

## **MINUTES**

### **REGIONAL TRANSPORTATION COUNCIL July 14, 2022**

The Regional Transportation Council (RTC) met on July 14, 2022, at 1:00 pm in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following members or representatives were present: Daniel Alemán Jr, Rick Bailey, Adam Bazaldua, Gyna Bivens, Mohamed "Mo" Bur, J.D. Clark, Dianne Costa, Theresa Daniel, Jeff Davis, Janet DePuy, Andy Eads, Gary Fickes, George Fuller, Barry L Gordon, Rick Grady, Lane Grayson, Mojy Haddad, Ron Jensen, Carl L. Johnson, Brandon Jones, J.J. Koch (Representing Clay Lewis Jenkins), Brad LaMorgese, Mike Leyman, B. Adam McGough, Cara Mendelson, Ed Moore, Omar Narvaez, Jim Ross, Perry Schrag (Representing John Keating), Chris Schulmeister, Gary Slagel (Representing Michele Wong Krause), Bobby Stovall (Representing Dennis Bailey), Jeremy Tompkins, Scott Turnage (Representing Oscar Trevino, Jr.), William Tsao, Duncan Webb, and B. Glen Whitley.

Others present at the meeting included: Vickie Alexander, Pam Bailey, Luigi Basalo, Brandi Bird, Alberta Blair, David Boski, Angie Carson, David Clarke, Clarence Daugherty, Lynn Ducas, Mike Eastland, Chad Edwards, Kevin Feldt, Maribel Gallardo, Carmen Garcia, Christie Gotti, Eric Greenman, Zoe Halfmann, Kristina Holcomb, La'Jada Jackson, Joel James, Dan Kessler, Tony Kimmey, Ken Kirkpatrick, Chris Klaus, Dec Leggett, Eron Linn, Jody Loza, Stanford Lynch, Dan McClendon, Mickey McGuire, Jon McKenzie, Cesar Molino, Erin Moore, John Polster, Kelly Porter, James Powell, Vercie Pruitt-Jenkins, Tito Rodriguez, Kathryn Rotter, Alice Shaw, Madeline Shepherd, Chelsea Smith, Toni Stehling, Shannon Stevenson, Justin Stoker, Beth Webb, Marcus Wood, Casey Wright, and Susan Young.

1. **Opportunity for the Public to Comment on Today's Agenda:** This item allows members of the public an opportunity to comment on agenda items. Regional Transportation Council Chair Duncan Webb asked if there were any public comments. Marcus Wood, of Dallas, spoke in support of Agenda Item 12, Metropolitan Planning Organization Milestone Policy Round 2: Status Update, recommends especially for Dallas County and City of Dallas Riverfront Blvd. reconstruction from Cadiz to Union Pacific Railroad for which he noted the construction let date has been again delayed.
2. **Approval of the June 9, 2022, Minutes:** The minutes of the June 9, 2022, meeting were approved as submitted in Electronic Item 2. B. Glen Whitley (M); Diane Costa (S). The motion passed unanimously.
3. **Consent Agenda:** The following items were included on the Consent Agenda.
  - 3.1. **Modifications to the Fiscal Year 2022 and Fiscal Year 2023 Unified Planning Work Program:** Regional Transportation Council (RTC) approval of modifications to the FY2022 and FY2023 Unified Planning Work Program (UPWP) will be requested. Direction for staff to also administratively amend the Transportation Improvement Program and other administrative/planning documents, as appropriate, to reflect the approved modifications will also be sought. The Unified Planning Work Program is required by federal and State transportation planning regulations and provides a summary of the transportation and related air quality planning tasks to be conducted by Metropolitan Planning Organization staff. The FY2022 and FY2023 UPWP was approved by the

Regional Transportation Council and North Central Texas Council of Governments (NCTCOG) Executive Board in July 2021 and identifies the activities to be carried out between October 1, 2021, and September 30, 2023. Amendments to this document are being proposed to reflect new initiatives, project updates, and funding adjustments. The proposed amendments have been posted on the NCTCOG website for public review and comment as part of the June public outreach opportunity and are also included as Electronic Item 3.1.1. Additional information is provided in Electronic Item 3.1.2. Public comments received as a result of the public outreach process, if any, will be provided prior to requesting RTC approval. The Surface Transportation Technical Committee took action at its June 24, 2022, meeting to recommend Regional Transportation Council approval.

