

## MINUTES

### **REGIONAL TRANSPORTATION COUNCIL January 8, 2015**

The Regional Transportation Council (RTC) met on Thursday, January 8, 2015, at 1 pm in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following members or representatives were present: Douglas Athas, Brian Barth, Carol Bush, Mike Cantrell, Sheri Capehart, Rudy Durham, Andy Eads, Charles Emery, Gary Fickes, Robert Franke, Sandy Greyson, Mojoy Haddad, Kelly Selman (representing Bill Hale), Roger Harmon, Vonciel Jones Hill, Clay Jenkins, Ron Jensen, Jungus Jordan, Sheffie Kadane, Geralyn Keever, Stephen Lindsey, Laura Maczka, David Magness, Scott Mahaffey, Matthew Marchant, Maher Maso, John Monaco, Mark Riley, Kevin Roden, Danny Scarth, Lissa Smith, Mike Taylor, Stephen Terrell, Oscar Trevino, Williams Velasco II, Oscar Ward, Bernice J. Washington, Duncan Webb, Glen Whitley, Kathryn Wilemon, and Zim Zimmerman.

Others present at the meeting were: Bill Agan, Vickie Alexander, Nancy Amos, Christopher Anderson, Bruce Arfsten, Antoinette Bacchus, Melissa Baker, Simona Barbu, Berrien Barks, Bryan Beck, Brandi Bird, Michael Burbank, Pamela Burns, David Cain, Bryon Campbell, Drew Campbell, Angie Carson, Michael Copeland, Mike Curtis, Ruben Delgado, Kim Diederich, Eric Dominguez, Chris Dyer, Caitlin Eames, Chad Edwards, Angelia Ekholm, Megan Everett, Kevin Feldt, Camille Fountain, Matt Geske, Tony Hartzel, Rebekah Hernandez, Jodi Hodges, Tim Juarez, Dan Kessler, Ken Kirkpatrick, Paul Knippel, Dan Lamers, April Leger, Sonny Loper, Mark Lorance, Stanford Lynch, Ricky Mackey, Barbara Maley, Will McDonald, Jeni McGany, Chad McKeown, Nancy Mitchell, Cesar Molina, Martin Molloy, Rebecca Montgomery, Erica Mulder, Mickey Nowell, Kevin Overton, Vivica Parker, Brinton Payne, James Powell, Vercie Pruitt-Jenkins, Chris Reed, Bill Riley, Kyle Roy, Greg Royster, Moosa Saghian, Russell Schaffner, Kenneth Schoew, Les Selensky, Walter Shumac, Randy Skinner, Tom Stallings, Jahnae Stout, Dean Stuller, Gerald Sturdivant, Vic Suhm, Matt Thompson, Dan Vedral, Jimmy Vrzalik, Leslie Wade, Elizabeth Whitaker, Harrison Wicks, Adrienne Williams, Amanda Wilson, Brian Wilson, and Ed Wueste.

1. **Approval of the December 11, 2014, Minutes:** The minutes of the December 11, 2014, meeting were approved as submitted in Reference Item 1. Gary Fickes (M); Andy Eads (S). The motion passed unanimously.
  
2. **Consent Agenda:** The following item was removed from the Consent Agenda by staff.
  - 2.1. **2015 – 2018 Transportation Improvement Program Modifications:** Christie Gotti noted that the Texas Department of Transportation had requested to remove one of its previously requested projects, Modification Number 2015-0198 from the modifications in Reference Item 2.1.1, because the project was not ready to move forward. All other modifications remained the same. A motion was made to approve the February 2015 revisions to the 2015 – 2018 Transportation Improvement Program provided in Reference Item 2.1.1 with the one change noted by staff. Administrative amendments from the November 2014 cycle were provided for information in Electronic Item 2.1.2.

Kathryn Wilemon (M); Sheri Capehart (S). The motion passed unanimously.

