

## MINUTES

### REGIONAL TRANSPORTATION COUNCIL

March 12, 2015

The Regional Transportation Council (RTC) met on Thursday, March 12, 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, Bruce Wood (representing Carol Bush), Sheri Capehart, Rudy Durham, Andy Eads, Charles Emery, Mark Enoch, Gary Fickes, Robert Franke, Mojoy Haddad, Darrell Cockerham (representing Roger Harmon), Vonciel Jones Hill, Greg Giessner (representing Ron Jensen), Jungus Jordan, Geralyn Keever, Stephen Lindsey, Bruce Arfsten (representing Laura Maczka), Scott Mahaffey, Mark Riley, Amir Rupani, Danny Scarth, Kelly Selman, Lissa Smith, Mike Taylor, Stephen Terrell, William Velasco II, Oscar Ward, William Meadows (representing Bernice J. Washington), Duncan Webb, Glen Whitely, Kathryn Wilemon, and Zim Zimmerman.

Others present at the meeting were: Vickie Alexander, Jasper Alve, Nancy Amos, Taylor Armstrong, Melissa Baker, Berrien Barks, Carli Baylor, Jon Blackman, Mike Branum, Bob Brown, Jason Brown, Ron Brown, Michael Burbank, Matthew Burgess, Jarrett Burley, Mark Collier, Angie Carson, Lori Clark, Michael Copeland, Jim Crites, Bill Crolley, Mike Curtis, Clarence Daugherty, Ruben Delgado, Kim Diederich, Jerry Dittman, David Dryden, Chad Edwards, Brittney Farr, Rob Fifarek, Brian Flood, Kenneth Fuller, David Gattis, Bob Golden, Christie Gotti, Richard Harper, Duane Hengst, Rebekah Hernandez, Robert Hinkle, Jodi Hodges, Terry Hughes, Karen Kahn, Dan Kessler, Roger Kittrell, Paul Knippel, Dan Lamers, April Leger, Rachel Linnewiel, Sonny Loper, Ana Lozano, Paul Luedtke, Stanford Lynch, Indira Manadhar, Mike Miles, Cliff Miller, Amy Moore, Jose Morales, Michael Morris, Elizabeth Mow, Tom Muir, Erica Muldek, Jose Murillo, Jenny Narvaez, Bruce Nipp, Mickey Nowell, Kevin Overton, Vaughn Parker, Vivica Parker, Dan Perry, James Powell, Vercie Pruitt-Jenkins, Chris Reed, Bill Riley, Kyle Roy, Greg Royster, Elias Sassoon, Lori Shelton, Walter Shumac, Tammy Sims, Randy Skinner, Chelsay Smith, Jim Sparks, Jahnae Stout, Sarah Stubblefield, Vic Suhm, Gary Thomas, Karla Weaver, Sandy Wesch, Elizabeth Whitaker, and Amanda Wilson.

1. **Approval February 12, 2015, Minutes:** The minutes of the February 12, 2015, meeting were approved as submitted in Reference Item 1. Robert Franke (M); Gary Fickes (S). The motion passed unanimously.
2. **Consent Agenda:** The following item was included on the Consent Agenda.
  - 2.1. **Unified Planning Work Program Modifications:** A motion was made to approve modifications to the FY2014 and FY2015 Unified Planning Work Program provided in Reference Item 2.1.1. Details were provided in Electronic Item 2.1.2.  
  
Robert Franke (M); Kathryn Wilemon (S). The motion passed unanimously.
3. **Orientation to Agenda/Director of Transportation Report:** Michael Morris recognized Geralyn Keever for her years of service on the Regional Transportation Council (RTC). Dan Kessler presented demographic information requested by members at the February 12, 2015, RTC meeting. He reviewed forecasts developed from 1985 to 1987 for projections of population and employment in the region to the year 2010 compared to actual data from the 2010 Census. Overall, the North Central Texas Council of Governments' (NCTCOG's) forecast for the year 2010 was lower by approximately 1 million people. He noted that