A motion was made to approve Item 3.1 on the Consent Agenda. Theresa Daniel (M); Rick Grady (S). The motion passed unanimously.

4. **Orientation to the Agenda/Director of Transportation Report:** Michael Morris highlighted items on the Director of Transportation Report. He began by congratulating the new Regional Transportation Council (RTC) officers for the 2022-2023 term: Commissioner Duncan Webb, Chair; Mayor Pro Tem Gyna Bivens, Vice Chair; and Judge Clay Lewis Jenkins, Secretary. RTC Bylaws Revision Subcommittee Chair Andy Eads met with the RTC Bylaws Subcommittee before the full Council meeting. Information on potential updates to the Bylaws will be provided at the August meeting (Electronic Item 4.1). The North Texas Multimodal Operations, Velocity, Efficiency, and Safety (NT MOVES) Program with Burlington Northern Santa Fe (BNSF) Railway, Trinity Metro, and Dallas Area Rapid Transit (DART), which had received a \$25 million BUILD Grant award in 2020, included a \$2 million local match commitment from BNSF contingent on negotiations with Dallas Area Rapid Transit (DART), and Trinity Metro, on additional freight slots for Trinity Railway Express (TRE) double tracking. DART, Trinity Metro, and BNSF need additional time to amend the current Trackage Rights Agreement to accommodate additional freight movement while preserving existing passenger rail service and permitting its expansion. The RTC is not a party to that particular agreement. With a September 30, 2022, BUILD Grant Obligation Agreement deadline approaching, and BNSF not accepting the last offer from public sector transit providers, the proposed August RTC action, if agreed to by all parties, will be to ratify an Emergency \$2 million Backstop of RTC Local funds as a contingency for BNSF's local match commitment enabling timely approval and execution of the Build Grant Agreement.— Following a 90-day “cooling off” period, the transportation director will host negotiations to complete a Trackage Rights Agreement amenable between the parties, and upon execution BNSF will replace any RTC Local funds used to fulfill BUILD Grant obligation needs. NCTCOG was awarded \$300,000 from the Federal Transit Administration’s Areas of Persistent Poverty Grant to help improve transportation and advance the standard of living in Southeast Fort Worth zip code 76104. The SH 183/Cintra project still have \$1.5 billion to advance improvements on Airport Freeway south of Downtown Fort Worth (slide presented during Director’s Report). He mentioned that NCTCOG staff is reviewing decorum policies and rules for public comments at Regional Transportation Council meetings. Michael briefed RTC about the letter NCTCOG sent to the Texas House Representative Terry Canales about the Local Initiatives Projects (LIP) Program and TxDOT on the Texas EV Infrastructure Plan (Electronic Item 4.2). It was announced that the region will host events for the 2026 FIFA World Cup. NCTCOG will provide a 2022 Transportation Safety Performance Report to the RTC this summer to aid in getting the fatality rate turned around. He also highlighted names of additional NCTCOG

staff that worked on the Dallas-Fort-Worth High-Speed Transportation Connections Study, winner of the 2022 Women's Transportation Seminar's Innovative Transportation Solutions Award. Michael provided a copy of the Megaregions and America's Future book to all of the RTC members. Michael complimented Jeff Neal for his work on loading projects and grants for the US DOT competitive grant programs (Electronic Item 4.4). The August RTC meeting will be held on August 18 at the Irving Convention Center in coordination with the annual Irving Transportation Summit. The Innovative Transportation Technology Infrastructure Certification Program was briefly highlighted (Electronic Item 4.5). Michael announced new President/CEO for Trinity Metro, Richard Andreski. The remaining items were not presented.

