

Memorandum



CITY OF DALLAS

DATE December 5, 2008

TO Transportation and Environment Committee Members: Linda L. Koop (Chair),
Sheffie Kadane (Vice Chair), Jerry R. Allen, Carolyn R. Davis, Vonciel Jones Hill,
Angela Hunt, Pauline Medrano, Ron Natinsky

SUBJECT Status Report on the Dallas Bike Plan Update

The Regional Transportation Council (RTC) has programmed \$300,000 in Unified Planning Work Program (UPWP) funding for an update of the City of Dallas Bike Plan. The Dallas Bike Plan was originally approved by the City Council in 1985 and has had only minor route updates since its adoption. The RTC endorsed the use of regional funding because it wants to use the Dallas Bike Plan update as a model for other North Texas cities to develop and implement bicycle plans.

The project will be administered by North Central Texas Council of Governments (NCTCOG) with the City of Dallas providing project oversight of the selected consultant. The consultant selection process will be managed by NCTCOG with guidance from the City of Dallas. The funding source for the UPWP funds will be the Texas Department of Transportation and will require a local match of \$75,000 from the City. Total funding for the project is \$375,000. The project is expected to begin in May 2009 and take about eighteen months to complete.

Public involvement will be a vital part of the update of the City's Bike Plan. It is anticipated that the development of the plan will be guided by three committees:

A Steering Committee will consist of policy officials representing public agencies. In addition to the City of Dallas and the RTC, this committee could include representatives from other agencies such as Dallas County and DART. It will provide overall policy direction regarding the development of the plan, and ultimately, forward a recommended plan to the Council's Transportation and Environment Committee (TEC) for consideration. Linda Koop, as Chair of the TEC, has indicated that Councilmembers Angela Hunt and Sheffie Kadane will represent the City of Dallas on the Steering Committee with both serving as Chairs.

A Stakeholders Committee will serve as the primary source of input from the community at large. This committee should include a broad spectrum of community perspectives including recreational and commuter cyclists, bicycle club interests, trail users, and others interested in encouraging bicycle use as part of a multimodal transportation system in Dallas.

Finally, a Technical Committee will be comprised of key staff members from the City of Dallas, NCTCOG and other public agencies involved in the project. Several departments would be involved from the City including Public Works and Transportation, Parks and Recreation, Dallas Police Department and Development Services. John Brunk, Assistant Director of Public Works and Transportation, will coordinate the Technical Committee's activities. The purpose of the Technical Committee is to provide information and data on local conditions and constraints, technical oversight of the consultant's work, and assist in the development/evaluation of alternatives for review by stakeholders and policymakers.

The Bicycle Plan Update will consider a full range of bicycle facility types (e.g., shared lanes, striped bike lanes, off-street trails) to accommodate and encourage bicycle use as a mode of transportation. Elements that the planning process should include are:

- Identification/evaluation of all available bicycle facility types;
- Design requirements for bicycle facility types and guidelines for the appropriate application of each type;
- Review of existing Dallas Bike Plan on-street routes and development of recommendations to retain or modify the routes and facility types;
- Integration with NCTCOG's Veloweb plan and the Park and Recreation Department's Trail Network Master Plan;
- Identification of connection points/corridors between cities;
- Methods to facilitate bicycle accommodation on public transit;
- Recommendations for on-street and off-street bicycle parking;
- Bicyclist and motorist education program recommendations; and,
- Electronic and print versions of the Bike Plan and maps in both English and Spanish.

Please contact me if you need additional information.



Ramon F. Miguez, P.E.
Assistant City Manager

- c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Judiciary
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest Turner, Interim Assistant City Manager
David Cook, Chief Financial Officer
Jeanne Chipperfield, Director, Budget and Management Services
Helena Stevens-Thompson, Assistant to the City Manager – Council Office
Edward Scott, Director, Office of Financial Services
Rick Galceran, P.E., Director, Public Works and Transportation

Carona and Watson: Time for Texas to face transportation woes

05:07 PM CST on Wednesday, November 26, 2008

Texas highways were once the pride of the state — and justifiably so. Our extensive infrastructure allowed generations of farmers and ranchers to feed the state and the world, and it turned our cities into economic powerhouses. Our transportation networks allowed generations of Texans to charge into a prosperous future.

But for a generation, the state has approached old and new transportation challenges in a very different way: We have struggled simply to keep up with our needs. This has left Texas at a critical intersection, and the choices that the Legislature makes over the next several months will determine both how we live in the short term and what opportunities our children will inherit.

Texas now faces a transportation crisis. We spend more and more of our lives in traffic instead of with our families. We seldom, if ever, see major roads built without toll booths. And the rail lines and highway lane miles we know we need are being scaled back or scrapped in the face of a hopeless inability to pay for them.

It is only becoming harder to address these needs. The costs of concrete, steel and other basic road-building materials have risen 60 percent over the last five years. However, the state motor-fuels tax — our primary source of transportation funding — has been frozen at 20 cents per gallon since 1991. The disparity has left the state facing 21st-century challenges with a 20th-century tool.

