# U.S. DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

# RECORD OF DECISION

# April 2015

## Trinity Parkway

### From IH-35E/SH-183 To US-175/SH-310

**Dallas County, Texas**

Texas Department of Transportation (TxDOT)

Control Section Job (CSJ) 0918-45-121

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# I. INTRODUCTION AND SUMMARY

This document is the Federal Highway Administration's (FHWA) Record of Decision (ROD) for the proposed Trinity Parkway project. This ROD describes FHWA's selection of Alternative 3C, henceforth referred to as the Selected Alternative 3C, as described in the Trinity Parkway Final Environmental Impact Statement (FEIS) dated March 7, 2014 and updated in this ROD.

The FEIS and the administrative project record are available for review by written request to the Texas Division of the FHWA. This ROD is FHWA approval of the Selected Alternative 3C for the Trinity Parkway and completes the environmental review process for the project. The FHWA (lead agency), the North Texas Tollway Authority (NTTA), the Texas Department of Transportation (TxDOT), and the City of Dallas are project sponsors. The United States Army Corps of Engineers (USACE) and the Environmental Protection Agency (USEPA) are cooperating agencies for the project. As set forth in this ROD, the Selected Alternative 3C is the most practicable alternative in terms of both project cost and the needs and welfare of the community, and best serves the need for and purpose of this project.

As shown in Exhibit 1, the Trinity Parkway project area comprises approximately 7,474 acres and is located on the west side of the Dallas Central Business District (CBD) in central Dallas County. The proposed project is a limited-access toll facility extending from the IH-35E/SH-183 interchange (northern terminus) to the US-175/SH-310 interchange (southern terminus), a distance of approximately 8.8 miles. This will provide a reliever route generally to the west of the Dallas CBD for Lower Stemmons (segment of IH-35E from the Mixmaster north to the Dallas North Tollway), Mixmaster (IH-30/IH-35E interchange), and the Canyon (depressed segment of IH-30 south of the CBD) thereby alleviating a major traffic bottleneck affecting mobility throughout the Dallas-Fort Worth (DFW) Metroplex in the north central Texas region.

For the Trinity Parkway, the alternative alignments were developed within the project area to fulfill the need for and purpose of the project, to minimize potential environmental impacts, and to respond to public/landowner and resource agency comments. A Recommended Alternative was not identified in the Draft Environmental Impact Statement (DEIS, February 2005), the Supplemental Draft Environmental Impact Statement (SDEIS, February 2009), or the Limited Scope Supplemental (LSS, March 2012). After extensive evaluation and analyses in addition to response to and consideration of all substantive public and agency input, a Recommended Alternative (Build Alternative 3C) was included in the FEIS (March 2014).

All four of the Build Alternatives described in the FEIS would affect both wetlands and floodplains, thus federal Executive Order (EO) 11988 (Floodplain Management) and EO 11990 (Protection of Wetlands) required the use of a 'practicability analysis' for the decision-making process. These EOs direct federal agencies to avoid new construction in floodplains and wetlands unless the head of the agency determines that there is no practicable alternative to such construction and the proposed action includes all practicable measures to minimize harm to floodplains and wetlands which may result from such use. As set forth in the FEIS and this ROD, FHWA finds that the Selected Alternative 3C is the only practicable alternative after following the required policies contained in EOs 11988 and 11990 and FHWA implementing regulations and guidance. After consideration of the agency and public comments received, the merits of the No-Build Alternative and the other Build Alternatives, as well as updated environmental data and impacts, mitigation planning for the Selected Alternative 3C has been included in this ROD.

The concept of the Trinity Parkway project has been included in long-range regional transportation plans dating to the mid-1960s. The most recent planning for the Trinity Parkway was developed from TxDOT's *Trinity Parkway Corridor Major Transportation Investment Study* (MTIS) published in March 1998. The Trinity Parkway project, as described, is consistent with the North Central Texas Council of Governments' (NCTCOG) Fiscal Year (FY) 2015-2018 Transportation Improvement Program (TIP) as well as the fiscally constrained Metropolitan Transportation Plan (MTP) for North Central Texas *Mobility 2035 – 2013 Update*. Along with USACE and USEPA comments and the input from numerous stakeholder meetings during the scoping and project development process, these plans were considered when analyzing feasible and practicable alternatives.

The Trinity Parkway project has been independently evaluated by the FHWA and determined to adequately and accurately address the need, purpose, and alternatives for the proposed project. The FHWA has reviewed all of the relevant documentation and materials, including public and agency comments received from four public hearings in 2005, 2009, 2012, and 2014. Based upon an independent review and analysis, the March 2014 Trinity Parkway FEIS effectively analyzes and considers all relevant potential environmental impacts and issues, and identifies appropriate mitigation measures, thereby satisfying federal requirements.

This ROD is executed in conformance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act of 1969 (NEPA) and documents FHWA compliance with NEPA and all other applicable federal statutes, regulations, and requirements. The sections that follow provide information that has been essential in the decision-making process.

## II. DECISION

The FHWA decision is to approve the Selected Alternative 3C (the Recommended Alternative, or Alternative 3C, described in the FEIS; see Exhibit 1), which includes six toll lanes, local street interchanges, and interchanges between the tollway and freeways at the northern terminus, southern terminus, and Woodall Rodgers Freeway (Spur 366). This decision is based upon the ability to meet the need and purpose of the project, public and agency input, the practicability analysis required by EOs 11988 and 11990, and the minimization and avoidance of direct, indirect, and cumulative impacts on environmental resources and the human environment.

