The Regional Transportation Council (RTC) met on Thursday, July 11, 2019, at 1:00 pm in the Transportation Council Room of the North Central Texas Council of Governments (NCTCOG). The following members or representatives were present: Richard E. Aubin, Ceason Clemens (representing Mohamed Bur), Ricardo Gonzalez (representing Loyl C. Bussell), David L. Cook, Dianne Costa (representing the Denton County Transportation Authority), Theresa Daniel, Rudy Durham, Andy Eads, Kevin Falconer, Gary Fickes, Rick Grady, Lane Grayson, Jim Griffin, Roger Harmon, J.J. Koch (representing Clay Lewis Jenkins), Ron Jensen, Jungus Jordan, Lee M. Kleinman, David Magness, Jon Michael Franks (representing Scott Mahaffey), Barry L. Gordon (representing Curtistene McCowan), William Meadows, Ivan Hughes (representing Steve Mitchell), Barbara Odom-Wesley, Stan Pickett, John Ryan, Stephen Terrell, T. Oscar Trevino Jr., William Tsao, Dennis Webb, Duncan Webb, W. Jeff Williams, and Ann Zadeh.


1. **Approval of June 13, 2019, Minutes:** The minutes of the June 13, 2019, meeting were approved as submitted in Reference Item 1. Jim Griffin (M); Theresa Daniel (S). The motion passed unanimously.

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

   2.1. **Transportation Improvement Program Modifications:** Regional Transportation Council approval of revisions to the 2019-2022 Transportation Improvement Program (TIP), provided in Electronic Item 2.1, was requested. Action also included approval to direct staff to amend the Unified Planning Work Program and other planning/administrative documents with TIP-related changes.

   A motion was made to approve the item on the Consent Agenda. Theresa Daniel (M); Ann Zadeh (S). The motion passed unanimously.
3. **Orientation to Agenda/Director of Transportation Report:** Michael Morris recognized Kathryn Wilemon and Charles Emery for their years of service on the Regional Transportation Council (RTC). In addition, items on the Director of Transportation report were reviewed. Members were reminded that the August 8, 2019, meeting has been canceled and that the September 12, 2019, meeting will be held as part of the Irving Transportation Investment Summit. He also thanked members who represented the RTC at recent events. City of Grand Prairie Mayor Ron Jensen thanked members of the RTC and region who provided assistance as the City of Grand Prairie remembered police officer A.J. Castaneda. He specifically thanked the Cities of Arlington, Fort Worth, and Irving for their extended support. Mr. Morris noted that the North Central Texas Council of Governments (NCTCOG) is in negotiations with staff at the AT&T Stadium regarding the upcoming Virgin Hyperloop One vehicle tour. In addition, he discussed a recent Texas Department of Transportation (TxDOT) audit and Federal Transit Administration (FTA) Triennial Review, reports of which will be provided to the RTC once received. Mr. Morris also discussed ongoing conversations with TxDOT regarding Unified Transportation Program (UTP) projects. He highlighted project maps presented at last month’s meeting and discussed continued negotiations regarding the partnership to maximize funds from the Texas Transportation Commission (TTC) that are allocated to the region for projects that will be included in the UTP. In the eastern subregion, this includes IH 30 from IH 35E to IH 45, IH 30 in Rockwall County, IH 35E north of LBJ, the next increments of IH 35E in Denton, and IH 35E improvements north of Denton to the county line. In the western subregion, this includes the Southeast Connector and the staged construction of SH 170. He noted that more will be known following the public hearing later in the day, that that it seems that the TTC is supportive of the partnership in the region and is anticipated to take action at its meeting in August 2019. Recent presentations and information on the Opportunity Zones Roundtables meeting hosted on behalf of the White House Opportunity and Revitalization Council and Department of Housing and Urban Development was provided at www.nctcog.org/trans/quality/land-use/economic-development. Current air quality funding opportunities for vehicles was provided at www.nctcog.org/trans/quality/air/funding-and-resources/fundingvehicle, and information on upcoming Dallas-Fort Worth Clean Cities events were provided at www.dfwcleancities.org/dfw-clean-cities-meetings. In addition, September 21, 2019, begins National Drive Electric Week. Details about the event were provided at www.dfwcleancities.org/ndew. A status report on the current ozone season was provided in Electronic Item 3.1, and Electronic Item 3.2 included details of an upcoming Parking Management Symposium. Information on a Federal Highway Administration Shared Mobility Webinar was made available at https://collaboration.fhwa.dot.gov/dot/fhwa/WC/Lists/Seminars/DispForm.aspx?ID=2076, and a related publication featuring NCTCOG was provided at www.planning.dot.gov/documents/regional_shared_mobility_planning_case_Studies.pdf. June public meeting minutes were provided in Electronic Item 3.3, and a July online input opportunity notice was provided in Electronic Item 3.4. The current edition of Mobility Matters was distributed at the meeting. The Public Comments Report was provided in Electronic Item 3.5, recent correspondence in Electronic Item 3.6, recent news articles in Electronic Item 3.7, and recent press releases in Electronic Item 3.8. Transportation partner progress reports were distributed at the meeting.

