



City of Austin

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Marc A. Ott, *City Manager*
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July 23, 2014

Carlos Swonke, P.G.
Director of Environmental Affairs
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701
Via email: carlos.swonke@txdot.gov

Re: State Highway 45 Southwest

Dear Mr. Swonke,

The City of Austin is currently reviewing the Draft Environmental Impact Statement (DEIS) on State Highway 45 Southwest (SH45 SW). While the City plans to submit detailed written comments to the DEIS, this letter is submitted to respectfully request that the Texas Department of Transportation (TxDOT) consider withdrawing the DEIS at this time, suspending technical review until the document may be more fully completed with consideration of pending critical environmental studies and a more robust evaluation of alternatives.

Critical Studies Not Included in DEIS

There are at least three environmental studies either currently underway or recently completed that may well impact the assessment of environmental impacts in the DEIS. As you know, TxDOT is currently completing a survey of karst features along the SH45 SW right of way. The Balcones Canyonlands Conservation Plan staff recently conducted surveys for endangered bird species in areas close to the SH45 SW proposed alignment; the results have not yet been published. Finally, the City of Austin has begun a study of the drainage basin for Flint Ridge Cave. Each of these studies is critical to determining the nature and extent of potential environmental impacts of SH45 SW to federally protected species, Edwards Aquifer groundwater, and City of Austin and BCCP preserve lands.

State environmental regulations under which the DEIS was prepared require the EIS to include a summary of environmental studies reviewed, a description of environmental impacts found, and measures to minimize them. 43 TAC §2.84.

Without review and consideration of the above mentioned critical environmental studies, the nature and extent of environmental impacts and mitigation to minimize the harm cannot be completed.

It is my understanding that TxDOT and CTRMA staff agree that these studies are key to the design of the project, particularly the Flint Ridge Cave study. Because these studies have not yet been included in the DEIS, the document is seriously deficient and should be withdrawn to allow the results of these studies to be made part of the consideration. It is essential that decisions regarding SH45 SW be made based upon the best available science.

Reasonable Alternatives not Evaluated in DEIS

State regulations require the EIS to evaluate all reasonable alternatives satisfying the purpose and need of the proposed project. 43 TAC §2.84. The purpose and need of the project stated in the DEIS appears to be based solely on future travel delays without giving adequate consideration of the need to increase the capacity of the system. The DEIS is generally lacking in thorough analysis of reasonable alternatives and consideration of system impacts. Certain alternatives, such as converting Brodie Lane to a tolled roadway, seem predisposed to support the chosen alternative. The DEIS fails to consider maximizing existing roadways as urban arterials or the ability to add needed capacity through combining improvements to Brodie and Manchaca. Further, the alternatives analysis does not provide sufficient detail for the reader to understand the analysis of the alternatives that are included and considered.

The preferred alternative as reported in the DEIS is a 4-lane freeway section on new alignment. Enhancements to Brodie Lane or Manchaca Road are eliminated as alternatives because of the potential impact that an apparent 4-lane freeway (with frontage roads) would cause (i.e., resulting in the need for up to 300 foot of right-of-way and the displacement of 161 homes). It would appear that the definition of the alternatives that were evaluated within the existing Brodie Lane corridor assumed a tolled freeway section, thus necessitating the frontage roads and full freeway cross-section that was apparently evaluated. However, the concept of maximizing the existing roadways as urban arterials (as a three-, four- or five-lane arterial cross section) rather than as freeways was not evaluated. If the funding constraint is removed as a defining element of the alternative within the existing corridor, then a 3-, 4- or even 5-lane cross section with signalized or other treatment at intersections could be viable. Although it is possible that a 4- or 5-lane arterial cross section could result in unavoidable impacts to adjacent properties, there is no way to evaluate the significance of such impacts against the potential impacts from the proposed 4-lane freeway identified as a preferred alternative. Furthermore, the DEIS does not evaluate the individual or collective

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benefits and impacts of an arterial solution on multiple routes (e.g., Brodie, Manchaca, South First, FM 1626).

Extend Public Comment Period

Both TxDOT and the City of Austin share an appreciation for transparency in government and the benefits of robust public debate and an informed and involved constituency.

Whether or not TxDOT feels it can withdraw the DEIS and suspend technical review, I urge you to consider at the very least expanding the public comment period. The DEIS is over 1,000 pages and includes a large amount of highly technical information. The current time provided for public comment is the minimum required by law. We can and should provide more time for the public to consider the document and provide input. It is, after all, on their behalf that the project is proposed.

I am deeply appreciative of the cooperation that TxDOT and CTRMA have provided to the City of Austin as a cooperating agency in this process. I feel confident that if TxDOT withdraws the DEIS to allow consideration of environmental studies and review of alternatives, that the result will be a more defensible document and more importantly, a better project.

If you have any questions or would like to discuss the City's request, please contact Chuck Lesniak at 512-974-2269 or Rob Spillar at 512-974-2488.

Respectfully submitted,



Marc A. Ott
City Manager

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