The basis for this ROD is supported by the information provided in the FEIS and supporting technical documents, the associated administrative record, and input received from the public and interested local, regional, state, and federal agencies. As directed by 23 United States Code (U.S.C.) Section 109(h) and 23 Code of Federal Regulations (C.F.R.) 771,105(b), FHWA's policy is to reach a project decision that is in the best overall public interest taking into account the need for safe, fast, and efficient transportation, and public services, while eliminating or minimizing adverse natural environmental and community effects. The FHWA considered the potential impacts of the project and alternative courses of action under NEPA while balancing the need for safe and efficient transportation with national, state, and local environmental protection goals.

With respect to the process of avoiding and minimizing natural environmental and community effects, the alternatives analysis process included efforts to balance impacts across different resources. The FHWA decision provides the necessary environmental approval under NEPA for the construction of this new location highway facility within the City of Dallas, Dallas County. In accordance with guidelines provided in FHWA's Technical Advisory T 6640.8A (1987), all reasonable alternatives were evaluated. The alternative development process engaged the public in balancing community, cultural, aesthetic, environmental, and transportation needs.

The Trinity Parkway will address the need to manage congestion on existing highways. This need is due to inefficient connections between existing radial roadways, the current and future transportation demand exceeding capacity, many roadways within the project area having a high accident rate, and an increasing strain on transportation infrastructure from population and economic growth. This project will link major roadways, enhance mobility and safety, and respond to economic and population growth. The Selected Alternative 3C is the design concept that best satisfies the need for and purpose of the project to efficiently provide congestion relief and increased local and regional mobility and is consistent with locally developed transportation plans.

The total estimated present day project cost is $1.3 billion, which includes construction cost, right of way (ROW) cost, utilities relocation cost, mitigation costs for environmental impacts, and administrative costs. The cost estimate does not include operations or maintenance costs after the Selected Alternative 3C construction is complete and open to traffic. The Selected Alternative 3C will have a ROW requirement of approximately 563 acres (see Appendix A – Design Refinements to the Recommended Alternative 3C as presented in the FEIS), which will be comprised of existing transportation ROW and drainage sumps (221 acres), and a combination of privately owned land (102 acres) and property owned by the City of Dallas (240 acres).

## III. ALTERNATIVES CONSIDERED

Throughout the transportation planning and project development process, a wide range of alternatives were considered using appropriate levels of environmental and engineering analysis.

All reasonable alternatives in the DEIS stage of project development (at that time) were analyzed and advanced for more detailed study based on their ability to meet the identified project needs; cost; impact on the environment; and input received from the public, elected officials, and environmental resource agencies. A detailed discussion of the alternatives considered for development is included in FEIS Volume I, Chapter 2 and supporting documentation. Five alternatives were considered in the FEIS: the No-Build Alternative and four Build Alternatives. These alternatives are identified as Alternative 1, which is the No-Build Alternative, Build Alternatives 2A and 2B along Irving/Riverfront Boulevard, and Build Alternatives 3C and 4B located primarily within the Dallas Floodway.

## III.A. No-Build Alternative

The No-Build Alternative (Alternative 1) represents the case in which the Trinity Parkway is not constructed. The No-Build Alternative avoids construction impacts, but the problems associated with the lack of a northwest-southeast reliever route around the Dallas CBD would remain. The costs related to traffic congestion of the No-Build Alternative, along with the adverse impacts related to traffic congestion such as air pollution, noise, and decreased pedestrian and vehicular safety, could create an undesirable urban environment that could result in more long-term adverse impacts than the construction impacts of a Build Alternative.

The No-Build Alternative would not adequately address the need for and purpose of the project. It would not reduce congestion or improve mobility on existing roadways within the project area. Nonetheless, the No-Build Alternative was retained as a basis for comparison with all reasonable alternatives, ultimately the four Build Alternatives studied in the FEIS that were carried forward for detailed study.

## III.B. Build Alternatives

Throughout the decade-long period of project development, various alternatives were identified and then modified or eliminated based on feedback received from other agencies and the public in the course of completing the DEIS, SDEIS, and LSS. This process led to the consideration of four reasonable Build Alternatives, Alternatives 2A, 2B, 3C, and 4B, in the FEIS as candidates for addressing the need for and purpose of the Trinity Parkway. All four Build Alternatives would have the same northern and southern termini. The northern terminus would be located at the Stemmons Freeway (IH-35E) interchange with John W. Carpenter Freeway (SH-183). The southern terminus would be at the US-175 interchange with SH-310.

### III.B.1. Initial Identification of Potential Corridors

While the concept of a highway along the Trinity River corridor dates back to the 1960s, the decision-making process concerning the proposed Trinity Parkway began in the late 1990s with the *Trinity Parkway Corridor Major Transportation Investment Study* (MTIS, published in 1998). The MTIS involved extensive public input, technical study and evaluation, and screening of potential alternatives in order to develop a recommended plan of action. The principles and specific requirements of NEPA are stressed throughout this planning document. The MTIS was completed in order to develop a locally-preferred plan (LPP) to address transportation problems

within the Trinity Parkway Corridor, and to integrate with community plans and goals for the Dallas Floodway. The MTIS recommended plan of action include seven elements, which included improvements to existing transportation facilities, promoting alternative transportation modes (e.g., bicycle and pedestrian), and new facility construction. In ensuing years, various aspects of the LPP have been or are being implemented, and the preliminary design and NEPA analysis of the Trinity Parkway addresses the reliever route component of the MTIS recommended plan.

The MTIS roadway analysis examined the expansion of capacity on IH-35E to meet the full travel demand for the corridor, but that alternative was determined to be not practical due to excessive costs and impacts to adjacent properties, as well as physical constraints of including additional lanes through the Mixmaster. As the development of new corridor alternatives for a reliever route was constrained by the existing urban development in/near the Dallas CBD and natural constraints of the Trinity River, the MTIS planning process initially developed route alternatives along Irving/Riverfront Boulevard and within the Dallas Floodway. There are no other planning corridors available that could connect the project termini with a reliever route that would meet the project's need and purpose. A reliever route alternative located primarily within the Dallas Floodway was identified as the locally-preferred alternative based on the MTIS evaluation that included the following considerations: social, economic, and environmental effects; construction and ROW costs; engineering considerations; and extensive agency/public involvement. The MTIS's recommendations were adopted into the MTP in March 1999.