The Texas Lyceum, a group of the state's top thinkers and policymakers, will focus on this issue Wednesday at its conference in Houston (for more information, see www.texaslyceum.org). And in January, the 81st Texas Legislature will begin weighing opportunities to make a meaningful investment in transportation.

Here are alternatives that we believe the state must explore:

- **End transportation funding diversions:** The State Highway Fund has long provided money for the Department of Public Safety and other priorities. We must focus this money on roads and other transportation projects.
- **Use bond funding transparently:** A year ago, Texans voted to dedicate \$5 billion in tax-supported bonds to transportation projects. The Legislature should appropriate this money for its intended purpose and commit to using it with complete transparency and accountability.
- **Support regional financing tools:** Other than toll roads and privatization schemes, the state has provided few options for cities, counties and other local jurisdictions

to fund transportation. The Legislature should offer new voter-approved funding mechanisms for regions to plan and pay for roads, rail lines and other projects.

- Rewrite the gas tax: Texas' primary source of transportation funding cannot provide for the state's transportation needs. The Legislature must have a serious debate about restructuring the motor-fuels tax to reflect the sheer size enormity of our tasks by indexing it to inflation.
- Explore new alternatives: Texas must move past a 20th-century model that relies so heavily on single-occupancy vehicles and work to create a truly comprehensive statewide system for moving people and freight. This should begin by funding the Rail Relocation Fund that voters overwhelmingly approved in 2005.
- Reform the Texas Department of Transportation: With its overt advocacy of privatization and occasional disregard for the Legislature, the department has rightly incurred the wrath of Texans and their representatives. While we applaud the department's recent efforts to be more transparent and accountable, the Legislature must fundamentally reform the agency so that Texans are fully aware of its activities and never question its objectives.

These changes will not be easy, and they will confound the frequent promises of something-for-nothing. But they are necessary if we are to address the needs we see every day at rush hour — challenges that will only become greater. Our children must not be the first generation of Texans to inherit an inadequate transportation infrastructure with nowhere to grow.

Sen. John Carona, R-Dallas, and Sen. Kirk Watson, D-Austin, serve respectively as chair and vice chair of the Senate Transportation and Homeland Security Committee.

Former governors say Oklahoma should sell water to Tarrant

BY MAX B. BAKER
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Two former Oklahoma governors said the state should set aside politics and reconsider its long-standing opposition to selling water to Texas — or risk losing its fight in court and basically giving the water away for the price of a permit.

Former Govs. David Walters and Frank Keating said that they should have found a way to sell the water during their administrations and that it should be considered a commodity just like oil, gas and soybeans.

"I think it is important to be coldly sensible and logical and do what is best for us, and what is best for us is always making money," said Keating, governor from 1995 to 2003. "We sell oil and natural gas to other states and nations."

The Tarrant Regional Water District sued the Oklahoma Water Resources Board and the Oklahoma Water Conservation Storage Commission in January 2007, contending that Oklahoma's ban on out-of-state water sales violates federal law on interstate commerce.

The lawsuit was filed soon after the district applied for permits seeking the water. In October, Dallas and the North Texas Municipal Water District agreed to allow the Tarrant district to take the lead in securing future water supplies from Oklahoma.

Hugo, Okla., filed an additional federal lawsuit this year challenging the constitutionality of Oklahoma's ban. Irving has agreed to pay \$1.7 million a year initially to pump water from Hugo Lake into North Texas.

'Serious policy mistake'

Walters described Oklahoma's efforts to block the sale as its "single most serious policy mistake." The water, he said, could end up being worthless if the Tarrant water district succeeds in its lawsuit.

"I would expect, and most thinking Oklahomans think, that Texas will win this," said Walters, who served in office from 1991 to 1995. "The only people who get mad are the people who don't understand the issue."

Opponents to the water sale dismissed the former governors' comments — and those of Republican congressman Tom Cole, who also suggested that a deal should be struck — as Monday morning quarterbacking.

"They can't drink that gasoline," said Jerry Ellis, a Democratic state representative who will move up to the Oklahoma Senate in January. He says the state must protect itself against running out of water during a drought.

"Texas will never get enough," he said. "They will permit and permit, and every time you look up we'll be in the courthouse with them."

Jim Oliver, general manager of the Tarrant water district, said that if Oklahoma wants to make a deal, it should consider doing so before the matter goes to trial. By then, it may be too late.

"It is like a poker game," Oliver said. "They need to decide what their cards are and what they want to play because I think we have the upper hand. We'll just win the lawsuit and get it for nothing."

Legal arguments

Last year, the Tarrant district, searching for water for an exploding population, developed a plan to pump hundreds of millions of gallons from Oklahoma creeks and streams into its reservoirs.

The plan would provide enough water to serve the 4.3 million people who are expected to live in the district's service area by 2060. The district now provides water to about 1.6 million people.

The Tarrant district wants to capture water from the Kiamichi River, Cache Creek and Beaver Creek basins before it enters the Red River and takes on too much salt.

The first pipeline would pump water about 60 miles, from near Lawton, Okla., to Lake Bridgeport.