control totals from external sources were used in the development of projections. When original forecasts were developed, NCTCOG projected slightly higher percentages of growth in Tarrant and Dallas Counties and lower percentages of growth in Collin and Denton Counties than what actually occurred. In order to avoid this kind of difference between projections and what actually occurs, NCTCOG staff now uses a model validation process. By setting the current model back to the year 2000 and performing analyses for 2005 and 2010, staff can compare this data to the actual data from the 2010 Census and calibrate the current model to verify forecasted growth. In most cases, the current model is within 1-2 percent for the 2010 validation year. Mr. Morris highlighted an invitation to RTC members to attend the 2015 Infrastructure Forum presented by the Dallas Regional Chamber on March 17, 2015. He provided a Proposition 1 update, noting that Proposition 1 went well at the recent Texas Transportation Commission meeting. In addition, he noted that April 9 is Please Stand Up 4 Transportation and that the ozone season official began on March 1. Air Quality funding opportunities for vehicles were provided in Electronic Item 3.2, information regarding National Car Care Month was provided in Electronic Item 3.3, and information on the Environmental Protection Agency's proposed reclassification of the Dallas-Fort Worth nonattainment area was provided in Electronic Item 3.4. A flyer announcing the 2015 Federal Transit Administration Programs Call for Projects for Job Access & Seniors and Individuals with Disabilities was provided in Electronic Item 3.5. Mr. Morris noted that development of the FY2016 and FY2017 Unified Planning Work Program has begun and that correspondence has been transmitted to agencies regarding planning study and technical assistant requests. An air quality fact sheet was provided in Electronic Item 3.6, information regarding a March public input opportunity was provided in Electronic Item 3.7, Disadvantaged Business Enterprise Program concurrence was provided in Electronic Item 3.8, and travel demand management performance measures were provided in Electronic Item 3.9. In addition, recent correspondence was provided in Electronic Item 3.10, news articles in Electronic Item 3.11, and press releases in Electronic Item 3.12. Partner progress reports were provided at the meeting.

4. **Comments to the Environmental Protection Agency Regarding Proposed Rule: National Ambient Air Quality Standards for Ozone:** Chris Klaus highlighted air quality activity in the region over the past year and focused on the Environmental Protection Agency's (EPA's) recently proposed new ozone standard. Details were provided in Electronic Item 4.1. As part of its five-year National Ambient Air Quality Standards review process, the EPA proposed a new eight-hour ozone standard of 65-70 parts per billion (ppb) with comments being accepted for a standard as low as 60 ppb. In addition, EPA proposed that the ozone season be extended to the end of November of each year. The changes would require the EPA to develop a new air quality index based on the new standard and would add additional counties to the nonattainment area. The public comment period for the proposed new standard closes March 17, 2015. Reference Item 4.2 includes five categories of comments proposed for submittal to the EPA. Comments include encouraging the EPA: 1) not to implement the extended ozone season in the Dallas-Fort Worth (DFW) nonattainment region, 2) to establish guidance on assessing the impact of background and transport ozone on the DFW air shed, 3) to review the equitability of how Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds are dispersed, 4) to establish a national committee to revise transportation conformity rules, and 5) to revisit the five-year National Ambient Air Quality Standards review timetable. Mr. Klaus discussed background and transport ozone, noting that on a given day levels as high as 50 ppb traverse into the nonattainment ozone area that are out of the region's control. While the EPA recognizes background and transport ozone, it does not identify how a region can incorporate these when developing air quality plans. He also discussed comments regarding

CMAQ funding. As more counties are added to the nonattainment area due to the lower standard, the allocation for CMAQ funding remains the same. CMAQ is important in order to implement local control projects that reduce emissions. In addition, conformity has become a long, antiquated process that should be streamlined. Comments propose establishing a national committee to revise transportation conformity rules to help streamline the process. Finally, modernizing the air quality standard review frequency is important to avoid facing multiple standards at the same time in the future. Mike Taylor asked if there is a point of diminishing return regarding attainment of the standards. Mr. Klaus noted that to date, the region has met every standard at some point and that comments suggest that EPA does not take into consideration the economic impacts resulting from continuously trying to reduce a standard for which a region has less and less control. Mr. Morris noted that as the standard is lowered and background/transport ozone remains an issue, the ability to influence air quality is reduced. Mr. Klaus noted that staff does not disagree with the standards set by the scientific community to protect public health. However, as standards improve over time the rules to implement those standards and to reach compliance have not been updated. Comments are directed towards providing the region with tools to meet the standards. A motion was made to authorize the Regional Transportation Chair to submit comments to the EPA no later than March 17, provided in Reference Item 4.2, on the new ozone standard proposed by the EPA. Vonciel Jones Hill (M); Oscar Ward (S). The motion passed unanimously.