### III.B.2. Development and Modification of Reasonable Alternatives

Building on the MTIS and the NEPA scoping process, the DEIS used the corridors developed in the MTIS for further examination. The DEIS analyzed six Build Alternatives (Alternatives 2A, 2B, 3A, 3B, 4A, and 5) as well as the No-Build Alternative. These included elevated (Alternative 2A) and at-grade (Alternative 2B) alternatives along Irving/Riverfront Boulevard and four alternatives associated with the Dallas Floodway: Alternative 3A was a combined parkway along the inside of the East Levee (later modified as Alternative 3B); Alternative 4 (later designated as 4A) was a split parkway within the Dallas Floodway; and Alternative 5 was a split parkway outside the floodway levees. The process included the preparation of preliminary schematic designs for each of the Build Alternatives, followed by the release of the Trinity Parkway DEIS in February 2005. This was followed by a public hearing and comment period, after which the

involved agencies consulted extensively before reaching the decision to prepare a SDEIS, followed by another public hearing.

The SDEIS, published in 2009, revised and updated the entire DEIS and included the evaluation of two additional modified Build Alternatives (Alternatives 3C and 4B), thereby evaluating a total of eight Build Alternatives and the No-Build Alternative. However, the SDEIS indicated that the USACE had determined Alternatives 3A, 3B, 4A, and 5 unworkable due to concerns about the potential to interrupt flood control operations and adversely impact existing or planned expansion of the floodway levees by others. Accordingly, Alternatives 3C and 4B were presented in the SDEIS as the replacements to Alternatives 3A, 3B, and 4A to address USACE concerns, and the impacts of all of these alternatives were discussed. Subsequent coordination with the USACE regarding Alternative 5 and efforts to explore potential redesign options resulted in the conclusion that this alternative could not practicably be modified to address USACE concerns due to exorbitant costs and displacements of extraordinary magnitude to residential, public, and commercial properties. For the principal reasons summarized above, Alternatives 3A, 3B, 4A, and 5 were eliminated from further analysis and consideration as authorized under CEQ and FHWA NEPA regulations, and only the remaining four reasonable build alternatives (2A, 2B, 3C, and 4B) were addressed in the LSS and the FEIS. These alternatives are described briefly below:

***Alternative 2A (Irving/Riverfront Boulevard – Elevated)***

Alternative 2A would construct double-deck lanes comprised of tollway mainlanes elevated above an existing arterial street. There would typically be three mainlanes of travel in each direction (six total) with auxiliary lanes added as needed to accommodate merging areas between ramps. The mainlanes would be elevated along a 5.6 mile segment following the Irving/Riverfront Boulevard. Irving/Riverfront Boulevard would be almost totally reconstructed with this alternative to resolve conflicts with the supporting structures for the tollway above. Substantial property acquisition would be needed because the proposed tollway is wider than the existing road, and because the tollway cannot precisely follow the existing centerlines of Irving/Riverfront Boulevard due to differences in design speed and curvature. Additional property acquisition would also be needed at specific locations due to the influence of ramps. Alternative 2A would be approximately 8.8 miles in length, would require approximately 264 acres of ROW, and would cost approximately $2.36 billion (in 2011 dollars) to construct.

***Alternative 2B (Irving/Riverfront Boulevard – At-Grade)***

Similar to Alternative 2A, Alternative 2B would have six toll lanes throughout. The existing lanes on Irving/Riverfront Boulevard and Lamar Street would be replaced as access (frontage) roads. This proposal would follow a similar alignment to that in Alternative 2A, however the tollway would be installed predominately at-grade, with service roads provided to replace the loss of the arterial streets as needed. Substantial property acquisition would be needed because the proposed tollway is wider than the existing road, and because the tollway cannot precisely follow the existing centerlines of Irving/Riverfront Boulevard due to differences in design speed and curvature. Additional property acquisition would also be needed at specific locations due to the influence of ramps. Alternative 2B would be approximately 8.8 miles in length, would require approximately 350 acres of ROW, and would cost approximately $1.87 billion (in 2011 dollars) to construct.

***Alternative 3C (Combined Parkway – Further Modified)***

Alternative 3C will be constructed partially within the Dallas Floodway. Therefore, the USACE and City of Dallas were consulted regarding concerns about the effects on operations and maintenance requirements within the Dallas Floodway. Alternative 3C is six toll lanes throughout. Within the Dallas Floodway, the mainlanes will be placed on earthen embankments typically set above the 100-year flood level. However, the mainlanes will travel below existing bridge structures crossing the Dallas Floodway, requiring a flood separation wall along the riverside for protection during a 100-year flood event. Pump stations will be provided to drain the low points of the tollway at times when the Trinity River is in flood stage. Due to the coordinated increased offset (as compared to Alternatives 3A and 3B) from the levees, any raising of the levees under consideration by the City of Dallas and USACE as part of the Dallas Floodway Project could be constructed without the need for retaining walls. The mainlanes will be sufficiently elevated when crossing from the riverside to the landside of the levees, allowing for maintenance/emergency vehicle access underneath. Alternative 3C will be approximately 8.7 miles in length, will require approximately 379 acres of ROW, and will cost approximately $1.42 billion (in 2011 dollars). (Note the project length, ROW, and cost shown here represent the characteristics that were considered for the practicability analysis in the FEIS, which was based on information developed to a comparable level of detail as of the publication of the LSS (2012), and have since been updated in this ROD as shown in Section II – Decision, Section V – Mitigation Measures, and Appendix A – Design Refinements to the Recommended Alternative 3C as presented in the FEIS.)

