

From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, December 01, 2016 8:02:54 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, November 30, 2016 6:49 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT TRANSPORTATION TXDOT

First Name: Wendi

Last Name: Hundley

Title: Citizen

Organization you are affiliated with: The Public

Email:

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Issue #1, 2, and 3 all fall under this opposition. TXDOT has been allowed to take over the FHWA environmental review, consultation, and other actions required by applicable Federal environmental laws pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.”

Given that as currently structured, TxDOT’s project development process is not meeting expectations it does not seem reasonable to say TXDOT could assume the Secretary’s environmental review responsibilities for project development.

Any Alternative or New Recommendations on This Agency: The Texas Legislature and Governor should terminate TxDOT's authority granted to participate in this Program. FHWA and TxDOT should develop a plan to transition the responsibilities that TxDOT has assumed back to FHWA so as to minimize disruption to projects, minimize confusion to the public, and minimize burdens to other affected Federal, State, and local agencies.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, November 30, 2016 8:08:38 AM
Importance: High

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Tuesday, November 29, 2016 10:32 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT TRANSPORTATION TXDOT

First Name: Wendi

Last Name: Hundley

Title: Citizen

Organization you are affiliated with: The public

Email:

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I support the recommendation that TXDOT needs a more performance based and transparent system. Deferring to RMAs and granting money to RMAs creates unregulated waste of tax payer money. For example, my local RMA (CTRMA) staff are fixing an expensive mistake they made with taxpayer money because they had to re-initiate the environmental study to align their environmental study with the 2040 Regional Transportation Plan. CTRMA has in the past reported this time period extension is "In response to community feedback for additional public involvement on the MoPac South Environmental Study" and now are spinning it that "the lawsuit halted progress on MoPac South".

The truth is CTRMA completed their environmental study which was funded via rider 42 funds (initiated March 27, 2013) and presented a "preferred alternative" to the public February 26, 2016 of 2-toll lanes in each direction with elevated lanes over Lady Bird Lake. The 2035 Regional Transportation Plan (RTP) was in effect when CTRMA initiated the study and when CTRMA released the preferred alternative. The 2035 plan only allowed 1 toll lane in each direction. The 2-year study information (including traffic studies) and the preferred alternative CTRMA presented to the public was not aligned with the scope of the 2035 regional transportation plan. Being aligned with the Regional Transportation Plan is a requirement CTRMA must meet. This has caused this project to be 2-years delayed and CTRMA had to pay for a new Environmental study because they are allowed to proceed unchecked by TXDOT.

To remedy this intentional issue, March 2, 2015, CTRMA requested an amendment to the 2035 RTP. The amendment would align the regional plan with the CTRMA "Preferred Alternative" which would have changed the scope of the MoPac South project from 1-toll lane each direction to 2-toll lanes each direction.

As explained by a Senior Planner at CAMPO, CTRMA requested the amendment to the 2035 Plan instead of

making the amendment to the 2040 Plan because the CTRMA MoPac South Project “qualitative” analysis is supposed to be based on the 2035 plan but the preferred alternative didn't not align with the plan. The requested Amendment had to be made to the 2035 plan, while it's still active, before the 2040 plan was adopted; otherwise CTRMA has to start their study all over from Square 1 (at cost a of about half a million dollars!)

The connection of MoPac to IH-35 was not in the fiscally constrained portion of the 2035 plan, but it is in the fiscally constrained portion of the 2040 plan — which means it's likely to be build and funding is identified.

March 30, 2013, 3 days before the close of the official public comment period for the CAMPO 2035 plan, after receiving a lot of public inquiry about the change from 1-lane each direction to 2-lanes each direction and the proposed double decker over Lady Bird Lake, CTRMA withdrew their amendment request to the CAMPO 2035 plan. This decision by CTRMA caused confusion among those who had taken the time to write unique comments to CTRMA and CAMPO regarding the change from 1-toll lane in each direction to 2-toll lanes in each direction and the addition of a double decker over Lady bird lake, which was added to take traffic into downtown when the two toll lanes cut down to 1-toll lane.

