Item 7.1 provided additional information. Electronic Item 7.2 included the draft language of the proposed rulemaking.

A motion was made to approve the following proposed changes: request that rulemaking effort be abandoned, a "carve out" to exempt the Dallas-Fort Worth Metropolitan Planning Organization (MPO) from this rule given: 1) our longstanding history of partnerships with the Texas Department of Transportation (TxDOT)/Texas Transportation Commission (TTC); 2) our carryover balances are in compliance; 3) our longstanding history allowing TxDOT to use our funds for obligation authority from other states; request an additional year, still allowing TxDOT time to meet obligation requirements if the funds are not obligated by MPOs after three years; any reallocation of MPO funds should be defined as a "Major Change" that requires TTC approval; formal notification should be submitted to MPOs and MPO policy boards at least 90 working days in advance of any potential loss of carryover balances; an appeal process is needed since the proposed TxDOT information system may be incomplete or have errors; selection authority for all Category 2 funds should remain just with MPOs, alternately suggest that "districts" only be added to any Category 2 funds allocated to a District due to carryover-related adjustments, though technically those go into (TxDOT) District Category 11 Safety Program. For Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds, suggest that districts only provide concurrence on MPO selected CMAQ projects if the CMAQ funds come from carryover-related adjustments, and if concurrence is required, it should be a mutual concurrence (both district's and MPO's concur), these changes would allow MPOs to ensure compliance with air quality conformity regulations. Request that TxDOT: 1) define "encumbered" and "unencumbered" and/or; 2) replace the wording with a process in which MPOs and the department jointly concur on the amount of carryover remaining, suggest a process in which TxDOT Headquarters provides a draft carryover funding assessment to Districts and MPOs in writing at least 90 working days in advance of any action, Districts and MPOs have 30 working days from receipt of the draft carryover funding assessment to provide comments or concurrence, if the MPO disagrees with the assessment, the District, MPO, and TxDOT Headquarters have 30 days to resolve discrepancies. Once consensus is reached, TxDOT Headquarters requests TTC approval of any carryover adjustments after a formal public comment process. Request that TxDOT confirm federal intent to limit MPO use of funds to two years (given the proposed 200 percent carryover threshold) instead of the federally allowed four years, and to reduce other categories of funding tied to Surface Transportation Block Grant (STBG) usage. Duncan Webb (M); Brandon Jones (S). The motion passed unanimously.

8. **Electric Vehicle Charging and Energy Management:** Lori Clark requested approval for the North Central Texas Council of Governments (NCTCOGs) to pursue funding from the Federal Highway Administration (FHWA) Electric Vehicle Charger Reliability and Accessibility Accelerator program and the use of RTC local funds to satisfy match requirements for a State Energy Conservation Office (SECO) project. As a set-aside of the

National Electric Vehicle Infrastructure (NEVI) Formula Program, this program will increase reliability of electric vehicle (EV) charging stations by funding repair and replacement of existing EV charging stations. Eligible projects can be publicly, or privately owned chargers listed as non-operational chargers on the Alternative Fuels Data Center (AFDC) by October 11, 2023. Only State departments of transportation and local governments can apply with approximately \$100 million available, FHWA anticipates all eligible projects will be awarded up to 80 percent of the total project cost, with a 20 percent match required. Funded stations must be upgraded to NEVI standards under 23 CFR 680. Application approach includes incorporating North American Charging Standard (NACS) Connector for consistency with Texas EV infrastructure plan and to coordinate with host cities and charging station networks to determine warranted repair needs. NCTCOG proposed to prioritize sites that minimize required agreements with subrecipients; are not in proximity to existing charging stations; increase access in key areas such as multi-family properties, grocery stores, and retail locations; and connect the region to other areas. Total project funding of up to \$4,500,000, with \$4,200,000 for site repair/upgrade and \$300,000 for NCTCOG administration costs. Pass-through funding for site repair/upgrade with \$3,360,000 and \$300,000 for NCTCOG administrative costs for a total of up to \$3,600,000. The application schedule is as follows: a recommendation for RTC approval was received from the Surface Transportation Technical Committee on October 27, 2023, RTC approval was received on November 9, 2023. The FHWA application deadline is November 13, 2023, and an endorsement from the Executive Board will be sought on November 16, 2023. Lori highlighted another program, funded by the State Energy Conservation Office (SECO), a regional energy management program. Transportation staff coordinates with the Environment and Development department to enhance local governments' ability to develop, implement, and maintain effective energy management and efficiency programs while meeting Justice 40 and energy consumption reporting requirements. Key transportation activities include outreach to increase compliance with energy consumption reporting requirements applicable to nonattainment and affected counties and integrating alternative fuels into resilience and emergency response activities by developing a white paper on resilience strategies for electric vehicle charging stations. The budget for this program is \$200,000 of federal funds with a \$40,000 match, funds will be split evenly between the Transportation and Environment and Development departments with up to \$20,000 match needed to fulfill the Transportation share. Electronic Item 8 provided more information. There was a general concern discussed and questions about the functionality of the charging stations, such as lithium fires, congestion on the roadways with EVs, whether they are being privately owned and operated, along with the locations, as well as when charging stations are not working, who repairs them. Michael Morris mentioned that he and Natalie Bettger teach the Traffic Incident Management Executive Level Course to Police and Fire Fighters. Fire fighters do not have a path forward to put out EV fires. NCTCOG has taken on the task of developing a path forward for training on EV fires in the future.