***Alternative 4B (Split Parkway Riverside – Modified)***

Alternative 4B is a modified version of the Alternative 4A split parkway design and was developed after consultation with the USACE. The toll lanes located in the Dallas Floodway would be placed on earthen embankments, typically set above the 100-year flood level except when depressed in order to accommodate existing bridge structures crossing the Dallas Floodway. At these locations, a flood separation wall along the riverside of the tollway would provide protection from a 100-year flood event. Additionally, pump stations would be provided to drain the low points of the tollway at times when the Trinity River is in flood stage. As with Alternative 3C, the offset from the face of the existing levee would accommodate future modifications of the levees under consideration by the City of Dallas and USACE (as part of the Dallas Floodway Project). Alternative 4B would be approximately 8.8 miles in length, would require approximately 490 acres of ROW, and would cost approximately $1.45 billion (in 2011 dollars) to construct.

### III.B.3. Alternatives Screening Process: Executive Orders Practicability Analysis

The process of further screening alternatives consisted of an evaluation of the Build Alternatives prescribed by EO policies leading to the FHWA's recommendation of Build Alternative 3C for further design development and impacts/mitigation analysis in the FEIS. The evaluation of alternatives was based on information developed to a comparable level of detail as of the publication of the SDEIS (2009), as supplemented by information and analyses contained in the LSS (2012). In addition, the FHWA considered feedback from government agencies and members of the public in connection with the public hearings on the SDEIS and LSS held in 2009 and 2012, respectively. Although this evaluation concentrated on information publicly presented within the last five years, the process actually involved consideration of information and agency/public feedback acquired throughout the entire NEPA process dating back to the MTIS.

The evaluation of alternatives complied with EO policies, and FHWA's regulations implementing those policies, prescribing an analytical model for federal projects with potentially significant impacts to wetlands and significant and longitudinal encroachments into floodplains. The evaluation of expected environmental impacts of the Trinity Parkway indicated that all four Build Alternatives would affect wetlands, thus requiring compliance with EO 11990 (42 Federal Register 26961, May 24, 1977). In addition, EO 11988 (42 Federal Register 16951, May 24,

1977) applies because Alternatives 3C and 4B are located primarily within the Dallas Floodway, as are smaller portions of Alternatives 2A and 2B.

As applied to the Trinity Parkway, EOs 11990 and 11988 require an assessment of the practicability of the alternatives. These EOs require the FHWA to determine there are no "practicable" alternatives to avoid impacts to wetlands/floodplains prior to consideration of alternatives that would impact wetlands/floodplains. Moreover, if more than one "practicable" alternative affecting wetlands/floodplains is available, then the FHWA must recommend the practicable alternative with the least degree of impacts to wetlands/floodplains. Thus, application of the EOs necessarily results in the elimination of all alternatives except for a single alternative that satisfies the criteria set out in the EOs.

As required by the policies in EOs 11988 and 11990, the practicability analysis focused on whether each alternative could realistically be constructed. This analysis independently evaluated each alternative pursuant to the requirements of the EOs to determine if each could be constructed within existing constraints. This was done by evaluating each alternative in light of the following 16 factors derived from agency regulations and guidance used in the EO practicability analysis: project cost, existing technology, logistics, natural and beneficial values served by floodplains, wetlands, fish and wildlife habitat values, conservation, needs and welfare of the community, economic impacts, air quality impacts, traffic noise impacts, impact of floods on human safety, risks associated with implementation of the action, incompatible development, aesthetics, and historic values. For each factor evaluated, consideration was given to the direct, indirect, and cumulative impacts of the alternative as such information was presented in the SDEIS and LSS. The analysis of practicability of the four Build Alternatives is provided in FEIS Section 2.8.

### III.B.4. EO Practicability Analysis Findings

After considering all impacts associated with the 16 factors evaluated in the EO practicability analysis, the FHWA finds that Alternatives 2A and 2B are not practicable based on cost, the needs and welfare of the community, and based on all factors combined. With regard to the cost factor, the FHWA finds the construction costs for Alternatives 2A and 2B each to be substantially greater than the costs normally associated with toll road construction within Texas urban areas and therefore not practicable. This finding was reached after developing a cost screen or threshold based on several reasonably comparable projects. Alternatives 2A and 2B

are also found to be contrary to the needs and welfare of the community based on myriad considerations, including significant displacements to existing properties, adverse impacts to neighborhoods and commercial districts within the project corridor, inconsistency with the views and support of the electorate expressed in two well-publicized citywide elections on May 2, 1998 (City of Dallas voters approved issuance of $84 million of General Obligation Bonds for the Trinity Parkway as a reliever route within the Dallas Floodway levee system) and November 6, 2007 (City of Dallas voters rejected a petition calling for prohibition of certain roadways within the Trinity River levees), and incompatibility with City of Dallas plans such as the Trinity River Corridor Balanced Vision Plan (BVP). Both Alternatives 3C and 4B are found to be practicable because each does not substantially exceed the construction cost screen developed, each is compatible with the perceived needs and welfare of the community, and both alternatives would be capable of being constructed in light of any of the 16 practicability factors whether evaluated individually or collectively. Only Alternative 3C is compatible with the BVP, Alternative 4B is not compatible with the BVP.

### III.B.5. Only Practicable Alternative Findings as to Wetlands and Floodplains

FEIS Section 2.8.6 provides the FHWA's findings as to practicability for the four Build Alternatives as required by EOs 11990 and 11988. In the discussion of each finding, an explanation was provided as to why there were no practicable avoidance alternatives to the proposed action and why the proposed action included all practicable measures to minimize harm to wetlands or floodplains. This section summarizes important aspects of those findings.