- 5. State and Federal Legislative Updates:** Amanda Wilson provided an update regarding federal legislation. Appropriations subcommittees continue to meet on Fiscal Year 2016 appropriations, and all discussions have been to maintain current funding levels. The House has passed the Passenger Rail Reform and Investment Act of 2015, but the Senate has not begun work on this initiative. Congress must address funding the Highway Trust Fund, a Moving Ahead for Progress in the 21<sup>st</sup> Century extension, Federal Aviation Administration (FAA) reauthorization, as well as rail reauthorization. Ms. Wilson also provided an update regarding the Texas Legislature. She encouraged members to monitor e-mails about committee hearings and bills filed that may be related to the Regional Transportation Council (RTC) Legislative Program. In addition, as committees begin hearing bills letters of support for bills on the RTC Legislative Program will be provided. Staff will bring bills not related to RTC Legislative Program before the RTC. Legislation is moving positively for two items on the RTC Legislative Program to actively pursue: identify additional transportation revenue and support full funding for the AirCheckTexas program. She noted that the House Transportation Committee has created a new subcommittee on long-term transportation infrastructure planning. Regarding the State budget (HB 1/SB 2), House Appropriations and Senate Finance continue to meet, with a significant difference in funding. In addition, baseline funding has been approved by the House for both Low-Income Repair and Replacement Assistance Program (LIRAP)/Local Initiative Projects (LIP) and the Texas Emissions Reduction Plan (TERP). A total of \$81 million for each program per year is pending and has gone to the exceptional items portion of the appropriations while work is being completed on HB 7. HB 7 is a cleanup of the general revenue dedicated accounts to determine an appropriations cap and to look at efforts outside of the appropriations cap that would give some flexibility for TERP and LIRAP funds. There is also work being done that would directly appropriate all of the funds to counties. Related to transportation revenue, Ms. Wilson noted SB 5 and SJR 5 that would dedicate the first \$2.5 billion of the motor vehicle sales tax per year for general revenue. The next \$2.5 billion would go to the State Highway Fund for non-tolled roadway projects with additional funds split 50/50 between the State Highway Fund and general revenue. She also noted that staff was reviewing several other bills related to diversions, fees to the State Highway Fund, and local registration. Regarding

public-private partnerships, three comprehensive development agreement bills have been filed related to IH 35 in Travis County and FM 1925 in South Texas. SB 1045 has also been filed and would allow the Texas Department of Transportation to enter into a design-build contract on IH 635E, but not as a toll road. Bills of interest related to AirCheckTexas program funding include HB 1030 that would give counties flexibility to determine their participation in the repair and replacement component and would expand LIP funding to any project that would improve air quality. HB 1961/SB 922 would allow the program to operate at the county level. Two bills of interest regarding high-speed rail have been introduced. HB 1876 requires notification to legislators and county judges about a rail project and HB 1889 would require county or municipality approval of a project that would travel through its area. Ms. Wilson highlighted additional topics of interest, specifically noting those related to the RTC Legislative Program to support and monitor. These include bills filed related to aviation encroachment, unmanned aircraft systems, and safe passing distances for bicycle/pedestrian unprotected road users. Related to transit, bills have been introduced regarding passenger rail liability and how the Texas Mobility fund can be used. In addition, the RTC previously had a position on allowing a pilot program using shoulders for buses during congested period. A bill has been filed that would allow Tarrant County to participate in a pilot program. Finally, a bill has been filed that would prohibit Federal Transit Administration funds from being used on rail projects. Under eminent domain, related bills would remove private toll road company or corporation eminent domain authority. Numerous red light camera bills have been filed, as well as bills that would require live broadcasting of all Metropolitan Planning Organization (MPO) public meetings, as well as require voting members of an MPO policy board to be elected officials. Several bills have been filed regarding toll roads and managed lanes. Staff requested that members approve a letter of support for HB 735 that would establish a program to collect information on the number of alternatively fueled vehicles registered in Texas through the vehicle registration process. This would help provide emissions reduction data, forecast revenue, monitor performance measures, and streamline new requirements. In addition, staff discussed two bills that are not part of the RTC Legislative Program. HB 1944/SB 678 is related to liability for passenger rail facilities and would cap the total liability for an incident or an accident when a railroad company allows passenger rail transit on its rail system. Ms. Wilson noted that the bill seems specific to the Denton County Transportation Authority. HB 20 is related to long-range planning and creates an advisory committee for project selection. Staff will review these bills and provide the text to members to review prior to discussion at the April 9 RTC meeting. Jungus Jordan noted that there appears to be a critique of local control as a common theme throughout the State Legislature and expressed the important role that local agencies have in providing solutions for air quality and transportation within their regions. Mr. Morris stated that some bills would move away from federal rules that give MPO policy boards flexibility to set their own voting structures. The RTC led the nation in having voting representatives on the policy board from transportation providers such as the airport, transit agencies, and toll road partners. The ability of the Legislature to contradict federal requirements is an area that staff will be reviewing and we will seek action not just for the importance of local control, underscored well by HB 20, but also where it reaches across federal protections, representation, and flexibility of investment. Danny Scarth also noted the importance of local control. A motion was made to provide a letter of support for HB 735 that would allow the State to collect information on the number of alternatively fueled vehicles registered in Texas. Jungus Jordan (M); Oscar Ward (S). The motion passed unanimously.