July 13, 2015, An additional \$460,922 was approved by the CTRMA Board of Directors to align the previous environmental assessment with the 2040 RTP. The contact directs Jacob's Engineering to redo much of the “Environmental Study” for the Mopac South Project, including new traffic engineering and public outreach. CTRMA has expressed this time period extension is "In response to community feedback for additional public involvement on the MoPac South Environmental Study” but it is in reality because CTRMA had to re-initiate the environmental study to align the data with the 2040 Regional Transportation Plan.

THE TRAFFIC STUDY:

The other problem in transparency is the manipulation of traffic data to get a toll road built that probably doesn't need to be built. Only 4 miles of the Mopac South project actually falls in the TTIs "its congested" area. However, completing the connected toll roads to satisfy bond investors seems to be more important than deciding if we actually need this project. In order to make this toll project successful they need to bring congestion to the area and are connecting it to IH-35. It doesn't benefit a toll authority to relieve congestion.

CTRMA's 2-year delay of the MoPac South project is has forced them acknowledge the added traffic that will be brought by connecting MoPac to IH-35. When they were using the 2035 plan the connection of MoPac wasn't included in the fiscally restrained portion of the plan but it is in the fiscally restrained portion of the 2040 plan meaning funding has been identified and it'll most likely be built in the next 5 years.

It's interesting to note that the traffic data distributed by CTRMA at Feb 2015 and Oct 2015 meetings are substantially different. The data is different for two reasons. 1) It was been impacted by the North MoPac Construction 2) When CTRMA finally released the traffic Data from the October 2015 open house, it shows CTRMA used traffic data from bluetooth readers for the period during ACL and used the 2035 Traffic Demand Module to calibrate (even though the 2040 plan had already been adopted).

Feb 2015 Open House Traffic Data:

https://www.dropbox.com/sh/ni9q56nlm4uxnm5/AAA7Gz42s73JirPm_LR-yTb9a?dl=0

October 2015 Open House Traffic Data:

<https://www.dropbox.com/sh/7xv31rvpkd3iwuu/AAAILQM0XP1myt7x41VgQTWfa?dl=0>

The northbound AM traffic increased by 53% increase from Feb open house! The biggest increase of 53% is presented where CTRMA wants to justify the elevated lanes.

The data below looks at the travel time information CTRMA provided to the public at the February 25, 2015 open house. The data sources cited were: CDM-Smith 2014 INXR speed data, CAMPO 2035 Travel Demand Model, observed congested speeds in October 2013 and Bluetooth data. The February 25, 2015 data is compared to travel time information provided to the public

at the October 21, 2015, open house. The data source cited is CDM Smith 2015 - Using BlueTooth Data.

General Purpose Lanes

**Feb 26, 2015 MoPac South Open house peak period traffic data between Cesar Chavez and Slaughter Lane was (2013) (attached: "Feb 2013 & No Build"),

- Northbound morning (7-9am) 15 minute drive ; 2035 no build 47 minute drive
- Southbound evening (4-6:30pm) 12 minute drive ; 2035 no build 45 minute drive

**October 21, 2015 MoPac South Open House, peak period traffic data between Cesar Chavez and Slaughter Lane is (2015): (attached: "Source Cited - CDM Smith 2015 Bluetooth Data")

• Northbound morning (7-9am) 23 minute drive (8 minute/53% increase from 2013) ; 2035 no build 52 minute drive (5 minute/11% increase from 2013) - Note the biggest increase in where CTRMA wants to justify the elevated lanes

• Southbound evening (4-6:30pm) 16 minute drive (4 minute/33% increase from 2013) ; 2035 no build 51 minute drive (6 minute/13% increase from 2013)

2 lanes each direction with elevated lanes over Lady Bird Lake (attached "Feb 26, 2015 double decker & GP traffic data")