3. **Orientation to Agenda/Director of Transportation Report:** Dan Kessler provided an update regarding the 2040 Demographic Forecast process, noting that staff was currently conducting local review of the traffic survey zones that make up the Metropolitan Planning Area. Additional details will be provided to members at the February 12, 2015, Regional Transportation Council (RTC) meeting and presented for Executive Board adoption in the spring. Michael Morris discussed recent special events in the region and thanked those involved for their efforts. In addition, he discussed the status of the Trinity Parkway and Southern Gateway projects and noted that additional details will be presented at a future meeting. He also highlighted the Proposition 1 agenda item. He noted that while significant effort will be placed on advancing the Southern Gateway, Proposition 1 funds will not be used. Proposition 1 funds will be proposed for the highest-priority project in the State, the SH 360/IH 30 Interchange. Air quality funding opportunities for vehicles were provided in Electronic Item 3.1, Clean Cities Clean Fleet annual reporting information was provided in Electronic Item 3.2, December public meeting minutes were provided in Electronic Item 3.3, and a fact sheet with information regarding roundabouts was provided in Electronic Item 3.4. In addition, recent correspondence was provided in Electronic Item 3.5, recent news articles in Electronic Item 3.6, and transportation partner progress reports were provided at the meeting. Mike Taylor discussed Proposition 1 amounts related to oil prices. Mr. Morris noted that the amount of Proposition 1 funds for the first year has been registered, previous to any changes in gas prices.
  
4. **Incident Management Call for Projects:** Natalie Bettger presented funding recommendations for the Incident Management Equipment Purchase 2014 Call for Projects that was opened from June to August 2014. The purpose of the Call was to assist partner agencies in purchasing equipment and technology that aid in quick incident response and clearance. Public sector partner agencies within the 10-county nonattainment area that were actively involved in incident management were eligible to apply. Eligible activities included the purchase of equipment and technology used in mitigating crashes. Personnel and staffing charges were ineligible. A total of \$2 million was available for incident management and technology purchases with approximately \$1.32 million in the eastern subregion and \$680,000 in the western subregion. Applications were received from 19 agencies totaling 61 projects. Approximately \$1 million was requested in the eastern subregion and \$808,000 in the western subregion. Ms. Bettger reviewed the scoring criteria and available points for each category. Details were provided in Electronic Item 4.2. In addition, she presented recommendations for funding. Slightly over \$1 million was recommended for projects in the eastern subregion, including all projects that were submitted. In the western subregion, approximately \$676,000 was recommended for funding. Three projects were not recommended for funding. A summary of recommendations was provided in Reference Item 4.1. She noted that recommendations were presented to the Regional Safety Advisory Committee, the Surface Transportation Technical Committee, and at recent public meetings. Charles Emery asked if there was any special consideration or focus on areas with construction. Ms. Bettger noted that there was no specific scoring criteria category for construction, but that entities were able to describe if the project would aid in work zone incident management within the equipment description and explanation category. Mr. Emery discussed recent experiences on SH 183 and how those experiences may be useful for IH 35E. Ms. Bettger noted that staff could contact agencies involved in the upcoming IH 35E project to provide assistance regarding work zone incident management. Michael Morris discussed cities that had recently partnered to create a consistent protocol across several jurisdictions and offered that the North Central Texas Council of Governments could host a meeting with Denton County and impacted entities. Glen Whitley asked how the remaining \$300,000 in the eastern subregion would be used. Ms. Bettger noted that the

funds would be set aside for a future call for projects. Mr. Whitley noted that funding was reduced in the western subregion for two projects in the staff recommendation. Ms. Bettger noted two entities each submitted applications and the two applications received the same score. Staff recommended funding each of the entities of portion of their requests. A motion was made to approve the Incident Management Equipment Purchase 2014 Call for Project recommendations provided in Reference Item 5.1, which included the use of Congestion Mitigation and Air Quality Improvement Program funds and Transportation Development Credits. The motion also included approval for staff to administratively amend the Transportation Improvement Program/Statewide Transportation Improvement Program to include all Incident Management Call for Project recommendations in the region. Glen Whitley (M); Oscar Trevino (S). The motion passed unanimously.