6. **SH 360 Update: A Reduction in Regional Transportation Council Risk:** Michael Morris presented an update on the SH 360 project. The procurement process has come back from the Texas Department of Transportation (TxDOT) and the entire length of the project is able

to be built. Several options were available for the \$300 million and offers from the design-build contractor indicate they will be able to finish the frontage road system, all tolled lanes to US 287, and the next phase of the interchange at SH 360 and US 287. The unit cost of maintenance is lower than TxDOT estimated and more revenue will be available since more of the project is able to be completed. This greatly lowers the Regional Transportation Council's risk with regard to the \$300 million loan to the State. Additional details will be presented in the future.

7. **Texas Department of Transportation – Transportation Alternatives Program Call for Projects:** Karla Weaver provided an update regarding the Transportation Alternatives Program (TAP) Call for Projects opened on January 16, 2015, by the Texas Department of Transportation (TxDOT). Approximately \$52 million in federal funds is estimated to be available, and the submission deadline is 5 pm central time on May 4. As designated by Moving Ahead for Progress in the 21<sup>st</sup> Century, 50 percent of the funds were provided to departments of transportation statewide, 33 percent went to metropolitan planning organizations with urbanized areas over 200,000, and 17 percent was available to TxDOT for cities or areas outside the urbanized areas with populations less than 200,000. The 50 percent provided to departments of transportation statewide is estimated to be approximately \$300-\$400 million in strategic priority project funds that will be partnerships with the Texas Transportation Commission. If entities are not eligible for the 17 percent and have a project that is ready to go but was not ready for the North Central Texas Council of Governments (NCTCOG) TAP Call for Project, entities should discuss the project with their district engineer. Projects will be determined on a case-by-case basis. Ms. Weaver highlighted a map showing the large urbanized areas that would not be eligible for the current call for projects, including the Dallas-Fort Worth-Arlington and Denton-Lewisville Urbanized Areas. There are over 100 cities in the region that are outside the urbanized area and 55 cities that are on the border or cross the border of the urbanized areas that may be eligible for the current TxDOT TAP Call for Project. A TAP Workshop was hosted by the NCTCOG on March 10, 2015, and facilitated by representatives from the Dallas, Fort Worth, and Wichita Falls TxDOT District offices. Information, including the application and criteria for the call for projects, is available at [www.nctcoq.org/TAP](http://www.nctcoq.org/TAP). Letters of support from NCTCOG are required and should be requested no later than April 20, 2015.
8. **Sustainable Development Regional Mobility Initiatives Report:** Karla Weaver presented the Sustainable Development Regional Mobility Initiatives report, a publication that highlights sustainable development successes over the past 14 years. In 2001, the Sustainable Development Funding Program was created by the Regional Transportation Council (RTC) to utilize existing system capacity, improve rail mobility, promote mixed use, and improve access management. Ms. Weaver highlighted project criteria for the three Sustainable Development calls for projects held since 2001. A total of 81 projects have been funded; 59 construction projects, 20 planning projects, and 20 pilot projects for land banking. Over \$144 million has been invested, including 80 percent through RTC award and a minimum 20 percent local match. Projects were highlighted, and it was noted that projects always occurred within infill or investment areas, main streets, historic downtowns, along rail, etc. Ms. Weaver discussed each of the three calls for projects, noting the type of funds utilized for each and the length of time it took to complete projects. Use of RTC Local funds, swapped for federal funding, allowed for timelier implementation of projects by using local government knowledge in the procurement, design, inspection, and approval process. A main focus of Sustainable Development has been transit oriented development (TOD), which is land planning and building orientation geared toward encouraging pedestrian activity and transit use. Approximately 66 percent of sustainable development funding has

