

REGIONAL TRANSPORTATION COUNCIL
November 14, 2019

The Regional Transportation Council (RTC) met on Thursday, November 14, 2019, at 1:00 pm in the Transportation Council Room of the North Central Texas Council of Governments. The following members or representatives were present: Tennell Atkins, Richard E. Aubin, Ceason Clemens (representing Mohamed Bur), Loyl C. Bussell, Dianne Costa, Theresa Daniel, Jeff Davis, Pat Deen, Rudy Durham, Andy Eads, Kevin Falconer, Gary Fickes, George Fuller, Rick Grady, Lane Grayson, Mojoy Haddad, Roger Harmon, Ivan Hughes, Clay Lewis Jenkins, Ron Jensen, Jungus Jordan, Lee M. Kleinman, Mike Leyman, David Magness, Curtistene McCowan, William Meadows, Cary Moon, Barbara Odom-Wesley, Stan Pickett, John Ryan, Stephen Terrell, Jeremy Tompkins, T. Oscar Trevino Jr., William Tsao, Paul N. Wageman, Chad West, Devan Allen (representing B. Glen Whitley), Sheri Capehart (representing W. Jeff Williams), and Ann Zadeh.

Others present at the meeting were: James Adkins, Angela Alcedo, Nick Allen, David S. Arbuckle, Gustavo Baez, Melissa Baker, Berrien Barks, Carli Baylor, Emily Beckham, Taylor Benjamin, Robin Bentley, Natalie Bettger, Brandi Bird, Alberta Blair, Amanda Boone, David Boski, Ian Bryant, Marrk Callier, Kristen Camareno, Jack Carroll, Molly Carroll, Angie Carson, Dixie Cawthorne, Dan Chisholm, Rick Chron, Hal Cranor, Mike Curtis, Clarence Daugherty, Inga Dedow, Sam Dennehy, Chris Dyser, Chad Edwards, Kevin Feldt, Brian Flood, Mike Galizio, Bob Golden, Christie Gotti, Jena Hanson, Victor Henderson, Rebekah Hernandez, Kristina Holcomb, Laurel Holdegraver, Matthew Holzapfel, Robert Horton, Terry Hughes, Breanne Jackson, Greg Janes, Rachel Jenkins, Amy Johnson, Shannon Joski, John Keating, Audrey Kechner, Dan Kessler, Gus Khankarli, Tony Kimmey, Ken Kirkpatrick, Chris Klaus, Stephen Knobbe, Dan Lamers, April Leger, Eron Linn, Ramiro Lopez, Stanford Lynch, Scott Mahaffey, Barbara Maley, Steve McCullough, Adam McGough, Mickey McGuire, Kenneth McIntyre, Collette McNamee, Erin Moore, Ron Moore, Michael Morris, Jenny Narvaez, Mark Nelson, Vanno Ngo, Than Nguyen, Paul Paine, James C. Paris, Michael Peters, Danny Plumer, Michael C. Polocek, John Polster, Chris Poteet, James Powell, Vercie Pruitt-Jenkins, Chris Reed, Tito Rodriguez, Kyle Roy, Greg Royster, Kris Russell, Kay Shelton, Madeline Sheperd, Samuel Simmons, Randy Skinner, Paul Stevens, Shannon Stevenson, Dean Stuller, Raymond Suarez, Vivek Thimmavajjhala, Gary Thomas, Lauren Trimble, Dan Vedral, Mitzi Ward, Brendon Wheeler, Amanda Wilson, Brian Wilson, and Kate Zielke.

1. **Opportunity for the Public to Speak on Today's Agenda: Consistent with HB 2840:** This item allows members of the public an opportunity to give input on agenda items. Speaker Request Cards were made available, and those interested in providing public input were asked to complete a card and provide to staff. Regional Transportation Council Chair Andy Eads asked if there were any public comments. No members of the public chose to speak at the meeting or provide written comments to staff.
2. **Approval of the October 10, 2019, Minutes:** The minutes of the October 10, 2019, meeting were approved as submitted in Reference Item 2. Jungus Jordan (M); Theresa Daniel (S). The motion passed unanimously.
3. **Consent Agenda:** The following items were included on the Consent Agenda.
 - 3.1. **2020 Incident Management Equipment Purchase Call for Projects:** Approval to host a new round of the Incident Management Equipment Purchase Call for Projects in 2020 was requested. Additional information was provided in Electronic Item 3.1.

