MINUTES
REGIONAL TRANSPORTATION COUNCIL
July 14, 2016

The Regional Transportation Council (RTC) met on Thursday, July 14, 2016, at 1 pm in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following members or representatives were present: Bruce Arfsten, Douglas Athas, Brian Barth, Rudy Durham, Bobbie Mitchell (representing Andy Eads), Charles Emery, Gary Fickes, Robert Franke, Taylor Armstrong (representing Sandy Greyson), Moji Haddad, Roger Harmon, Ron Jensen, Jungus Jordan, Lee M. Kleinman, Brian Loughmiller, John Horn (representing David Magness), Scott Mahaffey, Maher Maso, B. Adam McGough, Cary Moon, George Conley (representing Mark Riley), Kevin Roden, Kelly Selman, Gary Slagel, Lissa Smith, Mike Taylor, Stephen Terrell, T. Oscar Trevino Jr., Oscar Ward, Bernice J. Washington, Duncan Webb, B. Glen Whitley, Kathryn Wilemon, and Ann Zadeh (representing W.B. "Zim" Zimmerman).


A moment of silence was held for the July 7, 2016, event impacting City of Dallas and Dallas Area Rapid Transit police officers.

1. **Approval of June 16, 2016, Minutes**: The minutes of the June 16, 2016, meeting were approved as submitted in Reference Item 1. Jungus Jordan (M); Kathryn Wilemon (S). The motion passed unanimously.

2. **Consent Agenda**: The following item was included on the Consent Agenda.

   2.1. **Clarification of Capital Funding for Transit Service in Collin County**: A motion was made clarifying previous Regional Transportation Council (RTC) approval that Dallas Area Rapid Transit (DART) LGC and/or DART is authorized to purchase buses with up to $3.22 million in Congestion Mitigation and Air Quality Improvement Program
funding previously approved by the RTC and substitute an equivalent amount of local funding to be spent on capital costs for transit service in Collin County.

Gary Slagel (M); Duncan Webb (S). The motion passed unanimously.

3. **Orientation to Agenda/Director of Transportation Report:** Michael Morris highlighted items in the Director of Transportation report. A copy of Senator Robert Nichols’ recent presentation regarding tax roads versus toll roads was provided in Electronic Item 3.1. He noted it was important for members to understand Senator Nichol’s support for the tools the region has used over the years to build its transportation system. He also provided a brief overview of the Driverless Vehicles and Automotive Technology Workshop held prior to the meeting. Members will be provided information in the future regarding how to advance technology, develop communication, and reduce barriers that will help improve safety and efficiency of the transportation system. Information on current air quality funding opportunities was provided in Electronic Item 3.2, and an ozone season update was provided in Electronic Item 3.3. Information about the promotion of the AirCheckTexas Program was also provided in Electronic Item 3.4. Mr. Morris also discussed outcomes of the recent Federal Transit Administration (FTA) Triennial Review. As part of its oversight related to grant funding, the FTA conducts onsite review of the North Central Texas of Governments to examine performance every three years. FTA identified four areas of minor findings. There were no findings related to staff efforts regarding Texoma Area Paratransit. In addition, he noted that meetings will begin in August on the development of Access North Texas, the regional public transportation coordination plan for the 16-county North Central Texas area. An east/west equity quarterly update was provided in Electronic Item 3.5.1 and Electronic Item 3.5.2, and June public meeting minutes were provided in Electronic Item 3.6. Recent correspondence was provided in Electronic Item 3.7, recent news articles in Electronic Item 3.8, and recent press releases in Electronic Item 3.9. Transportation partner progress reports were provided at the meeting. Mr. Morris also thanked Texas Transportation Commission Chair Tryon Lewis for the opportunity to present items to both he and the Texas Transportation Commission. In addition, he noted that staff will request that the RTC Chair send correspondence to former Commissioner Jeff Moseley to congratulate him and invite him to attend a future RTC meeting. He also thanked Commissioner Victor Vandergriff who asked that he serve on the HB 20 committee that takes the new goals, value, and vision statement of the Texas Department of Transportation and integrates it into day-to-day practice.

