

REGIONAL TRANSPORTATION COUNCIL
March 12, 2020

The Regional Transportation Council (RTC) met on Thursday, March 12, 2020, at 1:00 pm in the Transportation Council Room of the North Central Texas Council of Governments. The following members or representatives were present: Richard E. Aubin, David Blewett, Mohamed Bur, Loyl C. Bussell, Dianne Costa, Theresa Daniel, Pat Deen, Andy Eads, Gary Fickes, George Fuller, Rick Grady, Lane Grayson, Roger Harmon, Ivan Hughes, Greg Giessner (representing Ron Jensen), Jungus Jordan, Ray Smith (John Keating), B. Adam McGough (representing Lee M. Kleinman), David Magness, Curtistene McCowan, Raj Narayanan (representing William Meadows), Robert Miklos, Cary Moon, Sheri Capehart (representing Barbara Odom-Wesley), Stephen Terrell, Jeremy Tompkins, T. Oscar Trevino Jr., William Tsao, Paul N. Wageman, Dennis Webb, Duncan Webb, Chad West, B. Glen Whitley, W. Jeff Williams, and Ann Zadeh.

Others present at the meeting were: Angela Alcedo, Vickie Alexander, Majed Al-Ghafry, David S. Arbuckle, John Baker, Melissa Baker, Berrien Barks, George Behmanesh, Kenny Bergstrom, Alberta Blair, David Boski, Pamela Burns, Marrk Callier, Drew Campbell, Jack Carroll, Molly Carroll, Angie Carson, Adrian Castaneda, David Clarke, John Cordary, Mike Curtis, Clarence Daugherty, Holli Davies, Yvonne Davis, Brian Dell, Cody Derrick, Edie Diaz, David Dryden, Chad Edwards, Marcia Etie, Kevin Feldt, Mike Galizio, Wayne Gensler, John Godwin, Tony Hartzel, Rebekah Hernandez, Robert Hinkle, Matthew Holzapfel, Terry Hughes, Brian Jahn, Julio Jasso, Amy Johnson, Shannon Joski, Dan Kessler, Tzeggabrhan Kidane, Ken Kirkpatrick, Chris Klaus, Audrey Koehler, Dan Lamers, April Leger, Eron Linn, Paul Luedtke, Mickey Marlow, Rich Matyiku, Steve McCullough, Mickey McGuire, Keith Melton, Chandler Merritt, Collin Moffett, Erin Moore, Michael Morris, Jeff Neal, Mark Nelson, Evan Newton, Than Nguyen, Paul Paine, James C. Paris, Ruby Perez, Michael Peters, Johan Petterson, LaKesha Rhea, Tito Rodriguez, Lori Shelton, Madeline Shepherd, Walter Shumac, Samuel Simmons, Randy Skinner, Alissa Soto, Paul Stevens, Shannon Stevenson, Dean Stuller, Gary Thomas, Jonathan Toffer, Daniel Vedral, Mitzi Ward, Karla Weaver, Brendon Wheeler, Amanda Wilson, Brian Wilson, Alicia Winkelblech, Ed Wueste, and Phil Yerby.

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 February 27, 2020, Minutes:** The minutes of the February 27, 2020, meeting were approved as submitted in Reference Item 2. B. Glen Whitley (M); Theresa Daniel (S). The motion passed unanimously.
3. **Consent Agenda:** There were no items on the Consent Agenda.
4. **Orientation to the Agenda/Director of Transportation Report:** Michael Morris provided an overview of items in the Director of Transportation Report. He noted information regarding the Transportation Alternatives Program Call for Projects was distributed at the meeting in Reference Item 4.9. In addition, comments on the proposed rules for the Federal Communications Commission's use of the 5.850–5.925 GHz band were distributed at the meeting in Reference Item 4.10. He also noted that the deadline for applications for the