3.2. AirCheckTexas Funding: Approval for the Regional Transportation Council (RTC) Chair to submit follow-up communication to the Texas Commission on Environmental Quality (TCEQ) regarding locally generated funds from the AirCheckTexas Program, provided in Electronic Item 3.2.2, was requested. Correspondence from the TCEQ was provided in Electronic Item 3.2.1 and additional details were provided in Electronic Item 3.2.3.

A motion was made to approve the items on the Consent Agenda. Theresa Daniel (M); Rick Grady (S). The motion passed unanimously.

4. **Orientation to the Agenda/Director of Transportation Report**: Sonya Landrum recognized Traffic Incident Management training instructors and regional Roadside Assistance Patrol Program staff as part of National Traffic Incident Response Awareness Week. Michael Morris recognized Scott Mahaffey for his years of service on the Regional Transportation Council (RTC). In addition, he recognized members that represented the RTC at recent events in the region. He noted that the Denton County Transportation Authority recently renamed the Old Town Station the Charles Emery Old Town Station. He also noted that North Central Texas Council of Governments (NCTCOG) staff member Tom Bamonte has been appointed to the Governor's Texas Connected and Automated Vehicle Task Force. Recent tornadoes in the region were discussed, along with the potential opportunity for transportation reinvestments within communities. He noted there may be an opportunity to not only repair infrastructure but advance transportation efforts within the communities and that the RTC may be able to partner with entities as they try to rebuild. Mr. Morris also discussed the recent Senate approval that prevented a \$1.2 billion cut for public transit. He noted that the Request for Proposals for high-speed transportation service between Dallas and Fort Worth has been released. Information on current air quality funding opportunities for vehicles was provided at www.nctcog.org/trans/quality/air/funding-and-resources/fundingvehicle and current Dallas-Fort Worth Clean Cities events were provided at www.dfwcleancities.org/dfw-clean-cities-meetings. Electronic Item 4.1 contained a status report on ozone. The November public meeting notice was provided in Electronic Item 4.2, and October public meeting minutes were provided in Electronic Item 4.3. The Public Comments Report was included in Electronic Item 4.4. Recent correspondence was provided in Electronic Item 4.5, recent news articles in Electronic Item 4.6, recent press releases in Electronic Item 4.7. Transportation partners progress reports were distributed at the meeting.
5. **2019 Metropolitan Planning Organization Milestone Policy Update**: Christie Gotti provided an update on the projects that are part of the Metropolitan Planning Organization (MPO) Milestone Policy list. The policy was created to track projects that were funded ten or more years prior to the policy being approved. Agencies with projects in this subset that had not proceeded to construction were subsequently given an extension to the end of calendar year 2019. Details on the Milestone Policy were provided in Electronic Item 5.2. Since that time, staff has coordinated with agencies many times regarding their project deadlines. Of the original 57 projects on the list, four projects were canceled based on input from the implementing agencies. Two projects were canceled as a result of being on the Federal Highway Administration 10-Year Preliminary Engineering Audit list. The two projects were combined, and the single project will be discussed within this item. The majority, 46 projects, have let or are complete. One project previously on the list did not have a deadline but has been updated and will be presented through the next round of Milestone Policy project discussions. Two projects previously let prior to the deadline but must now be rebid and two