4. **Victor Vandergriff Remarks:** Victor Vandergriff, Commissioner, Texas Transportation Commission, provided an overview of transportation in the region, as well as the partnership between the Regional Transportation Council (RTC) and the Texas Department of Transportation. He reviewed efforts by his father Tom Vandergriff as the Mayor of Arlington over 40 years ago and his vision regarding the creation of a regional transportation authority. He discussed the Regional Transportation Council, its credit to the Dallas-Fort Worth region, and how the RTC is unique from other similar organizations in the State and country. The RTC is strong, robust, and independent and he thanked members for upholding the legacy of those that fought for the region many years ago. He recognized the Governor’s clear direction to address urban congestion, the Legislature’s response regarding congestion funding, Proposition 1, Proposition 7, and the ending of diversions. He also noted the leadership and character of Texas Transportation Commission Chair Tryon Lewis. In addition, Commissioner Bruce Bugg is specifically charged with congestion relief and Laura Ryan is a newly appointed Commissioner of great character and intellect.
who is interested in the process. In addition, he highlighted HB 20 efforts to improve transparency and accountability. He spoke about transportation funding, noting the overall theme that the glass is 3/4 full. While other regions are struggling for funding, the RTC is discussing and debating how to spend an additional $38.4 billion that will be allocated in the Unified Transportation Program (UTP) over the next ten years and potentially an additional $2.5-$5 billion that may be available each year. RTC discussion is related to the $22.5 billion that is targeted to congestion, of which the majority is allocated to metropolitan areas. He highlighted Category 2 funding and his proposal to the Commission that the funding for Category 2 total $18.2 billion. The Texas Department of Transportation has proposed MPOs will be allocated $12.6 billion, which is not the full amount but is an astounding sum of money for the State to allocate and is almost one third of the new money. Second, $5 billion is proposed to be allocated to Category 4. These two proposed allocations total $17.6 billion, approximately $600 million short of the proposed $18.2 billion. He noted it is important the RTC appreciate that this level of funding has never been allocated to metropolitan planning organizations. The Texas Transportation Commission will conduct a stress test to determine if the right allocations are going into the 12 categories of the UTP, and a period of adjustment is expected. He added the Unified Transportation Program can be adjusted quarterly and is updated annually. In closing, Mr. Vandergriff emphasized there are future opportunities yet to come and the art of the possible is before the region. He noted, in his opinion, it was not the time to cause stress in the system by perhaps prematurely being aggressive in an approach related to a specific funding allocation. He believes the region and Commission will work through issues to everyone’s satisfaction, specifically on how the money works within the region.