Fiscal Year 2020 Better Utilizing Investments to Leverage Development Discretionary Grant Program is May 18, 2020. Current information on air quality funding opportunities for vehicles is available at: www.nctcog.org/trans/quality/air/funding-and-resources/fundingvehicle, and current Dallas-Fort Worth Clean Cities event information is available at: www.dfwcleancities.org/dfw-clean-cities-meetings. Information regarding the current east/west equity percentages was provided in Electronic Item 4.1. Electronic Item 4.2 contained an announcement for the upcoming Traffic Incident Management Executive Level Course, and Electronic Item 4.3 contained the January online input opportunity minutes. Notice of the March public meeting was provided in Electronic Item 4.4. The Public Comments Report was provided in Electronic Item 4.5, recent correspondence in Electronic Item 4.6, recent news articles in Electronic Item 4.7, and recent press releases in Electronic Item 4.8. Transportation partner progress reports and the current issue of Mobility Matters were distributed at the meeting.

5. **Public Comments at Regional Transportation Council Meetings (HB 2840) Rules:** Amanda Wilson presented draft Rules for Public Comments at Regional Transportation Council (RTC) meetings. House Bill 2840, passed during the 2019 Texas Legislative Session, allows members of the public to comment before a governmental body takes action at its meetings. This opportunity has been provided to members of the public at RTC meetings since September 2019, and to date no members of the public have commented at meetings. RTC draft rules to accept public comments were provided in Electronic Item 5.1 and an example of the Speaker Request Card was provided in Electronic Item 5.2. As part of development of the draft rules, staff benchmarked local governments in the region as well as other metropolitan planning organizations in Texas and feel that appropriate procedures to receive public comments at RTC meetings have been developed and staff can adequately implement the rules. Ms. Wilson noted that the proposed rules were presented in detail at the January 9 meeting, and highlighted changes as a result of member discussion: 1) if a member of the public would like to provide written comment only, the written comment would be made available to RTC members in advance of the action, and 2) if a member of the public would like to be documented as for/against an item, the statement would be provided to the RTC at the end of the comment period. Details were also provided in Electronic Item 5.3. She noted that the draft rules have been available through a 45-day public comment period since the rules will be added as an Appendix to the Public Participation Plan. To date, two public comments have been received related to appreciation to the legislature for the opportunity to comment and that the rules as drafted seem reasonable. A motion was made to approve Rules for Public Comments at Regional Transportation Council Meetings as provided in Electronic Item 5.1. Ann Zadeh (M); Curtistene McCowan (S). The motion passed unanimously.
6. **Trinity River Vision Bridge Funding Increase:** Michael Morris presented a proposed funding increase for the Trinity River Vision (TRV) Bridge project. The project includes three bridges located on Henderson Street, North Main Street, and White Settlement Road that are currently under construction. He discussed the history of the project and discussions with the United States Army Corps of Engineers (USACE) regarding its proposed design of bridges to create a bypass channel on the Trinity River north of Downtown Fort Worth. Staff originally proposed that the USACE use the Texas Department of Transportation (TxDOT) design of the 7th Street bridges in Fort Worth at each of the three locations or at least the same v-shaped design for all three bridges. However, substituting bridge design would have changed other elements of the project causing delay. Mr. Morris discussed efforts focused in undeveloped, fast-growing suburban portions of the region to minimize stormwater impacts to communities. Mitigation efforts will impact project designs, which is the basis for the