projects did not meet their deadline of the end of Fiscal Year (FY) 2019. Ms. Gotti provided an update on the five projects given an extension to the end of December 2019 and noted that all have or will soon go to construction. She also provided an update on projects that did not meet their FY2019 deadline or that had to be rebid. Details were outlined in Electronic Item 5.1. The first project, TIP Code 11258.9, is a City of Dallas rail crossing project first selected in 2004. Staff's original proposal, and the action approved by the Surface Transportation Technical Committee, was to remove the funding and return it to the regional pool. It is staff's understanding from the City that the project is at 60 percent design, is not environmentally cleared, and there is no railroad agreement. The City of Dallas has requested further discussion regarding a possible solution. Staff proposed that action be postponed on this project until the December 12, 2019, RTC meeting, at which time staff will present the next round of the MPO Milestone Policy projects. The second project, TIP Code 533, was funded federally in 1992 as part of a package with the Texas Department of Transportation, Garland, Dallas, and Dallas Area Rapid Transit. The project was later defederalized and funding was shifted so that excess local funding was combined on this project and the federal funding on others. All other projects are now under construction, except for the locally funded project. Staff proposed to continue monitoring the project for timely letting. The third project is TIP Code 633 and the final project is TIP Code 25043. For both projects, there was an issue with letting and staff proposed that the deadline for these projects be extended. The projects must be rebid and start by March 2020 or funding will be returned to the regional pool. Lee M. Kleinman noted that he believed it is important to maintain a program in which projects can be sunset if they are not progressing but added that he appreciates more time for the City of Dallas to come back and respond regarding TIP Code 11258.9. He noted that it is an important project to Dallas and committed that there will be an internal monitoring system for projects, including at the elected official level. A motion was made to approve the following proposals for projects: 1) TIP Code 533; monitor for timely letting, 2) TIP Code 633; project must be rebid by March 2020 or funding returned to regional pool, 3) TIP Code 25043; project must be rebid by March 2020 or funding returned to regional pool; and 4) TIP Code 11258.9; staff will work with the City of Dallas and project details brought back before the Council at the December 12, 2019, meeting. Lee M. Kleinman (M); Curtistene McCowan (S). The motion passed unanimously.

6. **Clean Fleets North Texas 2019 Funding Recommendations:** Chris Klaus presented funding recommendations for the Clean Fleets North Texas 2019 Call for Projects. Approximately \$2 million in Environmental Protection Agency (EPA) National Clean Diesel Funding Assistance Program funds, including remaining 2017 funds not fully awarded and 2018 funds, were available for replacement of on-road diesel engines and non-road diesel equipment. Depending on the replacement type, from 25-45 percent of total project funding was available. In addition to the eligible organization type and the eligible proposed activities, potential applicants also had to adopt the Clean Fleet or similar type policy, and the minimum allowable subaward was \$100,000. Scoring criteria for the eligible projects was 75 percent for cost per ton of nitrogen oxides reduced to maximize emissions reductions and 25 percent for subrecipient oversight to balance the project benefits with the administrative burden. An overview of the call for projects was provided in Electronic Item 6.1 and details of projects were provided in Electronic Item 6.2. Of the 11 activities received from the two applicants, 10 activities were determined to be eligible requesting approximately \$1.2 million in recommended funding. Staff requested feedback from applicants regarding the call for projects, from which several entities indicated that the \$100,000 grant minimum was difficult to reach and that the opening of the call for projects did not align with annual budgets. Feedback regarding elements determined by the EPA included funding percentages that were too low and eligible model years that were too

restrictive. In order to expend the remaining \$700,000 that was not awarded to projects, staff proposed that the call for projects be reopened for 90 days. Based on feedback, it was proposed that the minimum allowable subaward be reduced to \$50,000. In addition, staff will increase communication with entities regarding eligibility and the implementation timeframe. The schedule for this effort was reviewed. A motion was made to approve the funding recommendations of \$929,608 to the City of Dallas and \$325,000 to the City of Benbrook as outlined in Electronic Item 6.2. Also included in the action was approval to open an additional round of solicitation with 90 days to apply, reducing the minimum award threshold to \$50,000, incorporation of additional funding if it becomes available, and use of the same scoring criteria. T. Oscar Trevino Jr. (M); Devan Allen (S). The motion passed unanimously.

