

MINUTES

SURFACE TRANSPORTATION TECHNICAL COMMITTEE February 24, 2023

The Surface Transportation Technical Committee (STTC) met on Friday, February 24, 2023, at 1:30 pm, in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following STTC members or representatives were present: Joe Atwood, Melissa Baker, Bryan Beck, Ceason Clemens, John Cordary, Jr., Clarence Daugherty, Chad Davis, Arturo Del Castillo, Caryl DeVries, Greg Dickens, Phil Dupler, Chad Edwards, Claud Elsom, Eric Fladager, Chris Flanigan, Eric Gallt, Ricardo Gonzalez, Tom Hammons, Ron Hartline, Barry Heard, Matthew Hotelling, John D. Hudspeth, Jeremy Hutt, Thuan Huynh, Joseph Jackson, Joel James, Kelly Johnson, Major L. Jones, Gus Khankarli, Eron Linn, Clay Lipscomb, Paul Luedtke, Chad Marbut, Alberto Mares, Wes McClure, Brian Moen, Mark Nelson, Jim O'Connor, Kevin Overton, Tim Palermo, Dipak Patel, Martin Phillips, Tim Porter, Greg Royster, Kathryn Rush, David Salmon, Brian Shewski, Randy Skinner, Cheryl Taylor, Jennifer VanderLaan, Gregory Van Nieuwenhuize, Daniel Vedral, and Robert Woodbury.

Others present at the meeting were: Vickie Alexander, Nick Allen, Thomas Bamonte, Taylor Benjamin, Lance Bokinskie, Jason Brown, Jackie Castillo, Cristina Criado, Cody Derrick, Kevin Feldt, Nathan Frohman, Rebekah Gongora, Duane Hengst, Amy Johnson, Wilson Kakembo, Dan Kessler, Ken Kirkpatrick, Chris Klaus, Kevin Kroll, Brady Lapres, Gabrielle Mann, Mindy Mize, Anthony Moffa, Michael Morris, Shannon Nance, Jenny Narvaez, Trey Pope, Vercie Pruitt-Jenkins, Samuel Simmons, Toni Stehling, Shannon Stevenson, Brendon Wheeler, and Amanda Wilson.

1. **Approval of January 27, 2023, Minutes:** The minutes of the January 27, 2023, meeting were approved as submitted in Electronic Item 1. Chad Edwards (M); Chris Flanigan (S). The motion passed unanimously.
2. **Consent Agenda:** The following items were included on the Consent Agenda.
 - 2.1. **Roadway Safety Plan:** A recommendation was requested for Regional Transportation Council (RTC) approval of the regional Roadway Safety Plan. The Plan was presented for information at the January 27, 2023, Surface Technical Transportation Committee meeting. From 2016 to 2020 the North Central Texas Council of Governments 12-county area experienced 3,752 fatalities and 19,405 serious injuries on its roadways. The regional Roadway Safety Plan was the first regionwide plan to eliminate all fatal crashes on area roadways by 2050 in accordance with safety positions adopted by the Regional Transportation Council and the Texas Transportation Commission. The Roadway Safety Plan included regionwide safety analyses, and identified safety emphasis areas, recommended safety countermeasures, and a High Injury Network, which was a prioritized list of the most dangerous roadway segments in the region. The regional Roadway Safety Plan serves as a guide for the implementation of future systemic safety projects and programs to work towards a goal of zero fatalities on the region's roadways by 2050. A draft version of the Roadway Safety Plan can be reviewed on the Transportation Safety web page: (<https://www.nctcog.org/trans/quality/safety/transportation-safety>) and additional details were provided in Electronic Item 2.1.

A motion was made to recommend Regional Transportation Council approval of Item 2.1 on the Consent Agenda. Gus Khankarli (M); Bryan Beck (S). The motion passed unanimously.