5. **Transportation Alternatives Call for Projects:** Kevin Kokes provided an overview for the requested action from Regional Transportation Council to open the 2022 Transportation Alternatives (TA) Set-Aside Program Call for Projects for the North Central Texas Region. Approximately \$40-\$50M is anticipated to be available to fund active transportation projects, including Safe Routes to School (SRTS) projects, Safe Routes to Rail projects, and Safety-related improvements in the Urbanized Area of the North Central Texas region. Projects eligible for this program include the construction of an on- and off-road pedestrian and bicycle facilities, multi-modal connections to public transportation, SRTS-related education activities, and pedestrian and bicycle infrastructure that will substantially improve safety. Eligible project activities may include shared-use paths (trails), on-street bikeways, sidewalks, crosswalks, curb ramps, pedestrian and bicycle safety countermeasures and technology, protected intersections, and education activities for safe routes to school projects. Construction implementation projects – engineering and environmental phases are 100 percent locally funded and construction phases have a minimum of 20 percent local match. Safe routes to school education activities have a minimum 20 percent local match. Local matches must be cash or Transportation Development Credits (TDCs) with no in-kind contributions, agencies may request use of TDCs, in lieu of a local match, if qualified through the MTP Policy Bundle process, OR agencies may request Regional Transportation Council (RTC) TDCs (in lieu of a local match) for projects implementing the Regional Veloweb as identified in Mobility 2045 (2022 Update). Use of RTC TDCs will be limited to two applicants per agency. All proposed projects must be within one of the three urbanized areas (exceeding 200K population). Program rules along with required documentation are as follows: funding commitment, confirm the availability of the local match contribution or the requested use of TDCs in lieu of local cash match. Right-of-way/Easement property must be under public ownership. Projects with pending easements on private properties are not eligible. Project sponsor must execute an agreement (LPAFA) with TxDOT within one year of the funding award by the RTC. Projects must advance to construction within three years (or less) of the funding award by the RTC or the funding may be reprogrammed. Projects must be implemented consistent with the funding application as approved by the RTC and as included in the project agreement with TxDOT. The Call for Projects opens July 18, 2022, Call for Projects Workshop scheduled on July 19, 2022. The Call for Projects Closes with applications due by 5pm on September 9, 2022. Review of Projects and Scoring by NCTCOG Staff will be in the September through October time frame and the Public Meeting is held in November 2022. RTC action to approve Project Funding Awards scheduled on December 8, 2022. Submittal Deadline for TIP Modifications is January 27, 2023. The deadline for Project Sponsors to execute agreements with TxDOT is December 2023 and the deadline for Project Sponsors to open bids and obligate funds is December 2026. Additional information provided in Electronic Item 5.

A motion was made to approve open of Call for Projects on July 18, 2022, through September 9, 2022, elements related to eligible project areas, eligible activities, application

categories, funding and local match, program rules, and schedule as presented. Adam Balzaldua (M); Omar Narvaez (S). The motion passed unanimously.

6. **Disadvantaged Business Enterprise Program – Fiscal Year 2023 – 2025 Goal Update:** Ken Kirkpatrick requested Regional Transportation Council approval for the Disadvantaged Business Enterprise (DBE) Program requirements and schedule for updating the DBE Participation Goal for FY2023-FY2025. Certain recipients of federal funds are required to have a DBE Program and the North Central Texas Council of Governments (NCTCOG) is a recipient of those funds and is required to have a DBE Program. Federal guidelines require an updated DBE Goal every three years (with the new goal due August 1, 2022). The current goal of 19.4% covers FY2020-2022 and is active through September 30, 2022. Publication of the DBE goal is required as part of Request for Proposals and that DBEs are certified. In terms of high-level federal principals of the DBE Program, the basic component ensures non-discrimination in award of contracting activities that ensures a level playing field; it's tailored to meet federal Law; ensures DBE firms meet required eligibility standards, helps remove barriers to DBE participation, and assists in development of firms to compete outside of the DBE Program. Development of the DBE goals consists of a two-step process: 1) Determine the relative availability of ready, willing and able DBD firms that are established by the market area and include weighting by contract opportunities for FY23-25 to help establish a base figure, and 2) Consider other DBE data such as historical DBE expenditures, goals from other similar agencies in the Dallas-Fort Worth market, stakeholder comments, and public comments. Following preliminary DBE availability analysis of NCTCOG and its subrecipients and consideration of other DBE data, the proposed overall total weighted DBE goal for FY2023-FY2025 is 17.0 percent. STTC action was requested in June, and RTC and NCTCOG Executive Board action was requested in July. The goal will be submitted to the Federal Transit Administration on August 1 and the DBE program update and goals become effective on October 1, 2022. Electronic Item 6 included additional details.