5. Proposed Resolution to the Texas Transportation Commission Requesting Changes to the Draft Unified Transportation Program: Michael Morris discussed the Regional Transportation Council's (RTC's) partnership relationship with the Governor, the Texas Transportation Commission, Dallas/Fort Worth International Airport, the North Texas Tollway Authority, and other agencies in the region. He noted that efforts related to the proposed resolution to the Texas Transportation Commission requesting changes to the draft Unified Transportation Program (UTP) are no different. Two primary RTC instructions to staff were reviewed. The first instruction is to protect Regional Toll Revenue (RTR) funds from being swept. He noted that this discussion has nothing to do with RTR funds, which are secure. The second instruction is to insist on formula allocation, supporting the historic Texas Department of Transportation (TxDOT)/RTC partnership ensuring funding equity. If there is ever a movement or potential movement away from formula allocation, RTC discussion is necessary. He added that concerns to be discussed have nothing to do with changing safety, maintenance, bridge, or rural allocations, but are focused solely on urban congestion funding. The region historically has a 1/3 stake in urban congestion funds, which is an important stake with regard to how the funds are handled. He noted the Texas Transportation Commission has asked for comments regarding the 2017 UTP and for the RTC to comment as a body, action must be taken. Draft 2017 Unified Transportation Program funding was highlighted. A total of $66 billion is available statewide for a 10-year period, of which approximately $38 billion is new funding. Funding is allocated to 2 categories, includes new State and federal sources, and creates three new programs: congestion, connectivity, and strategic priorities. Staff’s focus is on the proposed additional funding allocation of $21.2 for congestion/urban mobility, of which $11.2 billion is proposed for metropolitan planning organization (MPO) partnerships (Category 2). Connectivity Corridor Congestion is a new program and is a conscious effort by the State to ensure that urban regions are not only solving congestion but also providing connectivity to the rest of the State. The second element is Category 4, and the third element is Category 12,
Commission Strategic Priority. Staff supports the Governor’s initiative that $5 billion should be dedicated to urban congestion and are supportive of the partnership presented by Commissioner Bruce Bugg. He noted the focus of discussions is on the urban portion of the Connectivity Corridor Congestion allocation. Staff’s suggestion is not to take funding away from connectivity, but instead integrate the new connectivity program into the traditional program to be allocated to urban regions for projects that are for both connectivity and capacity. Policy principles regarding the benefit of metropolitan project selection include funding equity, consensus, the ability to leverage funds, context sensitive design, air quality needs, and building of systems and the last mile. Mr. Morris reviewed the proposed RTC resolution. An updated version of the resolution was provided at the meeting in Reference Item 5. Section 1 of the resolution addresses Category 12 funding (Discretionary Funding of the Commission) and states the RTC supports the urban funding allocation including: 1) support of the Governor Abbott/Commissioner Bugg Congestion Relief Program, 2) $5 billion to congestion relief, 3) fair share allocation to regions, and 4) flexibility to meet State needs. He reviewed Minute Order 109370 of the Texas Metropolitan Mobility Plan from August 28, 2003. Mr. Morris discussed the partnership created by the Minute Order and the statement from Rick Williams that “The more you choose local sources of funds, whether that's local taxes or local tolls, the more money will be invested in your community; you will not be penalized for being aggressive with local funding.” He noted this is the fundamental instruction given to RTC staff. Section 2 of the resolution addresses Category 4, the Connectivity (Congestion) program selected by TxDOT headquarters and that is not formula allocated. This section supports the "connectivity" emphasis. Verbiage suggests that the program contradicts Minute Order 109370 and that TxDOT assign a "mini-cap" for Connectivity in each applicable region in Category 2. Section 3 is only needed if Section 2 cannot be carried out. If not, the section requests that Congestion Relief be adequately funded. Mr. Morris presented a Category 2 funding test with several examples, discussing how the region could meet the needs of the freeway system under the proposed UTP allocations. In addition, Mr. Morris discussed the importance of Category 2 funds due to the fact that the funds are formula allocated and that 31.55 percent of the funds are allocated to the Dallas-Fort Worth region. RTC supports this allocation and the resolution does not address this funding. He also discussed the importance of TxDOT operating as a business. Staff would like to work with the Sunset Commission to create a business model based on metrics and performance to prevent the Legislature from overriding TxDOT decisions. In the proposed resolution, staff has removed transmittal of the document to the Legislative Delegation because efforts are intended to engage TxDOT in a conversation. TxDOT is seeking public comment on the draft Unified Transportation Program and a TxDOT public meeting is scheduled for July 21, 2016. An RTC position is needed to comment as a body. Proposed edits to the resolution were provided at the meeting in Reference Item 5, and were highlighted. A statement was added clarifying that the Texas Transportation Commission has requested comments on the proposed 2017 Unified Transportation Program. In Section 1, support of Governor Abbott’s Metropolitan Congestion Relief Initiative was added. The final sentence of the section was reworded to clarify the RTC suggests that the Commission develop a funding trade fair partnership to maximize projects that are in the best interest of the State of Texas. Section 2 includes the addition of TxDOT Minute Order 109370 and states the new program would need to be reviewed. In Section 3, a statement was added noting the section is only available if Section 2 cannot be carried out. "Respectfully" was added in Section 5, and in Section 6 transmittal to the members of the North Central Texas Legislative Delegation was removed. Lee Kleinman noted that he would be voting against the resolution. He added, that while staff is correct on many elements in the resolution, he believed it would benefit the RTC to have a better understanding of what the Governor and Commission is working to accomplish.
Mr. Vandergriff emphasized that he believes the Commission and the Department are on the same page. Each will learn together and are interested in building partnerships and systems. The process is trust, but verify. He noted he believed the resolution was premature, as written, and that there are other bites at the apple to come. Maher Maso discussed historical information regarding toll roads, the strong stance taken by RTC, and the commitment made by the State that the region would not be penalized. He encouraged dialog and noted he was supportive of staff. General discussion took place related to the history of Dallas-Fort Worth aggressively pursuing innovative financing to expedite transportation, State commitments to not penalize regions that used tolls, and the preferred approach to communicate with the Texas Transportation Commission and whether that should be in the form of a resolution, letter, or series of questions that Michael Morris would pose on the behalf of the RTC. A motion was made to table the agenda item and to instruct Michael Morris to express the concerns of the Regional Transportation Council to the Texas Transportation Commission. Jungus Jordan (M); Oscar Trevino (S). Kelly Selman and Brian Barth abstained from the vote. Bobbie Mitchell and Maher Maso were opposed. The motion passed. Rob Franke requested the members be provided with information in the future to help understand the underlying issues related to this item.

