

MINUTES

REGIONAL TRANSPORTATION COUNCIL March 9, 2023

The Regional Transportation Council (RTC) met on March 9, 2023, at 1:00 pm in the Transportation Council Room. The following members or representatives were present: Daniel Alemán Jr., Dennis Bailey, Rick Bailey, Elizabeth Beck, Gyna Bivens, Alan Blaylock, Ceason Clemens, Jorga Clemson (representing Ron Jensen), Dianne Costa, Michael Crain, Theresa Daniel, Janet DePuy, Michael Evans, Gary Fickes, George Fuller, Raul Gonzalez, Barry Gordon, Rick Grady, Lane Grayson, Mojoy Haddad, Clay Lewis Jenkins, Brandon Jones, Pham Long (representing Jim Ross), B. Adam McGough, Cara Mendelson, Ed Moore, Raj Narayanan, Omar Narvaez, Manny Ramirez, David Salazar, Chris Schulmeister, Jeremy Tompkins, Oscar Trevino, William Tsao, Duncan Webb, Chad West, and Michele Wong Krause.

Others present at the meeting included: Vickie Alexander, Micah Baker, Thomas Bamonte, Berrien Barks, Natalie Bettger, Alberta Blair, David Boski, Jason Brown, Laura Cadena, Jack Carr, Molly Carroll, Curt Cassidy, Lori Clark, Dina Colavossi, Will Conway, Jeff Coulter, Clarence Daugherty, Brian Dell, Caryl DeVries, Chris Dyser, Kevin Feldt, Brian Flood, Rebekah Gongora, Quintanilla Guillermo, Paulette Hartman, Tony Hartzel, Robert Hinkler, Vince Invergo, Joel James, Dan Kessler, Gus Khankarli, Ken Kirkpatrick, Chris Klaus, Tracey Knight, Dan Lamers, Sonya Landrum, Eron Linn, Paul Luedtke, Dillon Maroney, Mary McPherson O'Shaughnessy, Erin Moore, Michael Morris, Mark Nelson, Andrew Pagano, Donald Parker, Michael Peters, John Polster, Kelly Porter, James Powell, Vercie Pruitt-Jenkins, Tito Rodriguez, Kathryn Rotter, Randy Skinner, Chelsea Smith, Toni Stehling, Shannon Stevenson, Lauren Trimble, Brendon Wheeler, Brian Wilson, Amanda Wilson, and Casey Wright.

1. **Opportunity for Public Comment on Today's Agenda:** This item allows members of the public an opportunity to comment on agenda items. Regional Transportation Council Chair Duncan Webb asked if there were any public comments. No members of the public chose to speak at the meeting or provide written comments.
2. **Approval of February 9, 2023, Minutes:** The minutes of the February 9, 2023, meeting were approved as submitted in Electronic Item 2. Rick Grady (M); Theresa Daniel (S). The motion passed unanimously.
3. **Consent Agenda:** There were no items on the Consent Agenda.
4. **Orientation to Agenda/Director of Transportation Report:** Michael Morris briefly highlighted that he was called to a Dallas City Council and Dallas Area Rapid Transit (DART) Board meeting to mediate regarding costs differences of approximately \$30 million regarding the DART Silver Line rail. Michael mentioned the Federal Transit Administration Low or No Emissions Grant since there is a deadline approaching of April 13, 2023. He announced the public meeting date for the US 75 Technology Lane Hearing on March 16, 2023, and expressed appreciation for the partnership with Ceason Clemens and Texas Department of Transportation and RTC Chair Duncan Webb's collaboration. The Transportation Development Credit (TDC) Annual Report with details, provided in Electronic Item 4.1, was noted. The completion of phase 2 of the COVID-related Transit Program was mentioned. Regional Transportation Council members were reminded of the Medal of Honor Museum luncheon on March 20, 2023. Michael

highlighted that there were a significant number of safety items on the agenda. He highlighted Round 5 of the Fiscal Year 2024 – 2025 Metropolitan Transportation Policy Bundle with an application deadline of 5:00 pm, May 31, 2023. Addition details provided at www.nctcog.org/policy/bundle. The remaining items were not presented.