#### *Only Practicable Alternative Finding Regarding Impacts to Wetlands*

There are no practicable alternatives to the proposed action that would wholly avoid impacts to wetlands. Among the four Build Alternatives considered in the FEIS, Alternatives 2A and 2B would result in relatively minor impacts to wetlands as compared to Alternatives 3C and 4B. However, Alternatives 2A and 2B would result in excessive costs compared to other comparable toll projects, and are not practicable alternatives primarily based on the project cost and the needs and welfare of the community, in addition to an assessment of all 16 practicability factors combined. Accordingly, the relative impacts of Alternatives 3C and 4B to wetlands have been assessed.

As assessed in the SDEIS, the ROW impacts of Alternative 4B to emergent wetlands (35.77 acres) are more than the amount of impacts from Alternative 3C (17.01 acres). Based on

relative impacts anticipated by these alternatives to wetland resources in the project area, the FHWA finds Alternative 3C to have substantially fewer impacts to wetlands than Alternative 4B. Accordingly, FHWA identifies Alternative 3C to have fewer impacts pursuant to EO 11990 and implementing regulations.

Avoiding and minimizing impacts to waters of the U.S., including wetlands, have been a major area of emphasis throughout the Trinity Parkway project development process. However, designing a major roadway within the Dallas Floodway presents unique challenges that arise from competing constraints. As the floodway's primary objective is to safely convey floodwaters, the placement of a major roadway must be done to ensure that the facility remains hydraulically neutral in terms of the 1988 Trinity Regional Environmental Impact Statement (TREIS) ROD issued by the USACE. That decision document adopted performance criteria that must be met before a project that would alter the cross section geometry of the floodway may be approved by the USACE. To maintain hydraulic balance within the floodway, the roadway embankment material must be excavated within the floodway.

The evolution of project design has been a process of balancing the design of roadway and excavation areas to achieve hydraulic neutrality, levee safety, and avoidance of aquatic features. Accordingly, the history of efforts to avoid aquatic features in the design of the Trinity Parkway has been balanced by the need to ensure the safe operation of the Dallas Floodway as it conveys floodwaters. Some of the measures taken to avoid and minimize impacts to water features while balancing the need for hydraulic neutrality and levee safety include the following: modifications to roadway design minimized impacts by narrowing the overall footprint of the proposed roadway; the excavation plan for roadway embankment material balanced impacts to wetlands with the need for suitable material, construction logistics, as well as compatibility with local plans for the floodway; placing the borrow areas upstream of the IH-35E bridges in areas of the floodway overbank where emergent wetlands are less prominent; and nearly all excavation areas were located to avoid high quality aquatic features.

Based upon the above considerations in light of the requirements of EO 11990 and implementing FHWA regulations (23 C.F.R. Part 777), the FHWA has determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands.

***Only Practicable Alternative Finding Regarding Impacts to Floodplains***

There are no practicable alternatives to the proposed action that would wholly avoid impacts to floodplains. Among the four Build Alternatives considered in the FEIS, Alternatives 2A and 2B would result in relatively minor impacts to floodplains as compared to Alternatives 3C and 4B, and would not result in any longitudinal encroachment of floodplains. However, for the same reasons stated in the above wetlands section, the FHWA has found Alternatives 2A and 2B to not be practicable alternatives, leaving only Alternatives 3C and 4B to consider in terms of relative impacts to floodplains.

The level of floodplain encroachment by Alternative 4B ROW (418 acres) is 121 acres (or 41 percent) greater than encroachment from Alternative 3C ROW (297 acres). Similarly, because of the split configuration, the length of longitudinal encroachment within the floodplain of the Dallas Floodway is substantially greater for Alternative 4B (9.9 miles) than Alternative 3C (5.2 miles). Based on the substantially greater level of encroachment by Alternative 4B, Alternative 3C is the least environmentally damaging alternative with respect to overall floodplain encroachment.

The relative impacts of Alternatives 3C and 4B to the natural and beneficial floodplain values listed in 23 C.F.R. Section 650.105(i) were also assessed to further assist in identifying the least damaging practicable alternative to floodplains. Alternative 3C has been determined to be less damaging to floodplain values than Alternative 4B based on reduced levels of habitat fragmentation, fewer impacts to vegetation and habitat, reduced visual and recreation area impacts, greater ability to meet the 1988 TREIS ROD criteria, and reduced potential for construction sites to result in erosion of soils and sedimentation of aquatic resources. In view of the foregoing summary of impacts to floodplain natural and beneficial values, Alternative 3C would result in less adverse impacts to such values than Alternative 4B.

Based upon the considerations in light of the requirements of EO 11988 and implementing FHWA regulations (23 C.F.R. Part 650, Subpart A), the FHWA has determined that there is no practicable alternative to the proposed construction in floodplains and that the proposed action conforms to applicable federal and local floodplain protection standards. In addition, as the Selected Alternative will encroach on a regulatory floodway, the FHWA, in consultation with the Federal Emergency Management Agency (FEMA), finds that the proposed action is consistent

with the functioning of the Dallas Floodway and that the alternative is consistent with state and local flood-plain protection standards.

### III.B.6. EO Practicability Analysis Conclusion

The FHWA has determined that there is no practicable alternative that would avoid all impacts to wetlands and floodplains, and that Build Alternatives 2A and 2B are not practicable alternatives under the EO practicability factors for EOs 11988 and 11990. The FHWA has further determined that Alternatives 3C and 4B are both practicable, but that Alternative 3C will result in less adverse impacts than Alternative 4B to both wetlands and the natural and beneficial values of floodplains. The FHWA finds that the proposed Build Alternative 3C includes all practicable measures to minimize harm to wetlands and floodplains appropriate for the schematic level of project design.