original request to create a bypass channel on the Trinity River north of Downtown Fort Worth. The three bridges have federal, State, regional, and local funds from previous commitments. In order to expedite the projects, TxDOT has already negotiated and funded the contractor for the project and presented to the Fort Worth City Council. The original project amount was approximately \$69.9 million, and the projected cost is estimated at \$89.3 million. This leaves a shortfall of approximately \$19.4 million. In order to better meet the end dates for the project, the Regional Transportation Council has been asked to fund the anticipated bridge cost increase of approximately \$20 million to reimburse TxDOT for the payment it has made to the contractor. Tarrant County and the City of Fort Worth have offered to repay \$5 million to the RTC as a gesture of the partnership among the City, County, TxDOT, and the RTC. Details were provided in Electronic Item 6. Curtistene McCowan asked to what staff attributes the cost overrun and if additional costs are anticipated. Mr. Morris discussed the v-shaped bridge design concerns expressed by staff and the cost associated with needing different designs in relation to the height of the bridge columns. Efforts to substitute the design were unsuccessful. He added that although a project could always have additional costs, staff does not anticipate additional costs on this project. Jungus Jordan discussed the project history and thanked TxDOT and North Central Texas Council of Governments staffs for their assistance regarding the project. He noted that the City of Fort Worth has received criticism that there is no water under the bridges but that the decision behind building the bridges in advance of the bypass channel was a less expensive construction cost so efforts have been taken to reduce the design and constructability costs. Duncan Webb asked the source of funds for the \$20 million. Mr. Morris noted that source of funds will be Surface Transportation Block Grant funds from the western subregion. A motion was made to approve an additional \$20 million to cover the cost overrun on the Trinity River Vision Bridge project, with \$15 million as a grant and \$5 million to be repaid by the City of Fort Worth and other local partners over a 10-year period. Jungus Jordan (M); T. Oscar Trevino Jr. (S). The motion passed unanimously.

- 7. Next Steps with the Texas Department of Transportation: Comments for the 2020 and 2021 Unified Transportation Program:** Michael Morris presented details of efforts to propose an alternative option for IH 35 in Austin to the Texas Transportation Commission (TTC). He discussed his recent conversation with TTC Chairman J. Bruce Bugg Jr. regarding the proposal for Regional Transportation Council (RTC) consideration, which was also detailed through video available at www.youtube.com/nctcogtrans. He noted that the TTC has a proposal for IH 35 in Austin which is the correct project, but in staff's opinion the incorrect funding approach. Plan B is the RTC alternate approach for the project. In each proposal, the project is identical: 27 miles between SH 45 North and SH 45 South, six frontage lanes, eight non-tolled freeway lanes, and four express lanes. The only difference between the proposals is the express lanes are un-tolled in the TTC proposal and tolled managed lanes in the RTC proposal. As stated in the video, the proposal is similar to the IH 635 project, rotated 90 degrees and moved to Austin. Because the schedule for the TTC to take action on the project is April 30, 2020, he noted the importance of developing the video to advocate the RTC's position. The RTC proposal would prevent the need to add \$4.3 billion to the IH 35 project impacting revenues available to regions statewide including potentially \$1 billion to the region. The current \$1.9 billion would remain on the project and the project would not be moved into the 2020 Unified Transportation Program (UTP). In addition, the RTC proposal would prevent Austin from cancelling \$600 million in already funded projects and the TTC from bringing in another \$300 million into the 2021 UTP that will be considered for action in August 2020. Other elements of the TTC's proposal were highlighted, including unfunded local government context sensitive design. In the RTC proposal, the tolled managed lanes would pay for themselves and statewide assistance to