5. **Support for North Central Texas Council of Governments' Comments on the Dallas-Fort Worth State Implementation Plan Revision and Other Air Quality Updates:** Chris Klaus presented proposed comments on the Dallas-Fort Worth State Implementation Plan (SIP) revision. North Central Texas Council of Governments (NCTCOG) staff has reviewed the document, which includes reference to local initiatives submitted by the NCTCOG in August 2014 and Texas Commission on Environmental Quality (TCEQ) staff recommendations to replace currently incorporated on-road emission inventories with updated on-road emission inventories. Staff proposed to transmit comments to the TCEQ regarding these items during the open comment period ending January 30, 2015. Comments will include suggesting the utilization of recently developed, updated on-road emission inventories that have been transmitted to the TCEQ but not yet incorporated into the proposed Dallas-Fort Worth SIP. Recent inventories based on new models and assumptions have higher tons per day for both nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) than the currently incorporated inventories. The accuracy of these inventories are important because they set the threshold for future transportation conformity for the long-range transportation plan and the Transportation Improvement Program. Secondly, comments will include a request to retain reference to NCTCOG local initiatives as part of the Dallas-Fort Worth SIP. Mr. Klaus also discussed 2014 Transportation Conformity for the Mobility 2035 – 2014 Amendment. Staff has been working with interagency consultation partners to progress to Federal Highway Administration (FHWA) approval of transportation conformity. On December 23, 2014, the United States Court of Appeals vacated the attainment deadline of December 31 for the current ozone standard. As a result of this decision, the EPA and FHWA are apprehensive to grant any conformity determinations until further guidance is received. NCTCOG staff has transmitted questions to the EPA and FHWA to determine how long it may be before a decision is reached and what are the region's options so that Regional Transportation Council members can be updated about the impacts of the potential delay. Lastly, Mr. Klaus noted the EPA's requirement to periodically consider revision of the ozone standard. In November 2014, a proposed rule was released by the EPA indicating consideration of a new ozone standard of 65-70 parts per billion (ppb). The EPA is also accepting public comments for an ozone standard as low as 60 ppb. He noted a lower ozone standard could become effective as soon as December 1, 2015. A motion was made to approve NCTCOG staff to transmit comments to the TCEQ regarding its recommendation: 1) to replace older on-road emission inventories with the newer NCTCOG-prepared on-road emission inventories and 2) to retain incorporation of NCTCOG's qualitative list of local initiatives that will provide additional air quality benefits and further reduce precursors to ground-level ozone formation. Jungus Jordan (M); John Monaco (S). The motion passed unanimously.

6. **Regional Transportation Council Conflict of Interest Procedure:** Ken Kirkpatrick presented a proposal to formalize the Regional Transportation Council (RTC) conflict of interest procedures. RTC Bylaws and Operating Procedures require RTC members to adhere to the conflict of interest procedures in Local Government Code Chapter 171 and the Code of Ethics of their respective entities. Local Government Code Chapter 171 defines substantial interest, requires the filing of an affidavit with the official record keeper, and requires abstention of voting on any matter where there is substantial interest. Texas Transportation Code Section 472.034 specifically addresses standards of conduct that apply to policy board members and employees of metropolitan planning organizations. Mr. Kirkpatrick highlighted how to determine whether a conflict exists and discussed the definition of substantial interest. Details were provided in Reference Item 6.1 and included the proposed formalized RTC Conflict of Interest Procedure. If a conflict exists, members should complete and have notarized a Conflict of Interest Affidavit, provided in Reference Item 6.2, to be filed with the RTC record keeper. Members were encouraged to consult with RTC Legal Counsel concerning potential conflict of interest questions prior to completing the affidavit. Once received, staff will notify the RTC Chair of the filing of an affidavit and abstention. The RTC member must abstain from any discussion, vote, or decision on the item and leave the meeting room prior to discussion and vote on the item. The minutes of the RTC meeting will reflect the filing of the affidavit, abstention, and time the member left and returned to the meeting. Bernice J. Washington asked if the proposed form was specifically for RTC items and if members who have left meetings in the past were fulfilling requirements of their respective entities or RTC requirements. Staff noted that members who have left meetings in the past were likely complying with their own entities requirements as well as RTC's requirements. The proposal presented is an effort to formalize the RTC process so that it is clear and uniform among members. It was also noted that the affidavit is specific to items of conflict that arise on the agenda. Mike Taylor asked if members representing a group of cities needed to be aware of other's conflicts. Mr. Kirkpatrick noted that the conflict is related to the member representing the group at the meeting. Duncan Webb asked if the statute requires that members indicate what type of interest is believed to be a conflict and if an interest in a blind trust impacts the submission. Mr. Kirkpatrick noted that based on the statute, members must declare the type of conflict. In addition, he noted that an interest in a blind trust does not likely impact the submission but that this could be discussed outside of the meeting. A motion was made to approve the Conflict of Interest Procedure outlined in Reference Item 6.1 and the use of the Conflict of Interest Affidavit as provided in Reference Item 6.2. Bernice J. Washington (M); Mike Taylor (S). The motion passed unanimously.
  