The FHWA's determination to recommend Alternative 3C for further evaluation in the FEIS and FHWA's decision to ultimately select Alternative 3C as the build alternative in this ROD is based on a unique set of factors that warranted favoring an alternative with longitudinal encroachments of the Dallas Floodway, even though general FHWA policy (i.e., 23 C.F.R. Part 650) would not favor such an alternative. These factors relate to the risks of constructing a roadway longitudinally within a floodplain and community support for such a roadway, discussed in the SDEIS and further developed in the LSS and FEIS, which have been referenced in the discussion above and are summarized in the list below:

- First, the Selected Alternative 3C is preliminarily designed to avoid any substantial impacts to the ability of the Dallas Floodway to perform its fundamental mission. The designed facility is expected to closely approximate the existing ability of the Dallas Floodway to convey floodwaters and is sufficiently close to meeting the 1988 TREIS ROD criteria to warrant consideration of a variance from the USACE.

- Second, the Selected Alternative 3C is designed to protect the roadway from any substantial harm from floodwaters passing through the Dallas Floodway. Most importantly, the planned roadway will be elevated on embankment with security walls or protected by flood separation walls removing it from the 100-year floodplain. Thus, the Selected Alternative 3C will only be inundated by floods with a frequency of occurrence substantially rarer than one percent per year, an acceptable risk to project sponsors in

light of the project's benefits. Central to the development of alternatives for the Trinity Parkway are design efforts to avoid or minimize adverse impacts to the flood conveyance mission of the Dallas Floodway. Flood control is important in the downtown Dallas area, and the design of potential floodway alternatives, including Selected Alternative 3C, has focused on neutralizing hydrologic and hydraulic impacts. At the forefront of ensuring hydraulic neutrality for any proposed construction in the Dallas Floodway are the 1988 TREIS ROD criteria and the local government corridor development certificate (CDC) process that implements those criteria. Accordingly, project design emphasizes iterative hydrologic and hydraulic modeling to minimize impacts to maximum water surface elevation and valley storage for the 100-year flood and the Standard Project Flood (SPF) and Alternative 3C will likely require a variance be issued as part of the Section 408 authorization process (33 U.S.C. Section 408) by the USACE. Alternative 3C will have minimal hydraulic impacts for both the 100-year flood and the SPF, and will not interfere with management of the floodway by either the USACE or the City of Dallas.

- Third, the concept of placing a longitudinal roadway in the Dallas Floodway continues to be a prominent aspect of City of Dallas planning for over four decades and has the support of municipal leaders and the community. The combination of the need for a reliever route to manage local traffic congestion, the absence of practicable alternatives outside the floodplain, and the general affirmation of longitudinal encroachment by cooperating federal agencies, elected leaders and the community in general were important considerations in FHWA's recommendation of a floodway alternative.

After taking into consideration all direct, indirect, and cumulative impacts as presented in the SDEIS and/or LSS, and as additionally communicated in the EO practicability analysis presented in the FEIS, Alternative 3C was presented in the FEIS as the FHWA-recommended alternative. Alternative 3C was developed and advanced for additional study and presented to the public on April 24, 2014. Public and regulatory agency coordination and feedback, as well as continuous updated analysis and documentation in the 2005 DEIS, 2009 SDEIS, 2012 LSS, and the FEIS in 2014, resulted in 3C as the Selected Alternative based on public preference, environmental constraints, and engineering constraints. The Selected Alternative 3C provides the best opportunity to avoid and minimize impacts to the natural, social, and cultural

environment over the other Build Alternatives and the No-Build Alternative while best meeting the transportation needs and purposes of the project.

### III.B.7. The Environmentally Preferable Alternative

The CEQ's NEPA regulation, Section 1505.2(b), requires that, in cases where an EIS has been prepared, the ROD must identify all alternatives that were considered, "…specifying the alternative or alternatives which were considered to be environmentally preferable." The regulation states that an agency's preference for an alternative should be based on "…relevant factors including economic and technical considerations..." The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101 (42 U.S.C. Section 4331). Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources, as well as social values and economic resources.

The analyses performed to date in conjunction with Federal cooperating agencies in the DEIS, SDEIS, LSS and FEIS and further summarized in this ROD, support FHWA's determination that Selected Alternative 3C is the environmentally preferable alternative. FHWA is required to make its decision while balancing impacts to the natural and human environment with the purpose of and need for the proposed project. FHWA notes that Selected Alternative 3C, has the least impacts to the human environment (unlike Alternatives 2A and 2B), but has greater impacts to the natural environment. The natural resource impacts from Selected Alternative 3C are less than Alternative 4B and are compatible with local City of Dallas plans. Also, Selected Alternative 3C is able to be permitted with appropriate and required mitigation by federal regulatory agencies with jurisdictional authority in the project area. Appendix G of the FEIS, developed specifically for the requirements of the 404(b)(1) guidelines, provides comparative information on project impacts among all the alternatives and initially identifies Selected Alternative 3C as the least environmentally damaging practicable alternative (LEDPA). The USACE will make a final determination as to the LEDPA as part of its permit decision making process.

## IV. SECTION 4(f) and SECTION 6(f)

The Department of Transportation Act of 1966 (as amended and codified in 49 U.S.C. Section 303) prohibits the Secretary of Transportation from approving any program or project that "…requires the use of publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance…or land of an historic site of national, state, or local significance…unless there is no feasible or prudent alternative to the use of such land, and such program includes all possible planning to minimize harm to such [land]…from such use" (Department of Transportation Act of 1983, 49 U.S.C. Section 303). A similar provision was added to U.S.C. Section 138 (Preservation of Parklands), which applies to the Federal-Aid Highway Program.

