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December 2006

Re: The Fix290 Concept and TxDOT's Environmental Challenges

Community Leaders:

Delays because of environmental impacts of the proposed TxDOT US290 project are enormous. The reason for these delays is how the extremely large scope of the project affects the sensitive environmental region through which it travels. TxDOT's already purchased right of way averages 400 feet in width and is built out edge to edge. The current roadway consists of four to five lanes, which average between 55 and 70 feet in width. The Fix290 alternative would allow for a roadway of no more than 150 feet in width.

The Fix290 Coalition in Oak Hill advocates the responsible use of resources. Funding of the US290/ SH71 Oak Hill "Y" highway project is up to our leaders. Fix290 neither condones nor supports tolling.

Our traffic projection is the same that TxDOT uses, which is the CAMPO 2030 model, not a lesser traffic projection. Using these criteria, we have identified highway design techniques that significantly reduce the amount of concrete needed to meet TxDOT and CAMPO design goals.

Since May 2006, I have been working with the City of Austin, Texas Commission on Environmental Quality, US Fish and Wildlife Service, Army Corps of Engineers, Federal Highway Administration and Environmental Protection Agency concerning the environmental impacts of this project. Because of the complicated nature of these discussions and the severe implications resulting from these issues, I have, until now, revealed little that is so important to Oak Hill and the region. A summary of permitting authority action over the last 6 months is presented below:

- TxDOT's January 2005 Nationwide Permit application for construction in waters of the United States was rejected in October 2006 by the Army Corps of Engineers.

Reason for the rejection: complete removal and elimination of over a mile of Williamson Creek. The Corps says that TxDOT must apply for an individual Section 404 permit to build the project as proposed, or reduce the scope of the project. An individual 404 permit is a Clean Water Act permit that is almost as cumbersome and time intensive as a new Environmental Impact Statement. A nationwide permit is a general permit allowed for activities such as bridge, dock or breakwater construction. The 404 individual permit implies significantly more delay than a Nationwide Permit.

- ❑ TxDOT failed to inform U.S. Fish and Wildlife Service (USFW) of its plans to modify Williamson Creek in its Biological Assessment of the project, under Section 7 of the Endangered Species Act, submitted in March 2005. The impacts to the endangered Barton Creek Salamander were the focus of the Biological Assessment. This salamander lives in the Edwards Aquifer. The recharge zone of the aquifer extends underneath 1,800 feet of what TxDOT was proposing for creek modifications and stormwater comes from both the recharge zone and its upstream contributing zone. The USFW will not officially comment on this project until new construction plans, which include modifications to the creek, are submitted.
- ❑ TxDOT failed to inform the Texas Commission on Environmental Quality (TCEQ) of the proposed creek modifications in its Water Pollution Abatement Plan (WPAP) application dated March 10, 2005 and approved May 16, 2005. TCEQ confronted TxDOT about the proposed construction within the contributing and recharge zones of the Edwards Aquifer and is now awaiting revisions to the WPAP application to acknowledge a project design change or modifications to Williamson Creek.

I want to repeat my opening concept here because it is so important: Delays because of environmental impacts of this project as currently planned by TxDOT are enormous.

In addition to the delays at TCEQ, USFW and the Corps of Engineers, The Federal Highway Administration requires that the EIS for this project be reevaluated if it is not built within 3 years. The EIS for this project was approved in 1988. TxDOT stated last summer that the reevaluation would be completed by mid fall of 2006. In October of 2006, TxDOT delayed the completion of the reevaluation until September 2007. Once the reevaluation is completed, new design work will have to be undertaken, then this design work will have to be permitted. These delays, in combination with the issues concerning TCEQ, USFW and the Clean Water Act, will delay TxDOT's project by years.

Further:

Engineering and Biology Conflicts: There are numerous instances of inappropriate, incomplete and unaccountable engineering and science assumptions in the three documents submitted to TCEQ, USFW and the Army Corps.

TxDOT Environmental Commitment: City of Austin's (COA) Watershed Protection Development Review Department (WPDRD) has been analyzing the environmental aspects of the current project since May 2006. In October 2006 their efforts culminated in a commitment by TxDOT to work with the City to adequately address environmental issues.

CAMPO Parkway Study: In October 2006 Mayor Wynn and Councilpersons Kim and Dunkerely sponsored a resolution at CAMPO to study the Fix290 concept. This resolution was approved unanimously. The study is now ongoing and includes resources from CAMPO, TxDOT, COA WPDRD, COA Public Works, and COA Planning Departments and the Fix290 Coalition.

With the help of these agencies and the Fix290 Coalition, TxDOT is now being allowed to reconsider its design. This revision is ongoing and as yet TxDOT has not revealed details.

The Fix290 Concept is a reduced scope alternative that will meet every one of TxDOT and CAMPO's design requirements, including traffic projections to the year 2030, as required by the Federal Highway Administration. Our concept is more efficient, has less congestion, works better with downtown Oak Hill and transportation-oriented development and costs far less than TxDOT's plan. In light of the significant delays being caused by TxDOT, our concept can be designed, permitted and constructed in far less time.

Please contact me by email at bmelton@earthlink.net or info@fix290.org if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Melton". The signature is written in a cursive style and is placed on a light gray rectangular background.

Bruce Melton, P.E.