6. **Potential Transportation Alternatives Program Funds Lapse**: Ken Bunkley discussed the FY2013 Transportation Alternatives Program (TAP) funds that are potentially at risk of lapsing. In FY2013, the Dallas-Fort Worth region received approximately $8 million in federal TAP funds. Federal regulations state that apportioned TAP funds are available for obligation for the year of apportionment plus three years. As a result, unobligated FY2013 TAP are at risk of lapsing at the end of FY2016. Of the $8 million in TAP funds apportioned to the region, $5.1 million has been obligated and another $800,000 is anticipated to be obligated by the September 30, 2016, deadline. This leaves approximately $2.1 million in TAP funds at risk of lapsing. A timeline was highlighted of the process from the time of federal apportionment through the addition of approved projects to the 2015-2018 Transportation Improvement Program (TIP)/Statewide TIP (STIP). Apportionments were established in March 2013, midway through FY2013. TxDOT then established individual metropolitan planning organization (MPO) allocations in August 2013. Due to this late allocation, FY2013 funds were allocated at the same time as FY2014 funds. On February 13, 2014, the Regional Transportation Council (RTC) announced the TAP Call for Projects. Applications were reviewed, scored, and projects were recommended, followed by RTC approval for 23 projects to receive $28.4 million in federal TAP funding in October 2014. A list of the projects and their current status was provided in Electronic Item 6.1. Approved projects were added to the TIP/STIP through the February 2015 modification cycle, nearly two years after the original apportionment. The delay in federal apportionment and allocation of Dallas-Fort Worth MPO funds were factors in the delay of the obligation of funds. In addition, the State did not have a TAP template agreement ready for local agency use until late 2015/early 2016 so local governments that were in a position to move projects forward were incapable of doing so because the template agreement was not made available. Following notification of the potential lapse, North Central Texas Council of Governments staff contacted agencies with TAP funds programmed in FY2015 and FY2016 to see if the projects could be obligated. Of the projects, none can be implemented prior to the deadline. Mr. Bunkley noted the importance of timely project implementation, including ensuring project estimates are accurate and realistic for all phases. Delays in funding impact financial constraints, TxDOT’s letting capacity, and funding availability. As an example, three projects originally programmed with TAP funds in FY2015 and FY2016 have been delayed to FY2017 or FY2018 at the request of the implementing agencies. These projects, combined, representing a total of $2.1 million. Had the projects been obligated, no TAP funds would be
at risk of lapsing. Staff realizes that several of the factors impacting implementation were beyond the control of agencies and are looking for possible solutions. Staff has requested that the Federal Highway Administration (FHWA) extend the obligation deadline six months. This does not necessarily mean all projects can be obligated, but may help reduce the amount of money at risk. At the time of the meeting, no response had been received from FHWA. TxDOT has also been asked if obligations can be managed on a statewide level versus managing the obligations at the individual MPO level. Staff was advised, based on the way funds are allocated to the region, that it is unable to do so. Staff will continue to work with local agencies to advance implementation of the projects to avoid a lapse in funding for FY2013 and in the future. Details were provided in Electronic Item 6.2. A motion was made to request Regional Transportation Council approval of a letter to the Texas Transportation Commission requesting assistance to ensure Transportation Alternative Program funds do not lapse in the region and statewide. Oscar Ward (M); Glen Whitley (S). The motion passed unanimously.