A motion was made to approve the request for Regional Transportation Council approval of the 17 percent Disadvantaged Business Enterprise Participation Goal for Fiscal Years 2023-2025 for US Department of Transportation contracting opportunities. B. Glen Whitley (M); Omar Narvaez (S). The motion passed unanimously.

7. **Regional Parking Garage Policy and Funding; Potential Partnership with Dallas Area Rapid Transit:** Karla Windsor and Michael Morris requested Regional Transportation Council approval of funding recommendations for parking lot and garages related to major redevelopment projects, and a policy guiding these funding decisions was recommended. Additionally, two initial projects that would apply to this policy were proposed for regional funding, along with a funding partnership with Dallas Area Rapid Transit (DART). North Central Texas Council of Governments (NCTCOG) staff has received several parking-related funding requests from local governments that support strategic land-use developments. Past funding for parking facilities has been allocated following recommendations from area plans and stakeholder engagement. Mobility 2045 includes parking management and technology coordination in the land-use transportation connections program. To continue strategic investment in regional developments, staff recommended a regional parking facility funding policy be adopted by the Regional Transportation Council. Through the proposed policy, NCTCOG sought to support a limited number of publicly owned surface and structured parking for strategic purposes that generally meet criteria such as the reuse of public lands; advances safety; supports technology solutions and/or companies; supports special event use or location needs;

significantly changes the transportation/land use balance of an area and solves a transportation problem using land use solutions; supports transit; and provides environmental, air quality, and/or equity benefits. The policy would not create more auto trips at the expense of transit ridership but would be part of a funding partnership (gap funding); create efficient use of land to accommodate regional growth and fiscal resiliency; increase economic impact and expand transportation options, especially in historically disadvantaged communities; promote data-driven decisions and technology; and support air quality goals. The funding request was for the SMU/Mockingbird Station parking garage where currently 725 surface spaces exist and will be replaced with structured parking to enable mixed income, multi-family residential in phase 1 and future phases including mixed use, future hotel and office tower. Phase 1 of the mixed-income residential and site infrastructure development is \$117.8 million. The City of Dallas is contributing \$29 million to support Phase 1 development. The project will be located adjacent to the Dallas Area Rapid Transit (DART) Light Rail Station at the SMU/Mockingbird Station with a request for an underground public parking garage with 500 spaces on three levels. The cost estimate for the garage is \$31.2 million. DART has committed \$10 million, and the City of Dallas is requesting the RTC to fill the gap. NCTCOG staff recommended a maximum RTC commitment of \$20 million and the developer is working on cost savings to reduce the cost gap. The facility would be owned and operated by DART. The second funding request is for an 811-space parking garage at the Dallas Zoo. The project would be located adjacent to DART Light Rail Station at the Dallas Zoo and would also provide parking for the Southern Gateway Deck Plaza. The cost estimate for the project is \$21.5 million. The City of Dallas has committed \$3.5 million with \$10 million proposed with federal Surface Transportation Block Grant Program funds from the RTC and \$8 million to be paid by the Dallas Zoological Society (private donations). The project be owned by the City of Dallas. Discussions are underway regarding the potential fee structure for garage users.

With the proposed DART/City of Dallas Partnership, an approximate \$100 million partnership would be created with a \$10 million trade (federal to local) for the Zoo garage, \$20 million trade (federal to local) for the Mockingbird Station project (some funding elements of the \$20 million are still to be determined). The partnership would involve a request for a \$10 million Metropolitan Planning Organization (MPO) Revolver and the trade with DART/City of Dallas would create additional RTC local funding capacity in an amount to be determined. Electronic Item 7 contained additional details regarding the proposed policy, funding partnership, and the two projects proposed for funding. Following extensive discussion regarding the draft parking policy, requests for funding for the SMU/Mockingbird Station and Dallas Zoo parking garages, and the DART/City of Dallas funding partnerships, the following motions were made:

A motion was made to separate the three action items: Regional Parking Garage policy, funding partnership, and the two projects, SMU/Mockingbird Station and Dallas Zoo. Cara Mendelsohn (M); B. Glen Whitely (S). The motion passed.