4. **Funding Substitution for Buy America Compliance: City of Fort Worth:** Ken Kirkpatrick presented a recommendation to substitute Regional Transportation Council (RTC) Local funds for Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for a project awarded through the 2014 Incident Management Equipment Call for Projects. Through this funding effort, the City of Fort Worth was awarded $160,036 in CMAQ funds for incident management equipment and safety-related items. The North Central
Texas Council of Governments (NCTCOG) subsequently entered into an interlocal agreement with the City of Fort Worth to provide the funds and the City procured items through its internal process. Of the total funding, approximately $113,373 of the items purchased were required to be Buy America compliant as a result of Federal Highway Administration (FHWA) fund requirements. Items included a heavy-duty response truck (Ford Super Duty F350), a robotic forensic mapping system, and portable message signs. FHWA requires that 100 percent of steel, iron, and manufactured products permanently included in federal-aid highway projects must be produced in the United States. Some exceptions were highlighted. A diligent effort was completed by the City of Fort Worth, working with its vendor, followed by efforts by NCTCOG to demonstrate Buy America compliance. However, compliance could not be documented. The changing landscape of Buy America over the last four-to-five years during which this call for projects was initiated was highlighted. For example, FHWA issued guidance for certain exceptions related to de minimis items and provided guidance that Buy America only applies to manufactured projects that were predominantly steel or iron, which was later overturned. In the 2014-2016 timeframe, FHWA processed quarterly waivers for public entities using federal funds to purchase non-traditional highway aid projects, which was later discontinued. Staff proposed the best course of action to reduce the risk associated with Buy America compliance for this item is to substitute the $113,373 CMAQ funds for RTC Local funds for the items purchased by the City of Fort Worth. Additional information was provided in Electronic Item 4. A motion was made to approve the substitution of $113,373 Congestion Mitigation and Air Quality Improvement Program funds with Regional Transportation Council Local funds for the items purchased by the City of Fort Worth through the 2014 Incident Management Equipment award. Action also included direction to staff to administratively amend the Transportation Improvement Program and other planning/administrative documents, as appropriate, to incorporate the approved funding substitute. Ann Zadeh (M); Theresa Daniel. (S). The motion passed unanimously.