On July 29, 2010, the President of the United States signed Supplemental Appropriations Act, 2010 into law (P.L. No. 111-212). This federal legislation, passed during the development of the LSS, exempted the FHWA "from the requirements of 49 U.S.C. Section 303 and 23 U.S.C. Section 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas."

Because of this exemption, the FHWA determined that Section 4(f) requirements were not applicable to the proposed Trinity Parkway. However, as NEPA requirements include the analysis of all environmental impacts, discussions of potential impacts to public parks, recreation areas, wildlife or waterfowl refugees, and historic sites were included in the FEIS.

Section 6(f) of the Land and Water Conservation Fund (LWCF) Act (16 U.S.C. Section 460l *et seq.*) requires that any outdoor recreational facilities acquired with Department of Interior (DOI) financial assistance under the LWCF may not be converted to non-recreational use unless approval is granted by the National Park Service (see regulations at 36 C.F.R. Part 59). Section 6(f) lands in the project area include a portion of William Blair, Jr. Park (formerly Rochester Park) located east of IH-45. Alternative 3C will not impact the area of William Blair, Jr. Park encumbered by Section 6(f). No direct impacts to Section 6(f) lands are anticipated and, therefore, no Section 6(f) involvement is required.

# V. MITIGATION MEASURES

Design and construction of the Trinity Parkway project will include all practicable measures to minimize and mitigate adverse environmental impacts. The FEIS presented detailed analyses and results assessing the potential environmental impacts of the Selected Alternative 3C (FEIS Volume 1, Sections 4.1 through 4.22). As described in Appendix A of this ROD, design refinements of the Selected Alternative 3C were made after the FEIS and the impacts of those changes as compared to the information presented in the FEIS were evaluated. For the resources/issues impacted by the Selected Alternative 3C, the following sections provide an updated summary of the impacts, the measures taken to minimize harm, and the proposed mitigation. Project specific "mitigation plans" will be developed after consulting with the City of Dallas and regulatory/resource agencies with jurisdictional responsibilities within the project area. Opportunities to reduce the width of the ROW will be evaluated during final design, which could reduce the potential impact to each of the resources discussed in the following sections. Appendix B lists the mitigation commitments for the project that will be included in the projects plans, specifications and estimate.

## V.A. Compatibility with Local Use Plans/Policies

It is a stated objective of the proposed Trinity Parkway to provide compatibility with the numerous local plans and policies enacted by elected officials as to implement the wishes of the City of Dallas residents. The regional transportation plans and local land use plans analyzed in the FEIS included a Dallas Floodway Build Alternative. Several other large projects are planned within the Trinity River Corridor, that although independent, may be subject to coordinated planning and design along with the Build Alternative. Alternative 3C is suited for coordination with these plans, such as the Dallas Floodway Extension (DFE) and BVP, as highway construction activities may be coordinated with these activities.

## V.B. Social

Extensive public involvement has been an integral part of the proposed action during the entire process, from the development of the *Trinity Parkway Corridor MTIS* in 1998 to the development of the FEIS in 2014. Efforts have been made to include all affected communities and populations, including minority and low-income populations, in the public involvement and decision making process. Public outreach efforts have included announcements in local English and Spanish media, the Community Advisory Work Group, a public scoping meeting, neighborhood meetings, project newsletters, a project web site, and four public hearings.

Translators have been present at several of the public meetings and at the public hearings to accommodate Limited English Proficiency (LEP) communities. Public involvement and outreach efforts to reach low-income and minority communities are also an important component of the NCTCOG *Mobility 2035 – 2013 Update,* which includes the Trinity Parkway as a major element of the freeway/tollway road plan. The Environmental Justice (EJ) and Title VI analysis, incorporating EO 12898 elements and Title VI considerations, show that mobility and accessibility increase for the protected populations in the proposed *Mobility 2035 – 2013 Update* Build scenario, which includes the Trinity Parkway.

Relocations and displacements will occur as a result of ROW acquisition, but the process will provide for fair and equitable treatment of occupants of the properties to be acquired. No schools, community centers, places of worship (including churches, temples, mosques, and synagogues), public health care facilities, or cemeteries will be displaced by Alternative 3C. It is estimated that Alternative 3C will result in three residential displacements and 29 commercial building displacements, affecting an estimated 15 to 20 businesses. The construction and operation of the tollway will create new employment opportunities and the Texas Workforce Commission (TWC) and Workforce Solutions will be available for both affected business owners and employees.

It is a policy of the FHWA, TxDOT, and NTTA that no person be displaced due to ROW acquisition until comparable decent, safe, and sanitary replacement housing is available. Data regarding affordable housing suggests sufficient vacancies exist to accommodate relocations within the same communities. Relocation resources will be made available to all individuals without discrimination and in accordance with the requirements of Title VI, the Department of Housing and Urban Development (HUD) Amendment Act of 1974, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Special relocation considerations will be made to accommodate residents in need of additional assistance.

Consideration was given to how toll charges may affect low-income households. Due to the greater economic burden of paying a toll, low-income motorists may be more reluctant to utilize the Trinity Parkway and instead use other non-tolled alternative routes. There are existing alternative non-tolled routes on major highways that will serve the motorists traveling between the northwest and southeast Trinity Parkway project area limits. The project is intended to provide a transportation solution to better manage traffic congestion and improve safety in the

area, particularly in the Mixmaster, Canyon, and Lower Stemmons, which make up critical segments of the non-tolled alternative routes likely to be utilized by low-income motorists traveling through the project area. These congestion management improvements will benefit all motorists, including low-income motorists.

Due to the demographic composition and spatial distribution of minority populations within the project area, the proposed action will have unavoidable impacts to minority populations. However, the EJ impacts for Alternative 3C indicate that the potential for disproportionately high and/or adverse impacts on the minority and/or low-income population will be low. In addition, with proposed mitigation efforts, any anticipated impacts will be adequately mitigated. To ensure community cohesion is not substantially affected, mitigation includes sidewalks and other pedestrian features where feasible. Access to roadside businesses, side roads, and driveways will be maintained. The core of each of the affected communities (i.e. South Dallas) will remain intact with only minor physical disruption, if any at all with FHWA's selection of Alternative 3C.