7. **Transportation Rulemaking Update:** Amanda Wilson presented information and draft comments on the Notice of Proposed Rulemaking (NPRM) for the National Performance Management Measures and also provided a summary of the Metropolitan Transportation Planning Final Rule. The final rule for Statewide and Metropolitan Transportation Planning was released and became effective June 27, 2016. This was a proposed rulemaking based on Moving Ahead for Progress in the 21st Century (MAP-21), and it incorporates minor changes from the Fixing America's Surface Transportation (FAST) Act. Staff believes NCTCOG is already meeting or is on track to meet the implementation of this rule. A full summary will be provided to members. Two Notices of Proposed Rulemaking are out for public comment. The first is a Notice of Proposed Rulemaking for National Performance Management Measures. This proposed rule is a result of MAP-21 that established a number of performance measures that the State and metropolitan planning organizations (MPOs) must meet. The proposed rulemaking addresses five areas related to performance measures on the national highway system, freight movement on the interstate system, and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) related to traffic congestion and mobile source emissions. The national goals will establish measures and each state will be required to develop targets to meet those performance measures. MPOs will additionally set their own targets and all must be coordinated. Subpart E addresses how state departments of transportation and MPOs establish targets for travel time reliability and peak-hour travel time, and proposed performance measures include the percentages of reliable travel times and peak travel-time expectations. She noted that the expectation may not be an uncongested freeway, but how often the region is meeting the expected congestion levels. She added that many of the travel-time measures rely on data that has already been made available by the Federal Highway Administration (FHWA) and that staff are utilizing. Subpart F establishes performance measures related to freight movement on the Interstate System related to truck-time reliability and uncongested mileage, and will measure the percent of mileage proving for reliable truck travel times and what percent of the interstate mileage is uncongested. Subparts G and H address traffic congestion and on-road mobile source emissions and is focused on projects that are funded with CMAQ program funds. Proposed measures include annual hours of excessive delay and the total emission reductions being reduced by selected projects. Ms. Wilson noted this is a general overview of what is a lengthy, technical document and presented draft comments. Related to target setting, proposed comment acknowledges the magnitude of coordination that will be necessary between the State and MPOs and that various areas of the state may have different measures or targets. Flexibility to MPOs and states for setting their own targets and measures is important. In addition, MPOs may not have the ability to
significantly influence targets in areas where the majority of project selection is handled by states. Finally, options are necessary for defining expected travel times. Ms. Wilson noted that one section of the proposed rulemaking specifically requests comments on whether or not to establish Greenhouse Gas performance measures. Staff's recommendation is not to establish this performance measures since the MPO looks at more comprehensive air quality strategies that are more appropriate. For on-road mobile source emissions, comment is for reporting areas to be consistent between CMAQ congestion and on-road mobile source emissions to make reporting simpler. Related to implementation, comment is to develop a web-based user interface to maximize successful implementation. In response to assessing congestion with all modes, comment is to consider the mobility of travelers using all surface modes of transportation and to incorporate shareable transit data. Finally, acknowledging that a travel demand model should be used as a reliable estimation when available. The second Notice of Proposed Rulemaking is for Metropolitan Planning Organization Coordination and Planning Area Reform. This rule has minimal impact to the Dallas-Fort Worth region, but addresses areas where there are multiple MPOs within one urbanized area. The proposed rule calls for metropolitan planning coordination related to metropolitan planning areas and development of single planning documents for areas with multiple MPOs. The second element in the proposed rule is MPO/state department of transportation coordination for consistent data, assumptions and other analytical material, as well as a process for resolving differences. Draft comment includes support for broad and large planning areas for greater public understanding, flexibility for states and regions to make decisions on their boundaries, and MPO/state department of transportation coordination. Ms. Wilson noted that action regarding proposed RTC comments would be requested at the August 11, 2016, RTC meeting and encouraged members to provide comments to staff.