5. **AirCheckTexas Program Close Out: Retention of Local Funds:** Chris Klaus provided an overview of the AirCheckTexas Program and presented a proposed letter for submittal to the Texas Commission on Environmental Quality (TCEQ). Since 2002, the North Central Texas Council of Governments (NCTCOG) has administered the AirCheckTexas Vehicle Repair and Replacement Program on behalf of nine participating counties in the North Central Texas region. On June 28, 2019, the program officially ended despite efforts to modernize the program in the latest legislative session. Since 2002, staff has processed 137,633 applications, retired and replaced nearly 73,000 vehicles, and provided approximately $124 million in financial assistance which has resulted in significant nitrogen oxide emission reduction benefits in the region. Staff has been working to ensure successful close out of the program which includes communicating with partners and vendors, determining appropriate action regarding the website, and other items. Staff will continue efforts to maintain files, meet file retention requirements, manage sensitive data, and prepare for potential future audits. Mr. Klaus also discussed innovative efforts by NCTCOG while administering the program. NCTCOG worked with its credit card vendor to create a partnership that allowed monetary rebates from repair and replacement transactions totaling approximately $1.5 million. In addition, funds were held in interest-bearing accounts while reimbursements spent down the advanced budget balance which generated approximately $2.3 million in interest. Reference Item 5 is a draft letter from the Regional Transportation Council (RTC) Chair to the TCEQ requesting that these rebate and interest funds remain in the region for use towards remaining AirCheckTexas Program obligations and additional air quality strategies. Mr. Klaus discussed one air quality program that may be important to continue, the Emissions Enforcement Task Force, that was implemented to reduce and
minimize fraudulent inspections. He noted that staff is reviewing options to maintain the program and its emission reduction benefits. He also recognized members of the staff who have worked to implement the AirCheckTexas Program, as well as staff who remained onboard until the end of the program. Michael Morris also thanked the counties who participated and allowed NCTCOG to administer the program on their behalf. Lee M. Kleinman discussed the money generated locally, as well as the fees collected in the nine counties that are being held by the State. He asked what efforts are being made to have those funds returned to the region. Mr. Morris discussed the bill filed during the recent Legislative Session that addressed the collected fees from the counties that are being held by the State. Legislation was introduced but did not pass. He noted the item will remain on the legislative agenda for the next session. A motion was made to authorize the Regional Transportation Council Chair to transmit correspondence to the Texas Commission on Environmental Quality requesting to retain approximately $3.8 million from AirCheckTexas Program locally generated interest and rebates and to approve program closeout efforts. Theresa Daniel (M); Jungus Jordan (S). The motion passed unanimously.

6. **Advanced Transportation and Congestion Management Technologies Deployment Initiative Grant Program**: Natalie Bettger presented details of the regional application for the 2019 Advanced Transportation and Congestion Management Technologies Deployment Initiative Grant. Approximately $60 million is available for transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment, with a maximum award of $12 million per project and a 50 percent match requirement. She noted that applications were originally due on July 19 but that the deadline has been moved to August 5. Details of the funding opportunity and associated amendment were provided in Electronic Item 6.1 and Electronic Item 6.2, respectively. Ms. Bettger noted that grant funds can be used for various advanced transportation technologies, performance data collection, vehicle-to-vehicle and vehicle-to-infrastructure safety systems, and others. Federal Highway Administration (FHWA) focus areas were also discussed and it was noted that the proposed North Central Texas Council of Governments (NCTCOG) project submittal addressed the focus areas of installation of connected vehicle technologies at intersections and pedestrian crossing locations, as well as technologies to support connected communities. Additional details about the uses of grant funding and FHWA focus areas were provided in Electronic Item 6.3. The proposed project will address the federal performance measures of safety and system performance (travel time reliability and total emissions reductions), as well as regional and local performance measures. Staff proposed that a scaled-back version of last year’s project be submitted, which is the development of a multi-disciplined, cloud-based regional data hub to better operate the current system and improvement the safety and efficiency of the system. The platform will also allow leverage of the existing regional Intelligent Transportation System infrastructure, allow for dissemination of data between agencies for improved coordination, provide regional data for planning organizations or academia, identify gaps in the data, allow for implementation and management of coordinated traffic plans, and afford real-time analysis of regional performance measures. Staff proposed a $3 million grant application request, with a match of $3 million used from AirCheckTexas rebates and interest as discussed in the previous item. If unsuccessful, staff proposed that Regional Transportation Council Local funds be used instead. Ms. Bettger noted that NCTCOG was interested in recommendations for inclusion in its proposal, as well as letters of support which were requested by July 26, 2019. A motion was made to approve the proposed regional application for the 2019 Advanced Transportation and Congestion Management Technologies Deployment Initiative Grant Program and the proposed federal/local cost share of $3 million each, with the local share provided by AirCheckTexas.
Program locally generated interest and rebates or Regional Transportation Council Local funds if not available. Duncan Webb (M); Jeff Williams (S). The motion passed unanimously.