**Feb 26, 2015 MoPac South Open house peak period traffic data between Cesar Chavez and Slaughter Lane was (2013): Using 2 lanes each direction with elevated lanes over Lady Bird Lake (attached: "Feb 26, 2015 double decker & GP traffic data")

- Northbound morning (7-9am) 8 minute drive ; General Purpose: 37 minute drive
- Southbound evening (4-6:30pm) 8 minute drive ; 2035 no build 26 minute drive

**October 21, 2015 MoPac South Open House, peak period traffic data between Cesar Chavez and Slaughter Lane is (2015): Using 2 lanes each direction with elevated lanes over Lady Bird Lake (attached: "Oct 21, 2015 Double Decker & GP Travel Time")

• Northbound morning (7-9am) 9 minute drive (1 minute/12% increase from 2013) ; General Purpose 32 minute drive (5 minute/15% decrease from 2013) - Note, the N. bound Lane is the only portion that showed a decrease from 2013, where CTRMA wants to justify the elevated lanes

• Southbound evening (4-6:30pm) 9 minute drive (1 minute/12% increase from 2013) ; General Purpose 29 minute drive (3 minute/10% increase from 2013)

CTRMA used ACL special event traffic for both open houses shows me 1) Need congestion to get bonds. If the connection doesn't happen then MoPac won't have the traffic and congestion they need to make the Mopac South toll profitable. 2) The travel times in the initial traffic studies were inflated numbers, so when the investment grade traffic study using the 2040 plan is finished (which connects MoPac to IH-35) then the public won't see and the huge increase in traffic that the connection to IH-35 will actually bring.

A TIMELINE:

- February 29, 2012, CTRMA, our toll-road authority authorized money from their general fund - reimbursed with Rider 42 funds to pay for a 2-year study of the MoPac South project to build from Cesar Chavez to Slaughter.
- December 5, 2012, the CTRMA Board of Directors approved Jacob's and authorized negotiation of a contract for preliminary engineering and environmental services.
- February 29, 2013, CTRMA amended contract with Jacob's engineering adding \$191,671 to reclassify from Categorical Exclusion (CE) to Environmental Assessment (EA) for new total of \$6,190,876 (attached: CTRMA & Jacobs \$6,190,876).
- March 27, 2013, the CTRMA Board of Directors authorized the Executive Director to finalize and execute a professional services contract with Jacobs Engineering Group Inc. ("Jacobs") for preliminary engineering and environmental services for development of the MoPac South Project. This contract provides for the alternatives development and evaluation, environmental studies, public involvement, preliminary engineering, design, field

survey, hydraulic studies, and schematic development for the proposed MoPac South Project and MoPac South Overpasses Project (Projects) located in Travis County, Texas (attached: "CTRMA & Jacobs \$5,999,205 - Rider 42 Funds").