7. **Buy America Act Proposed Safety Equipment Exception:** Rebekah Hernandez discussed Buy America regulations and their effects on the purchase of incident management safety equipment. The Buy America Act was originally passed by Congress in the 1930's and since that time there have been several laws that have gone into effect that aim to protect American manufacturing jobs. Related to transportation, Buy America provisions have been in place many years and in 1978 Congress began placing domestic content restrictions on federally funded transportation projects. Unless a nationwide or project-specific waiver is granted, Buy America requires the use of United States iron or steel and the domestic production and assembly of manufactured goods. The laws and regulations governing Buy America for transportation differ according to the specific funding program and agency. Ms. Hernandez discussed an increased focus on safety initiatives both in Congress and in federal performance measures. In the State, the Texas Department of Transportation recently approved its vision zero safety goals. In addition, the Texas Senate recently released its interim charges and the first item was related to safety. There are also many ongoing safety initiatives by the North Central Texas Council of Governments (NCTCOG) that include the Traffic Incident Management Equipment call for projects and training for first responders. One of the trainings provided by NCTCOG is a photogrammetry training course that uses digital camera images and allows first responders and investigators to clear roadway incidents quicker and instead conduct their investigations from their office, which leads to improved mobility and safety. Although the Buy America Act was originally established to ensure domestic products are used, there have been some unintended challenges specifically related to the cameras used in photogrammetry and some of the eligible purchases for incident management equipment. Since items such as cameras are made up of complex components, it is challenging to determine and certify if the equipment and cameras can be certified Buy America compliant. As a potential solution, staff proposed an exception be created in the current statute for safety equipment. A draft letter to the North Texas Congressional Delegation was provided in Electronic Item 7 that outlines the issue and the potential solution. Lee M. Kleinman asked if staff has considered the possibility of creating Buy America credits that entities could receive for purchasing American manufactured products to be used for the purchase of other products, such as accident investigation equipment, that are more difficult to determine their Buy America compliance. It was suggested that the language in the draft letter be updated to include suggested creation of Buy America credits. A motion was made to approve a letter to the North Texas Congressional Delegation proposing an exception be added in Title 23 USC Section 313 for traffic incident management safety equipment, with flexibility included for staff to also request options for some type of credit system for purchasing American manufactured products that could be used for purchase of other products. Lee M. Kleinman (M); Theresa Daniel (S). The motion passed unanimously.

8. **Partnership with Dallas Fort Worth International Airport to Enable Electric Bus Purchase:** Chris Klaus presented a proposed funding partnership with the Dallas Fort Worth International Airport to support electric bus purchases. As the region continues to grow, there is also increasing demand at the airport. The airport predicts that by summer 2020, additional airside buses will be needed to support the growing number of daily flights and to move passengers from terminals to planes parked away from the gates. Buses are available in diesel and electric options, but the electric buses have a higher capital cost that is almost double the cost of diesel options. The Dallas Fort Worth International Airport requested funding assistance through air quality programs facilitated by the North Central Texas Council of Governments (NCTCOG). However, items such as Buy America constraints and scrappage requirements limit funding eligibility from traditional funding sources for the airport. Because of the regional significance of the air quality benefits of purchasing electric buses, NCTCOG staff proposed a funding partnership to assist the Dallas Fort Worth International Airport in the purchase of four electric buses, the associated infrastructure and equipment, and the temporary lease of airport buses prior to delivery of the purchased vehicles at a cost of approximately \$3.5 million. Recent correspondence to the airport was provided in Electronic Item 8.1. Air quality benefits of electric buses include avoiding an increase in ozone forming pollutants, assisting the airport in maintaining compliance with general air quality conformity as it expands, reducing passenger and employee exposure to exhaust emissions from diesel buses, and sustaining the airport's carbon-neutral accreditation. Staff proposed that up to \$3.5 million in Regional Toll Revenue funds from Dallas County and regional accounts be provided to the Dallas Fort Worth International Airport to support the purchase of electric airside buses, associated infrastructure, and equipment. Mr. Klaus reviewed the timeline for this effort and noted that with approval the anticipated delivery of the electric buses would be fall 2020. Additional details on the proposed partnership was provided in Electronic Item 8.2. Staff and members discussed other options to fund the buses such as providing federal funding for another airport project, with the airport using its local funds for the purchase of the electric buses. Bill Meadows, Chair of the Dallas Fort Worth International Airport Board, expressed his appreciation for the long history of partnership with the Regional Transportation Council (RTC) and the importance that the airport maintain its carbon neutral accreditation since it is the largest carbon neutral airport in the world and the first in the United States. A motion was made to recommend Regional Transportation Council approval of up to \$3.5 million in Regional Toll Revenue funds from the Dallas County and regional accounts to be provided to the Dallas Fort Worth International Airport to support the purchase of electric airside buses, associated infrastructure, and equipment. The action included flexibility to fund this project or another project that would allow the airport to move local funds to purchase the electric buses. In addition, a recommendation to authorize staff to administratively amend the 2020-2022 Transportation Improvement Program and other planning/administrative documents, as needed, to incorporate this effort was included. Lee M. Kleinman (M); Gary Fickes (S). The motion passed unanimously.
9. **High-Occupancy Vehicle Transportation Control Measures: Application of Managed Lanes and Substitution of Traffic Signal Progression:** Jenny Narvaez presented information on Transportation Control Measure (TCM) substitutions. In the 1990s, several interim high-occupancy vehicle (HOV) lanes were added in the region to alleviate congestion. Some of these interim projects were published in the region's state air quality plan, the State Implementation Plan (SIP), as TCMs. Since that time, interim HOV lanes have evolved into managed lanes in response to changing conditions. Although the managed lanes do provide emissions benefits, they are no longer interim projects and the SIP documents must be updated appropriately. Removal of the projects from the SIP