7. **FY2020 and FY2021 Unified Planning Work Program:** Vickie Alexander presented the proposed FY2020 and FY2021 Unified Planning Work Program (UPWP) for the Council’s consideration. The Work Program represents the North Central Texas Council of Government’s plan for utilizing federal Transportation Planning Funds received from the Federal Highway Administration and Federal Transit Administration by formula through the State. Included in the Work Program is the associated budget information for specific projects. Development of the document is a cooperative effort with partners in the region, which began in February 2019 with requests seeking regional project ideas or technical assistance needs. Information on the development of the Work Program was presented to the public in May and a full copy of the document has been available for review online since mid-June. The FY2020 and FY2021 UPWP includes work activities of the Metropolitan Planning Organization (MPO) that will be carried out by North Central Texas Council of Governments (NCTCOG) staff between October 1, 2019, and September 30, 2021. Modifications will be considered during the timeframe of the document as changes occur, such as new grant awards, scope changes, or funding changes that may be necessary as a result of new federal authorizing legislation. Ms. Alexander highlighted the metropolitan planning process for delivering transportation projects and the responsible entities for each process that includes four phases: 1) system planning, 2) project refinement, 3) innovative finance, and 4) project programming. She also highlighted Appendix H of the Work Program, the Cooperative Planning Agreement, that documents the cooperative, performance-based planning and programming process with partner agencies. Some of the major planning initiatives contained in the draft document were highlighted, including monitoring of the Metropolitan Transportation Plan, development of the 2021-2024 Transportation Improvement Program, demographic forecasting, data collection/travel model enhancements, and updating the Congestion Management Process. A regional task force of local governments, academic representatives, health officials, and air quality experts will also be created during this timeframe to evaluate regional data to determine the need for additional air quality improvements and strategies. Staff will also continue efforts to integrate transportation asset management principles into the planning process and support high-speed rail and automated vehicle technologies in the region. Additional efforts that will continue during the timeframe of the proposed Work Program include bicycle/pedestrian mobility and safety, freight planning, community coordination and compatibility with regional military installations, comprehensive transit studies, the movement of people and goods in and out of the Dallas Fort Worth International Airport, using advanced technologies including the Hyperloop, integrated planning for regional transportation and stormwater management, as well as the Collin County Strategic Transportation Initiative, the Harry Hines Boulevard Corridor Study, and the McKinney Avenue Trolley extension feasibility study. NCTCOG follows the standard format for the Work Program, which includes five tasks. Within each task are approximately 28 subtasks containing over 200 projects and programs. Also included is funding through 17 different revenue sources and approximately 140 grants, as well as the Work Program policies that guide the use of Transportation Planning Funds. Ms. Alexander also provided a summary of the federal Transportation Planning Funds for the draft FY2020 and FY2021 UPWP. Staff anticipates approximately $5.7 million in Federal Transit Administration 5303 funds and approximately $15 million in Federal Highway Administration PL funds. Staff also anticipates approximately $4.5 million in FY2019 carryover funds. The total amount of Transportation Planning Funds anticipated to be available for the FY2020 and FY2021 UPWP is approximately $25.2 million. Based on the projects that have been identified in the Work Program, expenditures are anticipated at
approximately $22.7 million leaving a balance of about $2.4 million to carry over into FY2022. A summary of the total funding included in the Work Program was also presented, which includes funds that are passed through to other agencies. Estimated total funding from all sources is about $146 million. A copy of the draft document was provided at www.nctcog.org/trans/study/unified-planning-work-program and has been available on the website for review. Additional information on the development of the Work Program was provided in Electronic Item 7.2. In addition, a draft Regional Transportation Council resolution for action was provided in Reference Item 7.3. Ms. Alexander noted that some projects in the draft UPWP indicate that funds are to be determined. Once identified, the information will be provided to the Council through the Transportation Improvement Program and UPWP modification processes. A motion was made to approve the FY2020 and FY2021 Unified Planning Work Program, as well as reaffirm the Unified Planning Work Program Policies contained in Exhibit I-8 of the Work Program, which were provided in Electronic Item 7.1 of the meeting materials. The Council's action also included approval for staff to administratively amend the Transportation Improvement Program and other administrative/planning documents, as appropriate, to reflect the approved projects. Theresa Daniel (M); T. Oscar Trevino Jr. (S). The motion passed unanimously.