About the same time it filed permits for the water, the Tarrant district filed a lawsuit contending that a 2001 Oklahoma moratorium on out-of-state water sales violates federal law on interstate commerce.

Oklahoma contends that it can enforce the moratorium until a study of its water supply is completed. But a federal appeals court ruled in October that the Tarrant district's case testing the ban should continue.

Oliver has said from the beginning that the district has a good court case because the Army Corps of Engineers used anticipated demand from Texas cities as justification for building Oklahoma reservoirs in the 1950s and 1960s.

"Water supply storage for municipal needs in the [Sardis] and Hugo reservoirs was justified and authorized based on anticipated future demand from Oklahoma City and north Texas municipalities," states a memo from the district's Colorado law firm, Patrick Miller & Kropf in Aspen.

"At the request of Oklahoma legislators, representatives from Dallas and Fort Worth appeared before hearings and submitted written evidence of demand to justify water storage capacity for the Oklahoma reservoirs," they wrote.

Attorney Kevin Patrick said the Texas water agencies also have a series of court cases working in their favor in which the federal courts have struck down bans on water sales. In one of those cases, Altus, Okla., won the right to pipe in Texas groundwater.

Still, the district is willing to pay Oklahoma for the water — beyond the cost of a permit — to keep the matter from being tied up in court for years, Oliver said. "This is the sort of thing that can be worked out," he said.

We can work it out?

Walters tried to sell water to Texas but ran into such strong opposition — protesters came to a public hearing in T-shirts printed with pictures of dead fish — that he told his environmental secretary to drop it.

At the time, he was also involved in a political scandal in which he was almost impeached. He eventually pleaded guilty to a misdemeanor election violation and didn't seek re-election in 1995.

Walters said his running from the issue — which he describes as "politically radioactive" — set off a 15-year tradition of avoiding the sale. Instead, he said the state should form a water trust that could build the infrastructure needed and sell the water to Texas.

Keating's attempts to sell the water failed in 2002 after the state and Choctaw and Chickasaw Indian tribe officials couldn't agree on the value of 150 million gallons of water to be sold per day to Texas. Oklahoma had valued the water at \$399 million; Texas negotiators put it at \$174 million.

"There is a lot of politics in water, and there will be a lot more politics in water, but it is something that ought to be fairly resolved for the local residents," he said. It is excess water that ends up in the Red River, he said.

"If it is going over the spillway, why not sell it?" he asked.

Courthouses everywhere

Oklahoma lawmakers say theirs is not the only state fighting over water rights.

Maryland and Virginia recently had a big fight over the Potomac River, and Florida, Georgia and Alabama have been fighting over their water for years, Ellis said. He said the Arkansas Natural Resources Commission wrote a letter stating its concern about how the plan will affect water flowing into the Red River.

And residents in Pushmataha County, Okla., above the Hugo Reservoir, argue that if Hugo sells the water in the reservoir, they should get some of the money since it flows from their section of the state into the reservoir, Ellis said.

"I can see nothing but courthouses. It is all I can see, from the highest to the lowest," he said.

State Rep. Mike Reynolds, a Republican from Oklahoma City, said that even with predictions of losing the federal lawsuit, he doubts that Oklahoma will have to send water to Texas.

Editorial: Water sales would benefit Oklahoma, Texas

03:21 PM CST on Tuesday, December 2, 2008

Maybe it's because we're caught up in the Oklahoma-Texas football wars, but it doesn't seem like every day that two Sooner State leaders take a position that would benefit their neighbors to the south.

Yet that's what Frank Keating and David Walters, two former Oklahoma governors, did last week in telling the *Fort Worth Star-Telegram* that their state should sell its surplus water to North Texas.

As noted before, North Texas has plenty of willing buyers. Several water districts, including the ones serving Dallas and Fort Worth, are eager to buy Oklahoma's surplus water. Oklahoma, by the way, has extra water in abundance, enough for a state several times its size.

Some Oklahomans might want to try Republican Keating and Democrat Walters for treason, but they really should think twice about what these two former state leaders are saying. Oklahoma could realize a handsome sum for its state coffers if it enters into a contract *now* with North Texas buyers.

"Now" is key. The Tarrant Regional Water District is suing to gain access to Oklahoma water. A few years ago, Oklahoma placed a moratorium on interstate sales, but the Tarrant district has a good chance of prevailing, especially when you consider that an earlier case allowed Oklahoma to gain access to Texas groundwater. If Tarrant wins its lawsuit, North Texans could get the water for *no charge*.

We'd like to think the Republicans taking over the Oklahoma Legislature for the first time would appreciate that point. Do they really want to risk losing whatever money that could have come their way?

Republicans willing to lift the moratorium also have history on their side. The U.S. Army Corps of Engineers approved new reservoirs for Oklahoma in the 1950s after Oklahoma legislators, working with Texas legislators, made clear that North Texas also would benefit from the new lakes.

In other words, Mr. Keating and Mr. Walters aren't so treasonous, after all. What they're saying now is what was imagined all along. And it still makes sense for Oklahoma *and* Texas (unlike, say, the Bowl Championship Series). What a novel concept.