requires that the projects be substituted with projects that yield equivalent air quality benefits. Ms. Narvaez noted that three interim HOV lanes are included as Transportation Control Measures in two of the region's SIPs. Staff proposed that the three projects be removed as TCMs from the SIPs and substituted with other projects that achieve equivalent or greater emission benefits. Interim projects proposed to be substituted out of the SIPs are IH 35E between IH635 and SH 121, IH 635E between Coit Rd. and Greenville Ave., and IH 635W between Luna Rd and US 75. Potential traffic signalization projects proposed to be substituted in place of the three interim projects were highlighted. Details were provided in Electronic Item 9. Ms. Narvaez noted that not all projects will be used, and staff will work to select projects in proximity to the interim HOV projects and for which substitution measures will achieve equivalent or greater emissions reductions for the nitrogen oxides and volatile organic compound emissions contributed by the three interim projects to be replaced. The schedule for the effort was reviewed, with action to be requested at the December 12, 2019, Regional Transportation Council meeting.

10. **Follow Up to Regional Transportation Council Workshop:** Michael Morris highlighted topics discussed at the Regional Transportation Council (RTC) Workshop held prior to the meeting which included the strategic visioning process, potential topics the RTC may wish to discuss in the coming months, and institutional questions as the region is matured. Historical partnerships were also discussed, as well as innovative funding, tolling, borrowing, public-private partnerships, and the importance of statewide formula allocation. Finally, the importance of having projects shovel ready for the next funding opportunity was highlighted. RTC Chair Andy Eads reiterated the importance of having shovel-ready projects, something he believes the region has been successful in doing through its flexibility and spirit of trust. In addition, he noted it is important that the RTC is mindful of the upcoming legislative session, refine its talking points, prepare for the issues at hand, and work on the legislative agenda outside of the legislative session. Ann Zadeh mentioned discussion during the work session about the Chair's initiative to bring together the transportation authorities in the region and the importance of this initiative.
11. **Hyperloop Certification Center Initiative and Reaffirmation of High-Speed Rail from Dallas to Houston:** Michael Morris provided information on the Virgin Hyperloop One Request for Proposals and a draft resolution, provided in Reference Item 11, supporting high-speed rail and a possible partnership with Virgin Hyperloop One. An update on rail service from Houston to Dallas was provided. Efforts are moving on the Finding of No Significant Impact, safety protocol with the Federal Railroad Administration, and right of entry for construction of the facility. He noted the proposed resolution will reaffirm the Regional Transportation Council's (RTC) support for high-speed rail by Texas Central Railway from Houston to Dallas. High-speed rail is the only technology contemplated for this Houston to Dallas corridor. For the Dallas, Arlington, Fort Worth corridor, the project is now in the Request for Proposals phase. This corridor includes the three-station concept. The third corridor is from Fort Worth to Laredo. The final round of stakeholder meetings is scheduled, and the final report is expected in 60 days regarding the conceptual engineering routes to bring fast rail from Fort Worth through Waco, Temple-Killeen, Austin, San Antonio, Laredo, and on to Monterey, Mexico. Other efforts include a proposal for a hyperloop certification center. A Request for Proposals from Virgin Hyperloop One was released on November 4 with the deadline for the conceptual proposal due December 13, 2019. If approved by the RTC, the region will be competing with others in the United States to be the location for the certification center. Phase A of the conceptual proposal (Phase 1) is submission of intent and non-disclosure elements. Part B includes credentials, ideas, and partnership details. If an entity is shortlisted by Virgin Hyperloop One, Phase 2 will include