8. **Fiscal Year 2019 Better Utilizing Investments to Leverage Development Discretionary Grant Program:** Jeff Neal presented project recommendations for submittal to the Fiscal Year 2019 Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program. He noted that the proposed projects have been reviewed and are expected to meet the September 30, 2021, deadline for obligation of potential awarded funds, as well as the September 30, 2026, deadline for expenditure of awarded funds. Proposed projects have also been reviewed to ensure the selected projects are compatible with the grant program merit criteria and as with recent grant submittals, to ensure existing project commitments are being fulfilled. In addition, projects were reviewed through a regional project selection methodology which included many areas of focus with emphasis on projects that leverage economic development. Details were provided in Reference Item 8. A summary of the three proposed projects was provided. The first proposed project consists of projects from the North Texas MOVES Program: 1) Trinity Railway Express (TRE) double track near the Trinity Lakes Station, 2) TRE double track from Medical Market Center to Stemmons Freeway, 3) implementation of ClearPath Technology, and 4) Shore Connections Systems within the TRE rail yard. The total project cost is approximately $46.5 million with a grant request of $25 million. The second project is the SH 114 Frontage Road Gap Project located between FM 1938 and Dove Road in Southlake, Trophy Club, and Westlake. The total project cost is approximately $46.1 million with a grant request of $25 million. The third project is the US 80 Reconstruction Project. This project is part of a larger effort on US 80 between Town East Blvd. in Mesquite and FM 460 in Forney. This will include the full reconstruction of all infrastructure at the IH 635 East/US 80 interchange. The total project cost is approximately $257 million project with a grant request of $25 million. Mr. Neal noted two changes since approval by the Surface Transportation Technical Committee. Of the engineering funds associated with this project, there are $2.5 million that must be accounted for as federal funds, which affects the overall percentage of nonfederal/federal funds. Of the $257 million, there is approximately $2 million in engineering funds that have already been spent which must be declared as previously incurred. The timeline for the effort was reviewed. Mr. Neal noted that proposed projects will be submitted by the July 15 deadline and the North Central Texas Council of Governments Executive Board will be asked to endorse the projects at its August 2019 meeting. A motion was made to approve the proposed list of projects identified in Reference Item 8, including the updates presented at the meeting, for submittal through the FY2019 Better Utilizing
Investments to Leverage Development Discretionary Grant Program, as well as to administratively amend the Transportation Improvement Program/Statewide Transportation Improvement Program and other planning/administrative documents to include the proposed projects if selected for grant award. Stan Pickett (M); Richard Aubin (S). The motion passed unanimously.

9. **Metropolitan Transportation Plan Policy Bundle:** Dan Lamers presented results from the third round of the Metropolitan Transportation Plan (MTP) Policy Bundle application process, as well as the plan to distribute available Transportation Development Credits (TDC) for Fiscal Year (FY) 2020. The MTP Policy Bundle is a list of 20 voluntary policies that can be adopted by local governments or transportation partners. A minimum adoption of 50 percent of the applicable policies is required to be eligible to receive TDCs which the successful applicants can apply to offset local funds for federal transportation projects. Mr. Lamers also provided a brief overview of staff efforts to determine the available number of TDCs to be allocated, which includes a review of federal funding expected to be available to program for the applicable fiscal year. In the third round of the MTP Policy Bundle, successful applicants included 12 local governments and 2 transit agencies. The recommended TDC distribution was provided in Reference Item 9.1, and additional details were provided in Electronic Item 9.2. The total number of TDCs to be allocated for FY2020 is 15,750,000. A motion was made to approve the distribution of Transportation Development Credits to successful applicants and the amounts as detailed in Reference Item 9.1. Jungus Jordan (M); Ivan Hughes (S). The motion passed unanimously.