supported TOD, and the many benefits of investments near rail were highlighted. Regionally, approximately 10,900 residential units and over 3.5 million square feet of commercial space that at full occupancy would accommodate 10,300 jobs has been added. These investments are near many large employers, schools, and shopping centers. Ms. Weaver also highlighted funded planning projects that are often the forethought that is necessary for sustainable development. Staff's next effort will be to clean up appraisal data and look at the impact of land use around investments, as well as identify funds for a 2015/2016 call for projects. Mr. Morris discussed staff efforts to determine the type of call and source of funds for a future call for projects, as well as management and operation efforts.

9. **Transit Elements in the Cotton Belt Corridor: Vehicle Manufacturing Facility, TEX Rail Line Support, and Technical Assistance to Town of Addison:** Michael Morris provided a status report on various aspects of the Cotton Belt Corridor included in the long range transportation plan. In the west, the Fort Worth Transportation Authority (The T) TEX Rail line is progressing towards implementation. The Federal Transit Administration (FTA) has again proposed funding in the President's budget for this effort. Even though the funding may not be approved, the FTA will likely hold the funding and eventually propose a full funding grant agreement to The T. This will allow for implementation of the rail line from downtown Fort Worth to the AB Station at the Dallas/Fort Worth (DFW) International Airport. In advance of this, The T has begun the procurement process for vehicles and are negotiating with a vendor that has also provided vehicles to the Denton County Transportation Authority. The region now has an option to purchase vehicles while also creating an incentive for a manufacturing facility to potentially locate in the region. The vendor is looking at sites in Dallas, Tarrant, and Denton Counties. He reminded members that the North Central Texas Council of Governments (NCTCOG) is not involved in the location of the facility, but is working to maximize options through additional vehicle purchases. Staff will also work with the Governor regarding his interest in the manufacturing facility and will continue conversations with the Texas Department of Transportation. In the east, Dallas Area Rapid Transit (DART) is looking into a bus rapid transit system. Staff will be requesting more information regarding this and other DART planning activities for a rail system to the AB Station at the DFW International Airport and present additional information to members at the April 9 RTC meeting. Mr. Morris also noted that the Regional Transportation Council (RTC) preserved Texas Mobility Funds to build the bridge over the DFW Connector which will permit rail vehicles to come from both the east and the west into the AB Station. This project will go to construction in the near future. In addition, he discussed frustration from the City of Addison. The City of Addison has been contributing money into the DART system since 1984 and is seeking assistance with DART to carry out its rail commitment to the community. With current restraints, it may be many years before DART is able to address rail in Addison. Staff is brainstorming to determine the best options to assist the City. Also in the east, Lee Kleinman is working to redevelop areas in north Dallas and is interested in a people-mover system that connects the area with the regional rail system. As staff develops the next long-range transportation plan, rail and rail stations are being included as part of this effort. Mr. Morris also discussed an e-mail received by RTC members regarding transit. Staff has prepared a document, provided at the meeting as Reference Item 7, discussing the importance of transit. He noted that providing many choices will make the region more successful. Restrictions that limit choices are where attention must be focused, so it will be important to develop consensus on how to move forward with the Cotton Belt Corridor. Mark Enoch noted that DART is looking at bus rapid transit for the Cotton Belt, as well as rail and all solutions that might work with the strengths of DART and the cities along the corridor. Jungus Jordan noted that that it would be helpful