3. **Endorsement of Federal Railroad Administration Grant Programs:** Brendon Wheeler requested endorsement of Regional Transportation Council's (RTC) approval of intercity rail corridors/projects to be submitted for funding consideration and/or inclusion in future project development activities through two programs administered by the Federal Railroad Administration (FRA): Corridor Identification and Development Program and Federal-State Partnership for Intercity Passenger Rail Program. The Corridor Identification and Development (ID) Program creates foundational framework for identifying and developing new or improved intercity passenger rail services, setting up a pipeline of projects; Step 1: Corridor Development Initiation, Step 2: Service Development Planning, and Step 3: Project Planning/Development. The Federal-State Partnership (FSP) Intercity Passenger Rail Program (national program) advances project development and funds capital rail projects for new, expanded, or improved intercity passenger rail service, with preference for capital projects progressed from Corridor ID Program; Track 1: project planning, Track 2: project development, and Track 3: final design and construction. Funding availability for the Corridor ID Program is \$1.8 billion for Fiscal Years 2022-2026 overall with a maximum project award of \$500,000 for Step 1; letters of interest were requested by FRA when Corridor ID was established and published in the Federal Register on May 13, 2022. The Federal-State Partnership (FSP) Intercity Passenger Rail Program funding availability is \$4.6 billion for combined Fiscal Years 2022 and 2023 with at least \$12 billion available for the National FSP Program for Fiscal Years 2022 through 2026 from the Bipartisan Infrastructure Law. Corridors eligible for consideration in FRA's Corridor ID Program include intercity passenger rail corridors for future service by Amtrak like the Heartland Flyer and the Dallas-Fort Worth to Atlanta corridor. The RTC supports expansion of the Heartland Flyer service between Fort Worth and Oklahoma City (including increased frequency and additional station in Krum) through Letters of Support provided in 2008 and 2021. The RTC adopted Resolution (R22-01), reaffirmed Dallas-Fort Worth to Atlanta passenger rail corridor support in March 2022. Expressions of Interest for both of these corridors to be included in the Corridor ID Program were submitted to FRA by the Texas Department of Transportation (TxDOT) and others. The Fort Worth to Houston High-Speed Rail Corridor (including the Fort Worth to Dallas segment and the Dallas to Houston segment) have had Expressions of Interest submitted to FRA by North Central Texas Council of Governments (NCTCOG) (on Dallas to Fort Worth segment) and by TxDOT (on Dallas to Houston Amtrak Station). NCTCOG's desire is to combine both segments into one corridor and to get this corridor registered nationally as a high-speed rail corridor through the Corridor ID Program. As NCTCOG continues advancing Fort Worth to Dallas High Speed Rail through the federal environmental process and the Corridor ID program soon registers the entire Fort Worth to Houston corridor as one high-speed rail corridor, the Dallas to Houston segment may be a good candidate for the FSP National Program if submitted by an eligible entity. While eligible, NCTCOG would not be the appropriate entity to submit Dallas to Houston; NCTCOG will coordinate with Amtrak and TxDOT to find a suitable applicant and support the application based on RTC action. Electronic Item 3.1 included previous letters of support from the RTC for Amtrak's Heartland Flyer expansion. RTC's resolution, R22-01, reaffirming support for intercity passenger rail along the IH 20 corridor between Dallas-Fort Worth and Atlanta, Georgia was included in Electronic Item 3.2. Expressions of Interest submitted by NCTCOG and TxDOT for FRA's Corridor ID Program cited above were included as Electronic Item 3.3. Further information presented was found in Electronic Item 3.4.

A motion was made to endorse the Regional Transportation Council's approval of the intercity rail Corridor ID Programs: Fort Worth to Houston High-Speed Rail Corridor – directing staff to coordinate with Amtrak and Texas Department of Transportation (TxDOT) on integrated corridor application with primary applicant: Amtrak (preferred) or NCTCOG; Dallas-Fort Worth to Atlanta (Amtrak intercity passenger rail) – directing staff to support primary applications by others and provide letters of support; and Heartland Flyer (Amtrak intercity passenger rail) – directing staff to support primary applications by others and provide letter of support by application deadline of March 27, 2023. The Federal-State Partnership Intercity Passenger Rail Program: Dallas to Houston High-Speed Rail Corridor – directing staff to engage with Amtrak and TxDOT, support application by others and provide letters of support; and Dallas-Fort Worth to Atlanta (Amtrak intercity passenger rail) – directing staff to engage with Amtrak and TxDOT, to support application by others and provide letter of support by application deadline of April 21, 2023. Gus Khankarli (M); Daniel Vedral (S). The motion passed unanimously.