- February 26, 2015: Jacobs and CTRMA proceeded with the 2-year study and at presented to the public the "preferred alternative" of 2-toll lanes each direction with elevated lanes over Lady Bird Lake at the Feb 26, 2015 open house
- The "preferred alternative" of 2-toll lanes each direction with elevated lanes over Lady Bird Lake was presented to the public at the open house. The 2-year study information and preferred alternative CTRMA presented to the public was not aligned with the scope of the 2035 regional transportation plan. Being aligned with the Regional Transportation Plan is a requirement CTRMA must meet.
- The CAMPO Long range plan in effect at this time was the 2035 Regional Transportation Plan (RTP) plan which described the project as adding 1-toll lane each direction from Cesar Chavez to Slaughter. (source: <http://www.campotexas.org/plans-programs/campo-plan-2035/>)The CAMPO 2040 Regional Transportation Plan (RTP)
- March 2, 2015, CTRMA requested an amendment to the 2035 plan, to align the regional plan with the CTRMA "Preferred Alternative" which would have changed the scope of the MoPac South project from 1-toll lane each direction to 2-toll lanes each direction (attached: "CTRMA pulls 2035 amendment from CAMPO RTP.png"). CTRMA made a mistake because their preferred alternative should have been aligned with the 2035 Regional Plan — the RTP shouldn't be changed to align with projects.
- The amendment would have changed the description of the project in the 2035 plan from one managed lane in each direction to two managed lanes in each direction. (attached: "CTRMA pulls 2035 amendment from CAMPO RTP.png")
- March 27, 2015, A Senior Planner at CAMPO explained that CTRMA requested the amendment to the 2035 Plan instead of making the amendment to the 2040 Plan because the CTRMA MoPac South Project "qualitative" analysis is supposed to be based on the 2035 plan but the preferred alternative didn't not align with the plan. The requested Amendment had to be made to the 2035 plan, while it's still active, before the 2040 plan was adopted; otherwise CTRMA has to start their study all over from Square 1 (at cost a of about half a million dollars!)
- March 30, 2015, CTRMA decided to withdraw their amendment request on after receiving a lot of public inquiry about the change from 1-lane each direction to 2-lanes each direction and the proposed double decker over Lady Bird Lake. CAMPO staff removed the item from the TPB's April 13, 2015 agenda as a result of the CTRMA request. (attached: "CTRMA pulls 2035 amendment from CAMPO RTP.png")
- March 30, 2015, CTRMA extended their study period saying "In response to community feedback for additional public involvement on the MoPac South Environmental Study, the Central Texas Regional Mobility Authority will extend environmental study process to allow for additional community input and engineering analysis on the project.", (attached: "CTRMA Extends Study).
- May 14, 2015, The CAMPO 2040 Regional Transportation Plan (RTP) was adopted May 14, 2015, with a new description/scope of the MoPac South — changed from 1-lane in each direction to 2-lanes each direction along with a footnote "*Study all options for the proposed MoPac South expansion including both 1 and 2 Express Lanes in each direction, as well as no-build". The 2040 plan was adopted without the CTRMA amendment being made to the 2035 plan (attached: "CTRMA pulls 2035 amendment from CAMPO RTP.png").
- The CAMPO Mopac South project changed to "Let Year" 2020 when the 2040 plan was adopted. The 2035 plan had the "Let Year" as 2015, open year 2017. Ben Wear reported 11/10/15 "Agency officials don't foresee construction until well into 2017, at the earliest. Construction would take three to four years, they said." The report was not consistent with the 2040 plan which lists the "let" year as 2020. (Source: CAMPO 2040 Long Range Plan - Table 32 Road Projects

- The consequence of pulling the amendment is CTRMA has to align the MoPac South "Environmental Assessment" with the newly adopted 2040 regional plan, which includes the connection of MoPac to IH-35.
- July 13, 2015, An additional \$460,922 was approved by the CTRMA Board of Directors (attached: "CTRMA & Jacobs July 13, 2015") to align the previous environmental assessment with the new
- The contact directs Jacob's Engineering to redo much of the "Environmental Study" for the Mopac South Project, including new traffic engineering and public outreach. CTRMA has expressed this time period extension is "In response to community feedback for additional public involvement on the MoPac South Environmental Study" but it is fixing an expensive mistake made with taxpayer Rider 42 funding because they had to re-initiate the environmental study to align the data with the 2040 Regional Transportation Plan.

Any Alternative or New Recommendations on This Agency: Require TXDOT to have a meaningful public participation process. Citizens are allowed to comment to the MPO during transportation planning... but in my experience the horses have already been traded and no matter the extent of public comment received plans won't change. Those elected officials are able to make massive changes to areas where there don't have constituents with no one to answer to.

Citizen comments to RMAs go unanswered because they are mostly staff driven with a board that has no elected officials. So when does TXDOT hear citizen comments? What procedures are in place to collaborate with the public in a meaningful way? Require the department to respond to citizen concerns and hear us. The current system for traffic modeling allows CTRMA and TXDOT (Stantec) to make the traffic what they want it to be to get roads built -- even if they are unnecessary. Independent 3rd party modeling should be done.

Honesty and transparency are needed.

My Comment Will Be Made Public: I agree