A motion was made to approve North Central Texas Council of Government (NCTCOG) to pursue funding from Federal Highway Administration (FHWA) Electric Vehicle Charger Reliability and Accessibility Accelerator Program to repair and replace non-operational Electric Vehicle (EV) chargers, including use of up to 60,000 Transportation Development Credits as non-federal match for NCTCOG administrative costs, and use of up to \$20,000 Regional Transportation Council local funds to fulfill Transportation Department share of match requirement for the State Energy Conservation Office funded Regional Energy Management project. Theresa Daniels (M); Oscar Trevino, Jr. (S). The motion passed unanimously.

9. **2023 Transportation Conformity and Mobility 2050:** Chris Klaus and Brendon Wheeler requested approval of a resolution by the Regional Transportation Council (RTC) approving the 2023 Transportation Conformity results. Chris presented the overview of efforts on the 2023 Transportation Conformity analysis, including the reason for the analysis and the timeline. The purpose demonstrates that projected emissions from transportation projects are within emission limits (Motor Vehicle Emissions Budgets) established by the State Implementation Plan (SIP) and ensures federal funding and approval is applied to transportation projects that are consistent with air quality planning goals. In April of 2023, the Environmental Protection Agency (EPA) published a Notice of Adequacy for the 2020 Motor Vehicle Emissions Budgets for the purpose of transportation conformity with an effective date of May 24, 2023. This adequacy determination requires transportation conformity to be performed within two years of the effective date. Following approval by the RTC, the 2023 Transportation Conformity documents will be sent to federal and state partners to begin interagency consultation review with anticipated United States Department of Transportation (USDOT) conformity determination by March of 2024. Brendon provided information on the Mobility 2045 – 2022 update with the Conformity determination received in December of 2022, that no projects are changing in the current mobility plan. North Central Texas Council of Governments (NCTCOG) staff has been implementing our projects and programs with other projects and programs in collaboration with the Transportation Improvement Program (TIP) team to get the projects completed. Brendon announced gearing up for Mobility 2050. A new plan must be developed, and a conformity determination achieved at least every four years, as the plan horizon must extend at least 20 years into the future. In 2025, it will need to be extended. Planning to have required USDOT Conformity determination by November 2025. We plan to seek RTC adoption of Mobility 2050 in June of 2025. The resolution was included in Electronic Item 9.1. The timeline for the next Metropolitan Transportation Plan, Mobility 2050 and additional information was presented and provided in Electronic Item 9.2.

A motion was made to approve the resolution outlining the results of the 2023 Transportation Conformity analysis. Rick Bailey (M); Oscar Trevino, Jr. (S). The motion passed unanimously.

10. **Project Status Report: Fiscal Year 2023/2024 Project Tracking Update:** Brian Dell provided a status report on the Fiscal Year 2023/Fiscal Year 2024 (FY2023/2024) Project Tracking effort. Brian provided background on the project tracking initiative, noting that by focusing on projects slated for implementation in FY2023 and FY2024, projects can be monitored earlier, and potential problems can be highlighted, and the Regional Transportation Council can take corrective actions to avoid accumulation of carryover balances. The Texas Department of Transportation's (TxDOT's) proposed rulemaking for Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Surface Transportation Block Grant (STBG) carryover funds increases the need to minimize carryover balances. The end of year summaries for FY2023 for CMAQ, STBG, and Transportation Alternatives Set Aside (TASA) funding was provided. A preview of available funding and the number of project phases in 2024 for CMAQ, STBG, and TASA funds was provided. A list of project phases that were scheduled to begin in FY2023 and their current statuses can be found in Electronic Item 10.1. A list of project phases that are scheduled to begin in FY2024 and their current statuses can be found in Electronic Item 10.2. A summary of overall progress towards funding obligation and project completion is provided in Electronic Item 10.3.

11. **North Texas Tollway State Infrastructure Bank Loan Update:** Ken Bunkley briefed the Committee on the repayment of the North Texas Tollway Authority (NTTA) State Infrastructure Bank (SIB) loan. NTTA originally took out the loan to finance construction of the President George Bush Turnpike (PGBT). In 2012, Texas Department of Transportation (TxDOT) requested assistance from the Regional Transportation (RTC) to replenish the SIB by assuming the NTTA SIB loan. In October 2012, the RTC agreed to assist TxDOT and assumed the NTTA SIB loan using Regional Toll Revenue (RTR) funds. Collin, Dallas, and Denton County RTR funds were utilized at their request. This allowed the funds to earn higher interest rates, as well as allowing the SIB additional capacity to make loans to other projects across the state. The partnership also allowed the RTC and TxDOT to finalize a strategy reducing TxDOT staff costs for on-system RTR projects. A breakdown of terms and repayment: loan amount was \$138,972,560 with 4.2 percent annual interest rate, and \$38,897,636 interest was earned. The loan was paid in full in October of 2022. RTC assisted TxDOT by recapitalizing the SIB for future use on other projects across the state. The partnership allowed TxDOT and the RTC to finalize and implement a successful strategy for how TxDOT charges on-system staff costs for RTR projects, and the county accounts benefitted from higher interest earned. A plan is underway to program these funds. Additional information was provided in Electronic Item 11.
12. **Progress Reports:** Regional Transportation Council attendance was provided in Electronic Item 12.1 and Surface Transportation Technical Committee attendance in Electronic Item 12.2.
13. **Other Business (Old or New):** Veteran's Day, November 11, 2023, and Theresa Daniels announced that Ken Griffin made a \$300 million contribution to the Medal of Honor Museum.
14. **Future Agenda Items:** There was no discussion on this item.
15. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for 1 pm, Thursday, January 11, 2024, in the Transportation Council Room of the North Central Texas Council of Governments.

The meeting adjourned at 2:51 p.m.