5. **Federal Functional Classification System Amendments:** Dan Lamers requested Regional Transportation Council (RTC) approval of 44 new amendments to the currently approved Federal Functional Classification System (FFCS), as well as provided an update on the status of the series of FFCS amendments previously approved between 2013 and 2022. While inclusion in the FFCS is based on a roadway's purpose and functioning capabilities, it is also used to determine eligibility for federal funding. North Central Texas Council of Governments (NCTCOG) staff is working with Texas Department of Transportation (TxDOT) on the 44 amendments of which 29 amendments are within the TxDOT Dallas District, 14 amendments are within the TxDOT Fort Worth District, and 1 amendment is within both the TxDOT Dallas and Paris Districts. The amendments are needed to resolve the current Transportation Improvement Program (TIP) exceptions and the out-of-cycle updates require an amendment. The Regional Transportation Council (RTC) previously approved a series of 28 FFCS amendments in 2013, 2018, 2020, and 2022, of which 5 were approved by the Federal Highway Administration (FHWA), 8 cancelled by local governments, and 15 pending FHWA approval. These amendments involve the construction of new roadways and improvement of existing roadways that are included in the current 2023 – 2026 Transportation Improvement Program (TIP). These amendments are necessary to lift FFCS related TIP exceptions applied by the FHWA. New location of freeways/realignments require addition to the FFCS. NCTCOG staff is working with TxDOT to resolve the status of the 15 pending amendments and will report back when additional information is received. The US 380 Bypass was first included in the Mobility 2045 update in June of 2022 and TxDOT is setting alignment through a current study. RTC action requested designation of US 380 Bypass as a realignment in the FFCS and final alignment will carry recommended FFCS designation. This agenda item will be brought back to the RTC for further action to implement these projects.

A motion was made to approve the 44 amendments to the Federal Functional Classification System and transmit the approved amendments to the Texas Department of Transportation and Federal Highway Administration. Clay Lewis Jenkins (M); Dianne Costa (S). The motion passed unanimously.

6. **Roadway Safety Plan:** Sonya Landrum requested Regional Transportation Council (RTC) approval of the newly developed Regional Roadway Safety Plan including analysis, High Injury network, recommended countermeasures, and next steps. A Roadway Safety Plan provides a framework for identifying, analyzing, and prioritizing roadway safety improvements on local roads. It serves as a guide to identify crash factors which contribute to a high number of fatal and serious injuries. Appropriate safety projects and countermeasures are then selected. The overall goal is to eliminate fatal crashes by 2050. The Systemic Safety Analysis approach, which this plan is based on, evaluates crash risk across an entire roadway system instead of managing risk at specific locations. This method helps identify what types of roadways and roadway characteristics produce fatal and serious injuries in the future. The goals for roadway safety are to eliminate fatal crashes from all modes of travel by 2050, prioritize safety in roadway project selection and provide guidance on countermeasure development to partner agencies, prioritize safety in roadway project selection and provide guidance on countermeasure development to partner agencies, prioritize safety in roadway project selection and provide guidance on

countermeasure development to partner agencies, work with partners to foster a culture of safety that utilizes the safe systems approach; and develop behavioral and educational countermeasures to address dangerous driving behaviors, implement a proactive approach to roadway safety to identify problems before they occur, and work with police to effectively enforce traffic rules and traffic management professionals to improve quick clearance strategies. The Systemic Safety Analysis approach evaluates risk across an entire roadway system versus managing risk at specific locations. Eight crash types or “emphasis areas” were identified in this analysis as having produced a high number of fatal and serious injuries. However, it is also helpful to identify roadways that have a history of a high number of fatal and serious injuries known as a High Injury Network. This network can be used to help prioritize safety improvements in the region and be used in tandem with the findings of the systemic analysis. The third step in the Systemic Safety Analysis approach identifies potential countermeasures for each of the eight emphasis areas. Safety countermeasures can be any action undertaken to decrease the risk of a crash occurring or to reduce the severity of a crash. Countermeasures may involve engineering upgrades, behavioral education campaigns, traffic enforcement programs, or emergency response. Countermeasure selection should be data-driven and risk-based. Next steps will be to prioritize safety projects, programs, and policies by developing a list of high-priority safety improvement projects scheduled for implementation. This considers both high-crash locations and system-wide analysis. Note that this step will occur after the Roadway Safety Plan is completed. RTC regionwide safety program funding summary for Fiscal Year 2024 through 2026 includes funding for Bike/Pedestrian Education and Engineering - \$12 million; Roadway Operations, Engineering, and Intercity Connections - \$25 million; Speed Education and Enforcement - \$9 million; and \$4 million for other safety projects and programs. The draft final Roadway Safety Plan was presented to the Surface Transportation Technical Committee (STTC) and RTC for information in January and February 2023, respectively. STTC recommended RTC approval of the Roadway Safety Plan February 24, 2023, meeting. The final Roadway Safety Plan and Appendices are scheduled for publication in April 2023. Additional details presented in Electronic Item 6.