4. **Director of Transportation Report on Selected Items:** Michael Morris briefly highlighted several items for the Committee. Regarding Changing Mobility Data performance measures over the last several months, bike/pedestrian is four percent above, toll road usage is up four percent, airport passengers have increased two percent, freeway volumes are up one percent, and transit ridership is 36 percent below all pre-COVID levels. Additional details were highlighted and provided in Electronic Item 4.1. The United States Department of Transportation (US DOT) announced its Safe Streets and Roads for All (SS4A) Grant Program Awards. The Metropolitan Mobility Plan has received federal approval of air quality conformity. This approval allows current and future multimodal improvements in the long-range plan to move forward. The North Central Texas Council of Governments Transportation Department recently began accepting applications for Round 5 of its Metropolitan Transportation Plan Policy Bundle Program. The program allows local governments to put in sweat equity on policies to reduce the local match needed for federal transportation projects by using Transportation Development Credits (TDCs) instead of local funds. Congested levels and population of the Dallas-Fort Worth region was provided and compared to other similar sized and larger areas in the country. Natalie Bettger of NCTCOG and her team were recognized for providing the charts on congestion levels and population that was presented and included in Electronic Item 4.2. Development of the FY2024 and FY2025 Unified Planning Work Program has been initiated and staff will soon request project ideas from local governments.
5. **Federal and State Legislative Update:** Nicholas Allen provided an update on federal, and State legislative actions related to transportation and air quality issues affecting the Dallas-Fort Worth area. Transportation issues continue to be a focus for both the United States Congress and the Texas Legislature. Senate Commerce, Science, and Transportation organizational hearing was held February 9, 2023; Senator Ted Cruz (R-TX) is the ranking member. Senate Environment and Public Works organizational hearing held February 1, 2023; Senator Tom Carper (D-DE) selected as Chair. Texas Legislature dates of interest: November 14, 2022, the Bill filing for the 88th Texas Legislature began; January 10, 2023, the 88th Session of the Texas Legislature convened; March 10, 2023, is the Bill filing deadline (excluding local bills); May 29, 2023, is the final day of the 88th regular session; and June 18, 2023, is the last day the Governor can sign or veto bills. Nicholas provided information on Bills of interest regarding transportation funding: Senate Joint Resolution (SJR) 37/House Joint Resolution (HJR) 77 Constitutional amendment would add public transportation, bicycle paths, and sidewalks to the uses of Proposition 1 funds; SB 225 would eliminate the expiration date for Proposition 1 in statute, making the funding stream

permanent; and SCR 2 would extend the expiration dates for Proposition 7 to 2042 for the \$5B/biennium from general sales tax, and to 2039 for the portion of Proposition 7 from motor vehicle sales tax. Bills of Interest regarding Electric Vehicles (EVs) include House Bill (HB) 2236 prohibits Texas Department of Transportation (TxDOT) from accepting National Electric Vehicle Infrastructure (NEVI) funding and using state money for Texas Electric Vehicle Infrastructure Plan (TEVIP). HB 2027 proposes a \$1,200 tax on new Electric Vehicles (EV). HB 2028 proposes an annual \$300 EV renewal fee. HB 2191 develops plans for the EV charging infrastructure through 2040, sets standards for public EV charges; must be registered, maintained, inspected by the Texas Department of Licensing and Registration, EV charging prices & fees must be disclosed, changes existing EV state rebate to an incentive. HB 1259 would require TxDOT to submit funding reports to the Legislature on United Transportation Program (UTP) funding categories, public private partnerships, and a feasibility study on alternative delivery methods; and HB 1638 would require TxDOT to conduct a study on the state's projected transportation needs and costs for 2045 and appoints a committee for guidance. Bills of interest on the topic of safety include HB 1639/HB 1885 which would allow the Texas Transportation Commission to establish variable speed limits to address certain conditions that affect the safe movement of traffic. HB 1855 would designate highway safety corridors for roadways with a high number of crashes, doubling fines. Three bills have been filed that are proposed to redistribute the Low-Income Vehicle Repair and Replacement Assistance Program and Local Initiatives Projects (LIRAP/LIP) funds to counties for transportation/air quality purposes (HB 1175; HB 1351; SB 607).

- 6. Major Source Emissions Fee Requirements (Section 185):** Jenny Narvaez presented an update on potential federal requirements for stationary source fees resulting from recent reclassification. The Environmental Protection Agency (EPA) reclassified the Dallas-Fort Worth ozone nonattainment area from serious to severe on November 7, 2022, with a July 20, 2027, attainment deadline. Attainment based on ozone monitor values for years 2024, 2025, and 2026. Per EPA, attainment is reached when, at each monitor, the Design Value (three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration) is equal to or less than 75 parts per billion (ppb). The Federal Clean Air Act (FCAA) 185 fee is a penalty imposed if an area fails to meet its severe attainment deadline. The fee applies to major sources of ozone precursor emissions located in the ozone nonattainment area. Ozone precursor emissions are nitrogen oxides (NOx) and volatile organic compounds (VOC) in the ozone nonattainment area. If the region does not attain 2008 ozone standard by July 20, 2027, the fee may begin by 2028. If the Texas Commission on Environmental Quality (TCEQ) does not impose the fee, the EPA will impose the fee with interest; revenue is not returned to the state. Section 185 fee baseline is the lower of either actual ozone precursor emissions (NOx and/or VOC) or permitted emissions for 2027 attainment year for major sources. The fee is required each year after the missed attainment deadline until the area is redesignated as attainment by the EPA. Charged annually based on the tons of actual ozone precursor emissions that exceed 20 percent of baseline amount. EPA-published fee rate for calendar year 2022 was \$11,122 per ton, fee is adjusted by inflation. Estimated Section 185 fee obligation for region could be as much as \$45 million in 2028. Clean energy and transportation funding opportunities references detailed in the presentation. Open funding opportunities; new clean vehicle tax credits funds with federal tax credit of up to \$7,500 for the purchase of a light duty plug-in electric or fuel cell vehicle or up to \$40,000 for heavy duty plug-in electric or fuel cell vehicle. Texas natural gas vehicle grant program (TNGVGP) provides funds to replace medium and heavy-duty gasoline and diesel vehicles with natural gas vehicles. Emissions Reduction Incentive Grants (ERIG) funds repower or replace older locomotive, marine, stationary