A motion was made to table the Regional Parking Garage Policy. Cara Mendelson (M); Omar Narvaez (S). Mr. Narvaez offered a friendly amendment to characterize the motion as a "motion to delay" instead of a "motion to table", which was accepted. The motion to delay passed.

A motion was made to approve funding as presented for the SMU/Mockingbird Station parking garage project and City of Dallas Zoo parking garage project, and to direct staff to administratively amend the Transportation Improvement Program and other

planning/administrative documents to include these projects. George Fuller (M); Daniel Alemán Jr. (S). The motion passed.

A motion was made to direct staff to pursue a DART/City of Dallas funding partnership as presented. George Fuller (M); Omar Narvaez (S). The motion passed.

8. **Approval of US 75 Technology Lane for Partnership with Local Government and Texas Department of Transportation:** Michael Morris requested Regional Transportation Council approval of the Technology Lane and operation on US 75 between IH 635 and SH 121 in McKinney that is funded and ready for construction. If approved, staff proposes the removal of pylons and joint operation of all freeway lanes; an aggressive response to incidents and accidents for more reliability; advancement of green signal timing on frontage roads to bypass incidents; and begin, again, a permanent improvement plan for US 75. HOV and "alternate fueled vehicles including electric" vehicles can be used in the new lane 24 hours a day. Single Occupant Vehicles can use the inside lane 22 hours per day. The Regional Transportation Council directs staff to present this position to the representatives of Dallas and Collin Counties and the Cities of Dallas, Richardson, Allen, Plano, and McKinney for endorsement. Rick Grady mentioned his appreciation for the intent on this item because the economic impact on the citizens of Plano is approximately \$22 million per year in loss. The project has been endorsed by the Cities of Dallas, Richardson, Plano, Allen, and McKinney.

A motion was made to advance \$57 million in RTC funding, add green vehicles (alternative fuel and electric) to peak periods, and open accessibility to all vehicles on the weekends. Rick Grady (M); Omar Narvaez (S). The motion passed unanimously.

9. **Certification of the Regional Transportation Council for 2021 Federal Highway Administration and Federal Transit Authority (FHWA/FTA):** Ken Kirkpatrick presented on behalf of Michael Morris to the Regional Transportation Council regarding the Certification of the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth-Arlington, McKinney, and Denton-Lewisville Urbanized areas. MPO's are re-certified at least once every 4 years. Dallas-Fort Worth Transportation Management Area; Dallas-Fort Worth-Arlington Urbanized area, Denton-Lewisville Urbanized area, and McKinney Urbanized area. Overall conclusion: DFW TMA planning process is Certified and meets planning requirements under the Title 23 and Title 49. 20 review areas; 19 meets provisions, 1 marginally meets provisions, 2 recommendations, and 12 commendations. Electronic Item 9 contains the latest reporting materials from Federal Highway Administration and Federal Transit Administration. Chair Duncan Webb requested for everyone to look at the accommodations for this region and lucky we are. He also asked about the recommendation on updating the 2013. Ken Kirkpatrick responded that staff is looking at how to respond to that recommendation and will bring to RTC in the coming year.

10. **Fiscal Year 2022 Bridge Investment Program (BIP):** Due to extensive discussion and time constraints on a previous agenda item, this item was not presented and is postponed for a later date.

11. **2023 Unified Transportation Program (UTP) and Regional 10-Year Plan Update:** Christie Gotti briefed the Council regarding the proposed changes for the Regional 10-Year Plan Update, including two proposed funding exchanges related to the Southeast Connector project. Texas House Bill (HB) 20 requires that Metropolitan Planning Organizations (MPO) develop 10-Year Plans using performance-based planning and project selection methods.