fund 75 percent of the project would not be needed. Mr. Morris discussed the current impact of oil prices and the anticipated revenue from Proposition 1 and Proposition 7, as well as potentially reduced fuel tax revenue and the affect this may have on available funding. This could put currently funded projects at risk in the Dallas-Fort Worth region if the cash flow must be held back. RTC action would give the TTC time to review its Proposition 1, Proposition 7, and gas tax revenues to see if in fact \$4.3 billion should be moved to the IH 35 project. He highlighted maps comparing the IH 35 reconstruction project proposed by the TTC which would construct one project versus the RTC proposal which would allow for regions statewide to receive their fair share and move projects to implementation, including funding available to rural areas. He also highlighted other elements that could be available if the RTC proposal was used such as guaranteed speeds and transit, gentrification funding, context sensitive design, and use of IH 30/IH 35 as a system to move trucks outside of the peak period, all of which are a win-win for Austin and the State. The same project is built, meeting the needs of the community in Austin, but in a way that does not pull revenues for other regions in the state. The public comment period for the project is March 13-April 13, 2020, with the public hearing scheduled for April 7, 2020. The TTC is expected to consider the project at its April 30, 2020, meeting. Mr. Morris referenced the draft RTC resolution provided in Reference Item 7, and noted that the RTC Chair has requested a section be added that states: The Regional Transportation Council requests the Texas Transportation Commission to extend the deadline for public comments in order to be sensitive to schedule conflicts related to COVID-19. The addition of Section 4 was included in the updated resolution distributed at the meeting in Reference Item 7. He noted no other changes were made to the resolution. Chad West asked, other than approving the resolution, what entities could do to help advocate for the region at the State level. Mr. Morris noted that RTC Chair Andy Eads is reaching out to his colleagues at other metropolitan planning organizations (MPOs) across the state and would be able to provide additional guidance. RTC members could attend the upcoming TTC meeting, as well as the public hearing, and he noted that the conversation should occur at the elected official level. RTC Chair Andy Eads noted he believes the previous Commissions and the current Commission have been good partners across the state and in North Texas and that the positive dialogue should be maintained. He added the RTC should be respectful of the process and the political environment in which the Commission is operating. He also noted that since the Commission has not identified its proposal to fund IH 35 in Austin as its Plan A, for the RTC to propose a Plan B does not seem to be a respectful communication. He suggested that the draft resolution be amended, as well as dialogues moving forward, to no longer refer to the RTC's plan as Plan B but to refer to it as the RTC's alternative plan. The proposed language would be updated in Section 1 to reflect the RTC only supports this alternative plan and also reflect the change in Section 3 that the alternative plan is represented in this material of the draft resolution.

B. Adam McGough expressed support of the proposed edits. He noted that the IH 35 proposal includes four express managed lanes and asked how the TTC has proposed to manage the lanes. In addition, he asked if the optional tolled managed lanes were the only difference between the Commission's proposal and the alternate RTC plan. Mr. Morris noted he is not aware of details for the proposed express lanes and confirmed that the four express lanes are the only difference between the proposals. Mr. McGough discussed recent negotiations regarding IH 635 East and noted the constituents he represents support every tool in the toolbox, including the optional tolled managed lanes and would be supportive of moving forward with this option. He asked if additional resolutions of support were needed. Mr. Morris noted that the spirit of Section 5 of the resolution is that everyone in the region express their opinions in any way they choose during the public involvement process. He noted that details on the public involvement process were included in Attachment 1 of Reference Item 7. B. Glen Whitley asked if toll roads were permitted in