equipment, or select non-road equipment to reduce NOx emissions in ozone nonattainment areas. Energy Efficiency and Conservation Block Grant program (EECBG) funds energy efficiency and conservation, and electric vehicles and electric vehicle infrastructure. New Technology Implementation Grant (NTIG) funds new technology for stationary sources, oil, and gas projects, and electricity storage to offset the incremental cost of the implementation of existing technologies that reduce the emissions of pollutants from facilities and other stationary sources in Texas. New funding opportunities in the future will be posted at www.nctcog.org/AQfunding. DFW Section 185 Fee: the eight-hour ozone standard important dates: November 7, 2022, EPA reclassified Dallas-Fort Worth to severe nonattainment; spring of 2025, potential proposal of the TCEQ Section 185 Fee Program; fall of 2025, potential adoption of the TCEQ Section 185 Fee Program, November 7, 2025 – TCEQ Section 185 Fee Program due to EPA; January 1 through December 31, 2026, attainment year for the 2008 eight hour ozone standard; and 2028, if attainment date is missed, fee potentially imposed.

7. **Freight Optimization Project Update:** Thomas Bamonte updated the Committee on the Freight Optimization Project and opportunity for involvement by local partners. In September 2020 the Regional Transportation Council approved a project to optimize the movement of freight vehicles through signalized intersections between freight hubs and expressways in the Dallas-Fort Worth region Additional information provided in Electronic Item 7.1. In addition to providing time savings for freight vehicles, the project should deliver improved traffic flow for all vehicle types, reduced vehicle emissions, and safety benefits. The project combines green light optimized speed advisory (GLOSA) plus freight signal priority solutions. The project will scale to 500 traffic signals, 10 host agencies, 10 Automatic Vehicle Locator suppliers, and 5,000 trucks supported simultaneously. No new vehicle or roadside equipment is required, there is no cost to host agencies, host agencies retain control of their signals, and there is a performance incentive in the vendor contract. Program benefits include better air quality, increased multi-modal safety, reduced congestion, better commute times, improved route efficiency, increased revenue, decreased costs, and availability for all truck fleets and drivers with a smartphone on board, regardless of size. Additional details are provided at the project website, www.freightpriority.com. The project website includes a tool for stakeholders to identify freight-heavy intersections for possible inclusion in the project.
8. **Fiscal Year 2024 – Fiscal Year 2025 Policy Bundle – MTP Policy Bundle Round 5:** Amy Johnson provided an overview of the Metropolitan Transportation Plan (MTP) Policy Bundle Round 5. The MTP Policy Bundle Program was created to encourage entities such as local governments, school districts, and transportation agencies to voluntarily adopt at least a minimum of 50 percent of the list of policies identified in the Mobility 2045 Update Policy Bundle. By adopting these policies, participating entities will receive Transportation Development Credits (TDCs) to offset local funds as matching funds for federal transportation projects. Round 1 started in 2016 with 11 awardees, round 2 began in 2017 with 15 awardees, round 3 was initiated in 2018 with 14 awardees, round 4 started in 2020 with 22 awardees, and round 5 began taking applications on February 1, 2023, with an early deadline of March 31, 2023, and final deadline of May 31, 2023, at 5:00 pm. Eligible entities include cities, counties, independent school districts, and transit authorities. The policies included in Round 5 have been updated as part of the Mobility 2045 Update process and scoring has changed. TDCs are now allocated by points, there are multiple points available for most policies. Detailed data for points per policies was presented in Electronic Item 8. The rules are one application accepted per entity, you must apply each round, even if you've been awarded in the past, TDCs awarded must be used within two fiscal years of Regional