A motion was made to approve the newly developed Roadway Safety Plan and direct staff to incorporate the recommendations, including projects, programs, and policies, into future metropolitan transportation plans and other regional planning documents, as appropriate. Oscar Trevino (M); Dianne Costa (S). The motion passed unanimously.

- 7. Federal and State Legislative Update:** Rebekah Gongora 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. A federal update on the President’s Fiscal Year 2024 budget plan is expected Thursday, March 9, 2023. A recent Senate Commerce, Science, and Transportation organizational hearing addressed aviation safety issues. The Senate Environment and Public Works organizational hearing addressed railroad safety. The House Transportation and Infrastructure Committee addressed Federal Aviation Administration (FAA) reauthorization and general aviation issues. Texas Legislature dates of interest: January 10, 2023 – 88th Session of the Texas Legislature convened; March 10, 2023 - Bill filing deadline (excluding local bills); May 29, 2023 - the final day of the 88th regular session; and June 18, 2023 - the last day the Governor can sign or veto bills. Rebekah provided information on Bills of interest regarding transportation funding. House Bill (HB) 3418 proposed a vehicle mileage user fee pilot program. HB 3812 would establish the Texas Infrastructure Fund grant program. House Joint Resolution (HJR) 144 would authorize new uses of the State Highway Fund. Bills of Interest regarding Electric Vehicles (EVs) related

transportation funding include HB 2027 which proposes a \$1,200 tax on new EVs. HB 2028 proposes a \$300 electric vehicle (EV) recovery tax. HB 2199 proposes an additional \$400/\$200 fee for the registration of an EV. HB 3802 creates a tax on EV charging per kilowatt hour. EV-related bills of interest include HB 2191 develops plans for the EV charging infrastructure through 2040, sets standards for public EV chargers by requiring that all EV chargers must be registered, maintained, and inspected by the Texas Department of Licensing and Registration; requires that EV charging prices and fees must be disclosed, and changes the existing EV state rebate to an incentive. HB 2236 prohibits the Texas Department of Transportation (TxDOT) from accepting certain federal funds and using state money for EV programs or plans. HB 3014 exempts EVs from emissions inspections. Senate Bill (SB) 1001/HB 3343; SB 1002/HB 3508; SB 1732 regulates EV supply equipment, operation of and standards for EV charging stations. Bills of interest on tolling include HB 2325/HB 3828 - proposes cessation of tolls after bond requirements are met. SB 1423 would prohibit tolls on a portion of IH 635. HB 3822 would require non-tolled frontage roads adjacent to certain toll projects. Bills of interest on temporary tags include the use of metal plates instead of paper tags, harsher penalties for fraudulent tags, and a study on temporary tags. Bills of interest on other miscellaneous transportation topics such as air quality to provide alternative fuels, emissions, Texas Emissions Reduction Plan (TERP) changes, and tire disposal. Regarding safety, speed limits, reckless driving, vehicle safety, and inspections are being discussed. Other topics being discussed include broadband and high-speed rail.

8. **Latest Transportation Performance Metrics for the Dallas-Fort Worth Region:**

Michael Morris presented the latest congestion performance metrics related to the mobility success of the Dallas-Fort Worth (DFW) region. The data presented demonstrates the congestion levels in the DFW region over time. In 2008, there were 6.2 million people in the DFW region and by 2019 there were approximately 7.4 million people, an increase of 1.1 million people in eleven years with congestion levels that only increased by 3 percentage points during that timeframe. Michael noted that the region's aggressive rail system, dynamically priced managed lane system, and a public-private partnership that funded \$7 billion in projects making it possible for the Regional Transportation Council to fund another \$7 billion in projects all contribute to the small increase in congestion. The most recent information indicates the DFW region is the 14th most congested region in the United States (US). Michael provided examples of congestion levels in other areas of the country in comparison to that of Dallas-Fort Worth.

9. **Dallas-Fort Worth High-Speed Transportation Connections Study: Phase Two:**

Brendon Wheeler provided an update on coordination efforts with the Federal Railroad Administration and Federal Transit Administration to advance this project through the National Environmental Policy Act (NEPA) process and introduce next steps in Phase 2, including conceptual and preliminary engineering of a high-speed rail corridor generally along Interstate Highway (IH) 30 to support environmental analysis and documentation for the NEPA process. Following the substantial completion of Phase 1 activities, the Regional Transportation Council adopted policy P22-01 (Policy support to advance High-Speed Rail in the Dallas-Fort Worth High-Speed Transportation Connections Study into Phase 2 NEPA process) in February of 2022. The objective of this study is to evaluate high-speed transportation alternatives (both alignments and technology) to connect Dallas-Fort Worth to other proposed high-performance passenger systems in the state, enhance and connect the Dallas-Fort Worth regional transportation system, and obtain federal environmental approval of the viable alternative. Phase 2 activities for pre-NEPA activities include conceptual engineering by reducing station and alignment alternatives with continued coordination with federal partners on structure of process and with Texas