submittal of a detailed proposal by February 28, 2020. From those submissions, finalists will be determined in Phase 3 and negotiations are anticipated in mid-2020, followed by announcement of the winner. Construction is anticipated to begin in 2021. Mr. Morris reviewed the sections of the proposed resolution. Section 1 reaffirms the RTC's support of Texas Central Railway for high-speed passenger rail initiatives from Dallas to Houston. Section 2 approves North Central Texas Council of Governments (NCTCOG) staff to respond to the Request for Proposals for a Hyperloop Certification Center by Virgin Hyperloop One, reach out to partners such as the Dallas Regional Chamber, and pursue support from the State of Texas. He noted the Dallas Regional Chamber has indicated it is available to provide assistance but NCTCOG would be the lead. He added it is unclear whether the region would work through the district engineers or directly with the State regarding this effort. Lee M. Kleinman asked if NCTCOG is still interested in suggestions from cities or counties in the region and if the Request for Proposals will be provided to entities. Mr. Morris noted the deadline for entities to submit potential locations is November 22 and a copy of various sections from the Request for Proposals identifying certification track alignment needs will be provided to members. Mr. Kleinman also asked if staff believed there would be more than one site suggestion submitted as part of the Request for Proposals. Mr. Morris noted as many sites that meet the requirements will be included. Barbara Odom Wesley noted there is no mention of funding in the resolution or presentation. Mr. Morris noted it is too early in the process and the RTC should assume some funding will be included. No funding is being committed at this time. A motion was made to approve Regional Transportation Council Resolution R19-05, Resolution of Support for the Hyperloop Certification Center Initiative and Reaffirmation of High-Speed Rail from Dallas to Houston, provided in Reference Item 11. Theresa Daniel (M); Gary Fickes (S). The motion passed unanimously.

12. **Top Five Regional Transportation Council Policy Initiatives for 2020:** Michael Morris highlighted the proposed top five Regional Transportation Council (RTC) policy initiatives for 2020. The first initiative is the importance of the partnership between local, State, and federal elected officials. The second initiative is whether the review of revised institutional structures is business as usual. He noted it may be important to develop policy questions on institutional structures for hyperloop, autonomous vehicles, transit, and others. Metropolitan Planning Organization (MPO) efforts to communicate, delegate and implement is the third policy initiative. In addition, taking advantage of Texas interim legislative charges and new federal legislation will also be important in the coming year. Staff will be reviewing interim charges and bring back homework assignments to the RTC at a future meeting. The last initiative is connecting the Dallas-Fort Worth region with the rest of the State and nation. RTC Chair Andy Eads asked that members with additional topics or areas of focus contact staff. Chair Eads also asked if staff formally or informally communicates the RTC's legislative agendas with other MPOs across the state. Mr. Morris noted that the RTC's legislative positions are communicated to the statewide MPO group through the Assistant Director of Transportation, as well as transportation advocacy groups within the region. He noted that staff will likely begin legislative efforts earlier, hold workshops, and potentially invite other MPOs to the region. Staff will map interim charges and interested members can begin to advocate for the region. Chair Eads noted that he believes the region is high performing in this area and should take a leadership position if necessary.
13. **Progress Reports:** Regional Transportation Council attendance was provided in Electronic Item 13.1, Surface Transportation Technical Committee attendance and minutes in Electronic Item 13.2, and the current Local Motion in Electronic Item 13.3.

14. **Other Business (Old or New):** There was no discussion on this item.
15. **Future Agenda Items:** There was no discussion on this item.
16. **Next Meeting:** The next meeting of the Regional Transportation Council is scheduled for 1:00 pm, Thursday, December 12, 2019, at the North Central Texas Council of Governments.

The meeting adjourned at 2:40 pm.