Transportation Council approval of awards, and eligible projects that can utilize TDCs are new federal projects which are eligible for federal roadway or air quality funds. Amy highlighted the steps to get started: 1) an application should be requested on the North Central Texas Council of Governments website (www.nctcog.org/policybundle), 2) once the application is received, a link to the online application will be emailed to the requestor, 3) a list of policies can be downloaded from the website or viewed at Policy Explorer ([Policy Bundle Explorer \(arcgis.com\)](http://Policy Bundle Explorer (arcgis.com))), gather documentation, and submit application. Policies included clean fleets, idling restrictions, comprehensive air quality action plan (CAP), uncrewed aircraft systems, stormwater management, sustainable tire recycling, equity, freight-oriented development, railroad safety, intelligent transportation systems integration, and roadway safety improvement to name a few.

9. **Status Report on Vehicle Temporary Tags and Fraudulent Emissions Testing:**

Anthony Moffa provided an update on improper vehicle inspections and vehicle registrations involving temporary tags, and highlighted recent legislative efforts that aim to reduce their prevalence. There continues to be significant fraudulent vehicle registrations in the form of fictitious paper tags as well as improper vehicle inspections. Vehicles utilizing these fraudulent paper tags have been used to conceal crimes and to circumvent proper emissions inspections leading to a significant loss of revenue at a state, county, and local level; exploiting vehicle purchasers; and risking officer safety. These fraudulent tags are bought, sold and used in crimes to conceal identity in all 50 states. Anthony highlighted clean scanning which is hooking up a vehicle that will pass an annual vehicle emissions test in place of a vehicle that would otherwise fail. Inspection facilities are able to do hundreds of vehicles a day oftentimes without even having the owner's vehicle present, and a vehicle is given a passing inspection even though it should have failed, creating a potentially large air quality impact. Legislatively, a bill has been proposed to eliminate the paper tag altogether. Other bills have been proposed in support to returning fees collected by residents back to counties for implementation of regional air quality and transportation of regional air quality and transportation initiatives. Electronic Item 9 contained additional details.

10. **Fast Facts:** The following fast facts were provided by NCTCOG staff:

Cody Derrick noted that the 2022 Transportation Development Credit (TDC) Annual Report for the Dallas-Fort Worth region was provided in Electronic Item 10.1. The report details the TDC allocations and projects approved in fiscal year 2022 by the Regional Transportation Council.

Savana Nance noted the Air Quality Funding Opportunities for Vehicles website, www.nctcog.org/aqfunding, which is updated with air quality funding opportunities for available vehicles and programs. The Texas Commission on Environmental Quality (TCEQ) has opened a grant under the Emissions Reduction Incentives Grants Program. Applications are due to TCEQ by 5 pm, Tuesday, April 4, 2023.

Savana Nance highlighted upcoming Dallas-Fort Worth Clean Cities events and noted that on Wednesday, March 22, 2023, at 1:00 pm, DFW Clean Cities is collaborating with Oncor to host a webinar on the Oncor Clean Fleet Partnership Program. Registration for the event and additional information on Clean Cities events is located at <https://www.dfwcleancities.org/events>.

Trey Pope highlighted the Local Clean Air Project Spotlight on the replacement project for the DHL Supply Chain. DHL was awarded two all-electric terminal tractors (yard trucks); 100

percent NOx emissions reduction implemented in November of 2022 with an awarded amount of \$313,733 and total project cost of \$697,185. Additional information was provided in Electronic Item 10.2.

Kimberlin To announced the 2022 winners for the Air North Texas Partner Awards. All awards recipients provided at <https://www.airnorthtexas.org/partnerawards22>.

Jackie Castillo mentioned that the North Central Texas Council of Governments will be hosting a public meeting on March 13, 2023, at 12:00 pm. Presentations will be provided on federal and local partnerships with Dallas Area Rapid Transit and the City of Dallas, the COVID-19 Infrastructure Program Transit Partnership (Round 2), and State Implementation Plan and Section 185 requirements. Proposed modifications to the List of Funded Projects will be provided for online review and comment (no presentation). More information provided in Electronic Item 10.3.

Taylor Benjamin noted that the Public Comments Report, which contained general public comments received from December 20, 2022, through January 19, 2023, was provided in Electronic Item 10.4.

Partner Progress Reports were provided in Electronic Item 10.5.

11. **Other Business (Old or New)**: There was no discussion on this item.
12. **Next Meeting**: The next meeting of the Surface Transportation Technical Committee is scheduled for 1:30 pm on March 24, 2023.

Meeting adjourned at 3:07 PM.