to have a one page document that explains how the region builds its system through building free lanes and leveraging toll lanes when no other choices are available. Mr. Morris noted that both the Legislature and Representative Linda Koop have asked for a similar piece, and that staff would provide this leverage/system piece at the April 9 RTC meeting. Bruce Arfsten discussed the City of Addison's frustration of being an original DART member city that has contributed funds but not yet received rail. He discussed transit oriented development in Addison and how critical rail is to the development. Mike Taylor discussed public-private relationships such as on the North Tarrant Express and noted that members need to develop better communication to the taxpayer that toll facilities help pay for the maintenance, operation, and expansion of roadways allowing for taxpayer funds to be spent on other projects. Everyone is fighting for no tolls, but officials need to understand what exactly the public means by those statements. Mr. Morris also discussed the importance of improving and continuing public communication.

10. **Unmanned Aircraft Systems Update:** Michael Mallonee provided an update regarding Unmanned Aircraft Systems (UAS), current regulations, and the impacts to North Texas. UAS is defined as an unmanned aircraft, as well as the associated support equipment such as the control station, data links, telemetry, communications, and operator. They range in size as well as complexity. Benefits of unmanned aircraft systems were highlighted, including law enforcement applications and commercial opportunities that benefit from this type of technology. The Federal Aviation Administration (FAA) is challenged with how to integrate this technology into the existing national air space system, and guidance is primarily in two categories: civil and government uses. Included in the civil category is commercial use, which is prohibited unless an exemption is granted by FAA. Also included in the civil category is hobbyist users, where the most interest has been seen. Use is authorized for hobby or recreational purposes only and includes specific guidance. Mr. Mallonee noted that this is the area in which staff believes work is needed to educate citizens in the region. The government category of users includes the military and public agencies, the most active of which operates through a Certificate of Authorization where FAA permits public agencies to use for public good on a case-by-case basis. Mr. Mallonee also reviewed regulation by the State of Texas, HB 912, related to images captured by unmanned aircraft, noting the allowable collection of images. Related UAS crash incidents were highlighted, as well as the importance of operator education. NCTCOG's Airport System Plan recommendations recognized the need to monitor the technology and its impacts to the region, especially in the region's airport system. Recommendations include tracking regional UAS operations, planning for operation in the region, and communicating with local communities, FAA, and stakeholders in the region. Staff has worked through the Air Transportation Technical Advisory Committee to document areas of concern, hold UAS workshops, and develop an online information clearinghouse available at [www.nctcog.org/uas](http://www.nctcog.org/uas). A regional guidance report has also been drafted through the committee and details will be presented to members in the future. Mr. Mallonee noted that Electronic Item 3.10 contains correspondence with FAA related to UAS. Michael Morris discussed FAA's interest in NCTCOG working with local governments to review ordinances around airports, and is also talking to NCTCOG about potentially leading the country in how to development an ordinance around an airport. In addition, he discussed the shortage in aviation staff in the future and the opportunity to encourage hobbyist's interest into formal aviation careers. Sheri Capehart noted that in the last legislative session, law enforcement's hands were tied while the public's were not and discussed regulation and the protection of privacy. Mr. Mallonee discussed the issue of privacy and the importance of the region working with FAA to address issues associated with UAS. He noted that a UAS Workshop was anticipated at the beginning of April 2015.

11. **Progress Reports:** Regional Transportation Council attendance was provided in Reference Item 11.1, and the current Local Motion was provided in Electronic Item 11.2.
12. **Other Business (Old or New):** Vonciel Jones Hill highlighted discussion documented in the minutes from the February 12 Regional Transportation Council meeting regarding the Trinity Parkway and Southern Gateway projects. She noted that she was not present, but referenced the discussion concerning opposition to the projects. She also noted a meeting with Senator West on Saturday, March 21 at the University of North Texas Dallas Campus where the Southern Gateway and Trinity Parkway projects will be discussed and for which she noted there is strong support in the southern and southeast portions of the City of Dallas by the citizens who are most impacted and most benefited by the projects.
13. **Future Agenda Items:** There was no discussion on this item.
14. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for Thursday, April 9, 2015, 1:00 pm, at the North Central Texas Council of Governments.

The meeting adjourned at 2:50 pm.