current legislation and if a change would be necessary for tolled managed lanes to be included in the project. Mr. Morris noted that in the case of IH 35W 3C, the project was grandfathered. The ability to include tolled managed lanes may depend on how the Commission wishes to proceed with the project. If it wishes for the project to proceed as a public-private partnership, it will have to be requested through the legislature. However, he noted that the project cannot likely go to construction for several years since it is not cleared. If the RTC were to pass the proposed resolution, it would give an opportunity for not just the Executive Branch but the Legislative Branch to have conversations about the best path forward. Duncan Webb noted he was supportive of having all the tools in the toolbox and overall supportive of the resolution, but that he also had concerns. He discussed the impression that could be given that the region is involving itself in the affairs of another entity and proposed that the use of softened language in the resolution may be helpful. In addition, he asked if there have been conversations with other MPOs to determine if they are willing to adopt similar resolutions. He also noted that this seems like an opportunity to express concerns regarding the current collapse of oil prices and the potential for reduced Proposition 1 funds for transportation, as well as the possible impacts to funding that could be allocated across the state if other funding tools and mechanisms are not considered. He also proposed that the language in the resolution be softened by using "the RTC's proposed plan." Mr. Morris discussed Section 5 of the resolution and noted that if passed, efforts will be made to engage other MPOs in the conversation to determine their interest to move forward. RTC Chair Eads noted that some conversations have already begun. He also asked Mr. Webb if use of "this alternative plan" was satisfactory. Mr. Webb agreed. Regarding the potential impact of oil prices, Mr. Morris noted that the information will be included in the transmittal letter for the resolution. In addition, the RTC Chair will be asked to record the comment as part of the public involvement process for the project. Dianne Costa asked if staff, when extending the deadline for public comments, intentionally left the deadline open. RTC Chair Eads noted that it seemed appropriate to list no deadline due to the uncertainty of recent events. Richard Aubin noted that he believed it would be worthwhile to indicate in the resolution how much revenue the region could stand to lose and what a devastating impact it would have on transportation in the region. Adding this information would explain the reason that the Dallas-Fort Worth region is speaking on an issue in Austin. RTC Chair Eads noted he understood the concern, but that it was important for members to understand that the vast majority of the money is discretionary funding to which the region is not entitled. Mr. Aubin noted that he would rather stake a position, perhaps not of entitlement, but regarding the negative effective this could have on growth in the region and statewide. Mr. Morris asked if Mr. Aubin was agreeable to including his comment as part of the letter transmitting the resolution, and Mr. Aubin agreed. Jungus Jordan expressed his appreciation of the partnership with the Commission and that he believed the region agrees the IH 35 project in Austin needs attention. At the same time, he noted the importance of defending funding for the region and that the proposal is not a complaint but an offer of a better solution. RTC Secretary Theresa Daniel noted that having gone through many of the community meetings in Dallas, Mesquite, and Garland regarding IH 635 East, she believes citizens are supportive of systems that work and that she was supportive of the proposal and anything that can be done to continue growth in the region. RTC Chair Eads asked if anyone was opposed to the edits discussed at the meeting and if there were any additional comments. A motion was made to approve R20-02, Resolution on the Texas Transportation Commission's Proposed Updates to the 2020 Unified Transportation Program as amended at the meeting as follows: 1) the addition of language in a new Section 4, The Regional Transportation Council requests the Texas Transportation Commission to extend the deadline for public comments in order to be sensitive to schedule conflicts related to COVID-19, as distributed at the meeting in Reference Item 7, and

2) removal of reference to the RTC's proposal as "Plan B" and replacement with "alternative plan." Jungus Jordan (M); Theresa Daniel (S). Loyl Bussell and Mohamed Bur abstained from the vote. The motion passed unanimously.

8. **2021-2024 Transportation Improvement Program Draft Listings:** Brian Dell provided a brief overview of development efforts for the 2021-2024 Transportation Improvement Program (TIP). The TIP is a federally mandated funding document that inventories all transportation projects in the region that are funded with various federal, State, and local sources. He noted that draft project listings, containing over 900 projects, were available at https://www.nctcog.org/nctcog/media/Transportation/DocsMaps/Fund/TIP/21-24TIP/RTC_Info_21_24DraftProjectListings.pdf. Members were asked to have staff from their respective agencies review the draft listings and provide comments to the North Central Texas Council of Governments by April 8, 2020. Full presentation of the item will be made at a future meeting. Additional details were provided in Electronic Item 8.
9. **Mobility 2045 Update (High-Speed Rail Recommendations):** This item was postponed and will be presented at a future meeting.
10. **Metropolitan Transportation Plan Schedule:** This item was postponed and will be presented at a future meeting.
11. **Trail of the Month Video:** This item was postponed and will be presented at a future meeting.
12. **Progress Reports:** Regional Transportation Council attendance was provided in Electronic Item 12.1, Surface Transportation Technical Committee attendance and minutes in Electronic Item 12.2, and the current Local Motion was in Electronic Item 12.3.
13. **Other Business (Old or New):** There was no discussion on this item.
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 9, 2020, at the North Central Texas Council of Governments.

The meeting adjourned at 1:55 pm.