Department of Transportation, local governments, and stakeholders; this pre-NEPA effort is expected to last approximately six-to-nine months. Phase 2 NEPA activities include preliminary engineering, environmental documentation, financial and project management plans, public and agency engagement. The anticipated class of action is an Environmental Assessment with the goal of receiving a Finding of No Significant Impact within 12 months of NEPA initiation.

10. **Major Source Emissions Fee Requirements (Section 185) and the Start of 2023**

Ozone Season: Chris Klaus provided an update on air quality topics, including a summary of potential federal requirements for stationary source fees resulting from recent reclassification and the start of the 2023 ozone season. As of March 1, 2023, the start of ozone season has begun and the region is in violation of two ozone violation standards, an older standard that was established in 2008 and a newer standard established in 2015. The Environmental Protection Agency (EPA) reclassified the Dallas-Fort Worth (DFW) ozone nonattainment area from serious to severe on November 7, 2022, with a July 20, 2027, attainment deadline. Attainment will be 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) Section 185 fee is an annual 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 2008 standard's ozone nonattainment area which include nitrogen oxides (NOx) and volatile organic compounds (VOC). If the region does not attain the 2008 ozone standard by July 20, 2027, the fee may begin in 2028. If the Texas Commission of Environmental Quality (TCEQ) does not impose the fee, the EPA will impose the fee with interest and revenue is not returned to the state. The fee is required each year after the missed attainment deadline until the area is redesignated as attainment by the EPA for the 2008 standard. The fee is charged annually 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 the region could be as much as \$45 million in 2028. Many clean energy and transportation funding opportunities were detailed in the presentation that will assist in roadway emissions and ultimately help to avoid Section 185 fees being in place. Funding exists for plug-in electric or fuel cell vehicles; natural gas vehicles; repower or replace older locomotive, marine, stationary equipment, or select non-road equipment electric vehicle infrastructure; and new technology for stationary sources, oil, and gas projects; and electricity storage. New funding opportunities in the future will be posted at www.nctcog.org/AQfunding. DFW Section 185 Fee timeline: 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 Texas Commission on Environmental Quality (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; 2028 – if attainment date is missed, fee potentially imposed. Additional information was provided in Electronic Item 10. Correspondence highlighting many areas of interest for ozone attainment will be provided in April.

11. **Status Report on Vehicle Temporary Tags and Fraudulent Emissions Testing:** Chris Klaus 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, exploits vehicle purchaser, risks to officer safety, bought, sold and used in crimes to conceal identity in all 50 states. Chris highlighted that by clean scanning or 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 fraudulent emissions tests a day, oftentimes without even having the owner's vehicle present, creating a potentially large air quality impact. Texas supported ghost criminal activity in 2021. The estimated revenue lost is at least \$166 million (state, county, and local) which includes improper vehicle inspections, fictitious registrations, costs associated with serious/fatal crashes where a vehicle displayed a temporary tag, up to \$80 million in previously vetoed funds that could be used to fund initiatives such as an emissions enforcement program, putting junk/salvage cars back on the road and loss of revenue to the motor vehicle Crime Prevention Authority from a portion of a vehicle registration. Lastly there has been at least one police officer fatality resulting from pursuit of a vehicle that had a fraudulent paper tag that had been photocopied and used over 200 times. Legislatively, a bill has been proposed to eliminate the paper tag altogether. Other bills have been proposed in support of returning fees collected by residents back to counties for implementation of regional air quality and transportation initiatives. Electronic Item 11 contained details as presented.

12. **Progress Reports:** Regional Transportation Council attendance was provided in Electronic Item 12.1 and Surface Transportation Technical Committee attendance in Electronic Item 12.2.
13. **Other Business (Old or New):** Gary Fickes, Commissioner, Tarrant County thanked the Regional Transportation Council members who were able to attend the 13th annual Tarrant Transportation Summit on February 17, 2023. He mentioned there were great speakers, including Michael Morris, and over 650 people in attendance.
14. **Future Agenda Items:** There was no discussion on this item.
15. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for 1:00 pm, Thursday, April 13, 2023, in the Transportation Council Room of the North Central Texas Council of Governments.

The meeting adjourned at 2:58 p.m.