10. **Fiscal Year 2020-2022 Disadvantaged Business Enterprise Goal Update:** Ken Kirkpatrick provided a summary of the current Disadvantaged Business Enterprise (DBE) Program and schedule for updating the DBE Participation Goal for Fiscal Year (FY) 2020-FY2022. As a direct recipient of Federal Transit Administration (FTA) funds, the North Central Texas Council of Governments (NCTCOG) is required to develop and maintain a DBE goal, which must be updated every three years. DBE participation is designed to ensure a fair share of contracts are awarded to DBEs. The current DBE Participation Goal for FY2017-2019 is 25 percent. As part of the process to review and update the goal for FY2020-2022, staff has initiated public and stakeholder involvement and has also begun the process to project potential contract awards for the FY2020-2022 goal. One of staff’s efforts is to project the amount and types of contracting opportunities for the next three years, as well as the total number of firms that are ready, willing, and able to complete the work for both NCTCOG and its subrecipients. Over the next three years, staff anticipates approximately $32 million in contracting opportunities. Results of the preliminary DBE availability analysis were highlighted. NCTCOG’s portion of the total is approximately 28 percent, and the portion for subrecipients is 3-7 percent. Collectively, staff believes the fair share for DBE activities for both FTA and Federal Highway Administration funds is approximately 19.4 percent for both NCTCOG and subrecipients. The primary reason for the lowered goal is the incorporation of subrecipients into the DBE program to ensure that both NCTCOG and its subrecipients comply with all federal and State requirements, one of which is a DBE program. It was noted that subrecipients have smaller market areas, which results in the lower total weighted DBE goal. A schedule for the DBE Participation Goal update was highlighted. The proposed goal will be published for review and comment the week following the Regional Transportation Council (RTC) meeting. Council action will be requested at the September 12 meeting in order for the new goal to be implemented beginning October 1, 2019. Details were provided in Electronic Item 10. Lee M. Kleinman discussed the use of availability studies and asked if NCTCOG uses any type of disparity study. Mr. Kirkpatrick noted staff uses DBE firm availability data from the Texas Uniform Certification Program to
determine ready, willing, and able DBE firms compared to total firms based on the United States Census. He also noted that disparity data could be added into the DBE goal update process for future efforts. Mr. Kleinman noted that he believed it is worth discussion. RTC Secretary Theresa Daniel suggested that there may be language that could be included that would be an incentive or encouragement to increase percentages of the subrecipients. Michael Morris discussed a statewide initiative that includes a two-tiered component, a minimum goal and a compensated goal. T. Oscar Trevino Jr. noted that he would like to see a better definition of a subrecipient to help differentiate primes and subs, as well as understand the market area of the DBD firms in rural areas. Barbara Odom-Wesley asked what efforts staff has put forth to increase the number of DBE firms and the number of procurements awarded to these firms. Mr. Morris discussed the pilot initiative with the Texas Department of Transportation to increase the bonding capacity of DBE firms in order to explain the efforts of staff regarding DBEs. Mr. Kleinman clarified that there seems to be, whether stated or not, an implied public policy initiative just to increase DBE participation without looking at whether it is appropriate to spend extra funds to accomplish a certain DBE goal. He noted that a disparity study can help identify if a goal is right or wrong versus having a higher goal just to be higher. Mr. Morris noted that the DBE definition, subrecipient market areas, efforts to encourage DBE participation, as well as pilot study information would be used to create a report for members.

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

12. **Other Business (Old or New):** There was no discussion on this item.

13. **Future Agenda Items:** There was no discussion on this item.

14. **Next Meeting:** The August 8, 2019, Regional Transportation Council meeting has been cancelled. The next meeting of the Regional Transportation Council is scheduled for 1:00 pm, Thursday, September 12, 2019, as part of the Irving Transportation Investment Summit.

The meeting adjourned at 2:50 pm.