8. **Follow Up to High-Speed Rail Industry Forum**: Kevin Feldt provided an overview of the High-Speed Rail Industry Forum held on June 20, 2016. The meeting was held in response to a Federal Railroad Administration and United States Department of Transportation request for proposals stemming from the Fixing America's Surface Transportation Act. Two primary corridors are proposed: 1) Dallas/Arlington/Fort Worth, and 2) Dallas/Arlington/Fort Worth/Austin/San Antonio/beyond. The Industry Forum agenda was highlighted, with the primary focus on data sharing, partnership opportunities, and teaming opportunities. A total of 58 participants attended the meeting, including two international high-speed rail firms from France and China. Participants were able to review data regarding regional demographics, travel surveys, and other important data related to the high-speed rail study. Additional information regarding high-speed rail is available at [www.nctcog.org/hsr](http://www.nctcog.org/hsr).

9. **Update on Proposed Volkswagen Settlement Agreement**: Ken Kirkpatrick highlighted the latest information related to ongoing federal and State lawsuits and proposed settlements against Volkswagen AG and related entities for their use of emission "defeat devices" installed in diesel automobiles. Federal and State court actions on June 28 announced partial settlements related to the Department of Justice, Environmental Protection Agency (EPA), Federal Trade Commission, and consolidated consumer class action claims, as well as the State of California. A preliminary court hearing is scheduled for the end of July 2016. Mr. Kirkpatrick highlighted the environmental mitigation aspects of the proposed settlements. Included is $2.7 billion in environmental mitigation of which the EPA will administration a portion of the funds. Approximately $192 million of the total will be available to the State of Texas. In addition, there is $2 billion in zero-emission vehicle
technology commitments from Volkswagen and its related entities, of which $1.2 billion will be administered by EPA. State cases are proceeding and the Texas Attorney General has entered into a consumer settlement with Volkswagen for $50 million in civil penalties to the State. The State's environmental claims are pending. Staff will provide updates regarding these funds in the coming months.

10. **Auto-Occupancy Verification Technology Procurement**: Ken Kirkpatrick provided an update regarding the joint effort between the Texas Department of Transportation and Regional Transportation Council (RTC) to procure technology to automatically detect auto occupancy in managed-lane corridors. Currently, the high-occupancy vehicle (HOV) discount related to RTC's Tolled Managed Lane Policies is manually enforced. The procurement is focused on more advanced technology to automate the verification process. In-vehicle, out-of-vehicle, or a combination of both technology solutions are being considered. The procurement is focused on providing the HOV discount from a verification standpoint to appropriately apply the discount to eligible users and is not a legal mechanism to enforce citations for violators. The request for proposals for this technology was issued in April 2016. Proposals have been received and evaluated, and award is anticipated in late summer.

11. **Progress Reports**: Regional Transportation Council attendance was provided in Reference Item 11.1, Surface Transportation Technical Committee meeting attendance and minutes were provided in Electronic Item 11.2, and the current Local Motion was provided in Electronic Item 11.3.

12. **Other Business (Old or New)**: Oscar Ward noted the upcoming annual Transportation Summit on August 16-17, 2016, at the Irving Convention Center. Regional Transportation Council members were notified their attendance at the Summit would be complimentary.

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, August 11, 2016, 1:00 pm, at the North Central Texas Council of Governments. The meeting adjourned at 3:00 pm.