7. **Proposition 1 and Funding the Metropolitan Transportation Plan – Draft Listings:** Michael Morris presented the latest developments regarding Proposition 1 funds and draft project listings developed in partnership with the Texas Department of Transportation (TxDOT) Dallas and Fort Worth Districts. The Dallas-Fort Worth (DFW) region is anticipated to receive approximately \$367 million in year one, with approximately half of projects selected by the Regional Transportation Council (RTC) and half by the region's TxDOT districts. The Legislature is seeking innovative teamwork and focus on areas where citizens travel, so staff has partnered with the TxDOT Dallas and TxDOT Fort Worth Districts to pool funds for project selection and have also reached out to other Metropolitan Planning Organizations (MPOs) and TxDOT districts to demonstrate its interest is selecting projects that benefit the entire State. Proposition 1 will provide \$1.74 billion to the State Highway Fund in the first year. The Legislative Budget Board has responded favorably to the recommendation that 40 percent of the funds be allocated to MPOs, which resulted in additional funds being received by the region. Staff's recommendation will be that every

county should get a project in the first four years since every county voted in strong support of Proposition 1. As a result, staff will be looking at projects for a four-year period. Only one year of funds has been allocated, but it is important to consider future years in order to determine the best projects. To be conservative, staff has estimated approximately \$210 million for years two, three, and four. Mr. Morris highlighted the six guiding principles for Proposition 1 funding, specifically noting greater focus on the transportation system to create opportunities for statewide benefits. The focus areas include state requirements that projects be on the interstate highway system or state highway system, are traditional roadway projects (no transit, bicycle/pedestrian, or toll roads), are ready to let by December 2015, and that no supplanting of project funds will be allowed. Staff recommends that additional projects be identified in years two, three, and four and that all counties may receive a project by year four. TxDOT and the North Central Texas Council of Governments (NCTCOG) have inventoried potential projects and continue efforts to develop a draft project list. Mr. Morris noted that a subset of project listings may need to proceed prior to the February 12, 2015, RTC meeting and requested that members give NCTCOG staff authority to move these projects to letting if applicable in order to be strategic and receive competitive pricing. Projects selected in the first year must be environmentally cleared and consistent with the Metropolitan Transportation Plan. Staff will be sensitive to existing projects with funding shortfalls with greater focus on capacity rather than maintenance. Mr. Morris also discussed equity by county, noting that the east/west equity allocation will be maintained across the four years and that there will be sensitivity to equitable distribution between counties across the four-year period. Mr. Morris highlighted anticipated near-term partnerships to move ahead with the SH 360/IH 30 Interchange in the west, the Southern Gateway (IH 35E and US 67), as well as the Proposition 1 Funding Program. The SH 360/IH 30 Interchange will have significant implications and will limit Proposition 1 funding for other projects in the western subregion in year one. It may also require some financial partnership with RTC and TxDOT Headquarters. Conversations will continue regarding this effort. Parallel to Proposition 1 funding efforts is the funding of the Southern Gateway project in the eastern subregion. Additional details will be presented regarding the Southern Gateway at a future meeting. Reference Item 7, provided at the meeting, contained a draft listing of proposed projects separated by district and county. Details included whether the funding was for capacity or maintenance, project limits, total cost, proposed Proposition 1 funding amounts, anticipated environmental clearance and let dates, and other comments. Members were asked to review the draft listing and provide comments. Matthew Marchant noted that he agreed that all counties should receive funding, but that it was important that proposed projects address the congestion areas in which all citizens are driving because it impacts everyone. Mr. Morris reminded members that approximately half of the funds are selected by the MPO and half by TxDOT, who also has a need to fund maintenance and safety projects.