Since December 2016, the Regional Transportation Council has annually approved a set of projects funded with Category 2 (MPO selected) and Category 4 (TxDOT District selected) funds and submitted for Texas Transportation Commission (TTC) consideration with Category 12 (TTC selected) funds that cover 10 years of highway projects. Since the last update in 2021, North Central Texas Council of Governments (NCTCOG) staff has coordinated with the TxDOT Dallas, Paris (Hunt County), and Fort Worth districts regarding updates to previously approved projects, as well as potential additions to the 10-Year Plan to be included in the 2023 Unified Transportation Program (UTP). In response to a March 1, 2022, deadline set forth by TxDOT, staff worked with TxDOT to draft a list that includes these project updates and potential new candidate projects. In recent weeks, feedback was received from TxDOT Headquarters regarding the region's funding requests. Christie highlighted that not all of the region's requested Category 2 funds were being picked up and noted that staff is in the process of coordinating with TxDOT to determine the reasons for that and a path forward. The principles for the development of the Regional 10-Year Plan and historical funding allocations to the region were briefly highlighted. As part of this update to the 10-Year Plan, proposals for a Category 2/Category 12 funding exchange are being made. The Southeast Connector project came in \$800M over the estimate. The project has been split into four pieces, with only the first one being fully funded. Funding is being pursued for only one additional segment at this time, which costs \$468 million. To address this funding gap on the Southeast Connector project, staff is proposing that Category 2 funds be removed from several out-year projects and be replaced with Category 12 funding in the 2023 UTP. The freed-up Category 2 funds would then be used on the \$468 million section of the Southeast Connector to advance it by February 2023. The projects with Category 2 funding which were proposed to change to Category 12 to offset the funding being added to the Southwest Connector segment are: TIP 13070/CSJ 0135-15-002 (\$283,996,800), TIP 13067/CSJ 0135-02-065 (\$120,000,000), TIP 13033.5/CSJ 0196-01-113 (\$61,486,864), and FM 428 Greenbelt (\$2,516,336) (after refunding project with \$50M). Instead of funding the FM 428 Greenbelt project, TxDOT is proposing to increase the amount of the swap on TIP 13070 by the same amount (to \$286,513,136). Surface Transportation Block Grant (STBG) funds are not being obligated as quickly as needed, so a Category 2/STBG funding exchange is also being proposed. \$97.9 million of Category 2 funds currently on a section of the Southeast Connector project are proposed to be exchanged with STBG funds. Since this Southeast Connector section can go to construction in Fiscal Year 2022, the region will be able to quickly reduce the carryover balance of STBG funds and take advantage of additional STBG funding that became available to the State. To complete the exchange, 15 projects across the region that are currently funded with \$97.9 million of STBG funds are proposed to be funded with Category 2 funds instead (refer to comment section in Planned Project list for specific projects). Maps displaying the proposed projects and their statuses, as well as other major capacity projects across the region were presented. Christie noted that staff would work on finalizing project selection/update efforts with TxDOT and bring the listings back for approval by the Committee and the RTC. Staff will request action from the Committee in July, RTC action in August, with TxDOT Public Involvement for 2023 UTP in July and August of 2022, and anticipated TTC approval of 2023 UTP in August 2022. Electronic Item 11.1 includes additional information about the process. Electronic Item 11.2 contains the proposed list of planned projects for the Regional 10-Year Plan. Electronic Item 11.3 contains the 10-Year Plan projects that have let or been completed. Michael Morris highlighted this has potential to receive almost \$500M additional funding. The East is pushing \$500 million to the West. Gyna Bivens commented in support of advancing the Southeast Connector project.

12. **Metropolitan Planning Organization Milestone Policy Round 2: Status Update**: Due to extensive discussion and time constraints on a previous agenda item, this item was not presented and is postponed for a later date.
13. **Fiscal Year 2022 Project Tracking**: Due to extensive discussion and time constraints on a previous agenda item, this item was not presented and is postponed for a later date.
14. **Regional Sidewalk Data Layer**: Due to extensive discussion and time constraints on a previous agenda item, this item was not presented and is postponed for a later date.
15. **Progress Reports**: Regional Transportation Council attendance was provided in Electronic Item 15.1 and Surface Transportation Technical Committee attendance and minutes in Electronic Item 15.2.
16. **Other Business (Old or New)**: There was no discussion on this item.
17. **Future Agenda Items**: There was no discussion on this item.
18. **Next Meeting**: The next meeting of the Regional Transportation Council (RTC) is scheduled for 1:00 pm, Thursday, August 18, 2022, at the Irving Convention Center.

The meeting adjourned at 3:05 p.m.