8. **Public Participation Plan Revisions:** Amanda Wilson presented proposed updates to the Public Participation Plan that documents how the North Central Texas Council of Governments (NCTCOG) Transportation Department informs and gathers input from North Texans and includes as attachments the Language Assistant Plan and the policy for making modifications to the Transportation Improvement Program (TIP). Federal regulations outline the basic requirements for public involvement, but NCTCOG seeks to go beyond the requirements. Revisions were proposed in the fall and presented at public meetings in September. A draft of the document was provided in Electronic Item 8.1 and available at [www.nctcog.org/meetings](http://www.nctcog.org/meetings) for review and comment through February 11. The Public Participation Plan was last updated in March 2010, provided in Electronic Item 8.2. Since that time, many changing communications trends have been observed and staff has

identified new and more effective ways to reach and engage the public. Proposed revisions maintain transparency while public participation continues to be a priority for all plans, programs, and policies. The revisions provide greater emphasis on aligning outreach and public input opportunities to the significance of the milestones or outcomes under consideration. Ms. Wilson noted that proposed revisions were consistent with a public input survey conducted earlier in 2014 and public meetings that were held in June and September, as well as the most recent federal certification review. A variety of formats to allow public engagement will continue, including traditional public meetings, media, and community events. Recent efforts to improve outreach were highlighted such as adding Google Translate to the Web site, expanding media lists to include community news sources and additional minority publications, and using more visuals and infographics. Upcoming efforts will include stakeholder interviews to expand connections and increase understanding of audiences throughout the region, new formats and opportunities to provide input such as telephone town halls, and consideration of a more comprehensive schedule of public meetings. Staff will also focus on making public involvement more efficient and effective and propose to use more video and online strategies such as shifting to online public review and comment opportunities for routine items such as Unified Planning Work Program modifications and quarterly TIP modifications. This will allow staff to reserve public meetings for development of plans, programs, and policies, as well as other significant changes. Staff will continue to announce all public input opportunities and offer printed copies of materials if requested. The 30-day public review and comment period will also continue. Proposed revisions outline a process to make administrative changes to the long-range transportation plan similar to administrative amendments to the TIP. Finally, through the revision staff would like to clearly define public involvement for ongoing efforts such as publishing the annual listing of projects and the Federal Transit Administration program of projects. In addition, the Language Assistant Plan is proposed to include revisions to incorporate updated demographic information and connect communications and outreach efforts with evaluation criteria. Ms. Wilson reminded members that comments would be accepted on the draft Public Participation Plan through February 11 and action requested at the February 12, 2015, Regional Transportation Council meeting. Matthew Marchant asked if staff had considered establishing a centralized, consistent location for public meetings. Ms. Wilson noted that the proposed Public Participation Plan was not intended to be that specific, but that the strategy was a good suggestion that staff can put into place.

9. **Progress Reports:** Regional Transportation Council attendance was provided in Reference Item 9.1, Surface Transportation Technical Committee meeting attendance and minutes were provided in Electronic Item 9.2, and the current Local Motion was provided in Electronic Item 9.3.
10. **Other Business (Old or New):** There was no discussion on this item.
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 Thursday, February 12, 2015, 1:00 pm, at the North Central Texas Council of Governments.

The meeting adjourned at 2:30 pm.