As required under Title VI, project alternatives were evaluated and that analyses did not result in disproportionately high and adverse impacts to EJ populations. There are well supported environmental and transportation planning considerations that demonstrate the reasonableness of the proposed Trinity Parkway. Therefore, the Selected Alternative 3C is in compliance with EO 12898 on Environmental Justice and Title VI of the Civil Rights Act of 1964 42 U.S.C. Section 2000d et seq; and, it is also in compliance with EO 13166 on Persons with Limited English Proficiency.

## V.C. Economics

The Trinity Parkway project will have beneficial impacts to the local, regional, and state economies. The total estimated statewide impact from project construction, using the Texas Input/Output Model prepared by the Economic Analysis Center of the Texas Comptroller of Public Accounts, is approximately $5.22 billion. The U.S. Bureau of Economic Analysis (BEA), which uses the Regional Input-Out Modelling System (RIMS III) methodology for estimating the economic impacts of a project on regional employment, earnings, and total output for the Dallas Metropolitan Division(Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, and Rockwall Counties), indicates that Alternative 3C could generate approximately $685.5 million in earnings, $2.12 billion in economic output, and approximately 24,871 jobs during construction.

Throughout the project development process, it has been recognized that the Trinity Parkway will improve the local economy by helping to manage congestion and improve safety on the major routes near and within the project area, especially along IH-35E. Local businesses could initially supply much of the construction-related purchases. Alternative 3C will stimulate some areas with improved but limited access and visibility, creating new opportunities for development, jobs, and revenue to local tax bases.

Changes in land use will affect the local economy by removing privately-owned land and improvements from the tax rolls. The estimated tax value that will be lost under Alternative 3C is approximately $54 million; and the percent loss from the tax base will be approximately 0.03 percent for Dallas County, 0.07 percent for the City of Dallas, and 0.07 percent for the Dallas Independent School District (DISD). This estimated tax base loss may be offset by potential future development in the area. Overall, economic impacts will be positive for this project; therefore, no mitigation will be necessary.

### V.D. Cultural Resources and Parklands

Pursuant to the Programmatic Agreement (PA) among the FHWA, TxDOT, State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation regarding the implementation of Transportation Undertakings (PA-TU), TxDOT determined with concurrence from the SHPO that no known archeological historic properties were located within the area of potential effects (APE), and thus the proposed undertaking will not affect significant archeological resources.

Alternative 3C will have no adverse effect on the integrity of location, design, setting, materials, workmanship, feeling or association of 24 of the 25 listed or eligible non-archeological historic properties and districts located in the project APE. However, Alternative 3C will have an adverse effect on the Continental Avenue Viaduct determined eligible for listing in the National Register of Historic Places (NRHP); therefore, under Section 106 of the National Historic Preservation Act (NHPA), the FHWA and TxDOT are required to explore potential mitigation measures. Consultation with the Texas Historical Commission (THC) has occurred regarding preliminary design treatments for the replacement of the north approach spans of the Continental Avenue Viaduct, and the SHPO concurred that the preliminary design will be compatible with the historic bridge (see Appendix D). The preliminary design was also

coordinated with consulting parties and no comments were received during the 30-day comment period. Future coordination with THC will take place regarding a final design, and acceptable design elements consistent with those presented in previous correspondence will be included in a Memorandum of Agreement (MOA) between the FHWA, TxDOT, and SHPO as mitigation for the adverse effect to the Continental Avenue Viaduct.

Alternative 3C will be visible from Sleepy Hollow Park, located near the IH-35E/SH-183 interchange, but the visual impact will be minimal because the improvements are consistent with the existing landscape. The Selected Alternative 3C will also encroach upon the Trinity River Greenbelt Park, located within the Dallas Floodway. However, the deed records for the Trinity River Greenbelt Park lands include a conveyance for transportation purposes. The NTTA is, and will continue, participating in a cooperative planning effort for recreational and non-recreational developments planned for the Dallas Floodway. The City of Dallas Park and Recreation Department (PARD) has indicated that Alternative 3C will not have a negative impact on any of the existing/planned parks and recreational areas located in the project area, but will provide the benefit of improving access to recreational opportunities. The Selected Alternative 3C includes the implementation of access ramps into the park area at five locations along with construction of the support structure for a pedestrian overlook deck (by others) to mitigate impacts to City of Dallas plans for future park access.

### V.E. Impacts to Water Features

Avoiding and minimizing impacts to water bodies, including wetlands, have been a major area of emphasis throughout the Trinity Parkway project development process. However, designing a major roadway within the Dallas Floodway presents unique challenges that arise from competing constraints. As the floodway's primary objective is to safely convey floodwaters, the placement of a major roadway must be done to ensure that the facility remains hydraulically neutral in terms of governing performance criteria. Most notably, constraints regarding maximum water surface elevation and valley storage for the 100-year flood and the Standard Project Flood (SPF) require iterative hydraulic modeling to achieve acceptable results. One major USACE requirement for the Trinity Parkway is to be constructed above the 100-year flood elevation, which requires a sizeable amount of embankment material. To maintain hydraulic balance within the floodway, the embankment material must be excavated within a floodplain characterized by numerous emergent wetlands. An additional planning constraint related to the East Levee requires the proposed facility to maintain a prescribed offset from the levee, which

necessitates moving the roadway farther into the floodplain where aquatic features are more abundant. Thus, the evolution of project design has been a process of balancing the design of roadway and excavation areas to achieve hydraulic neutrality, levee safety, and avoidance of aquatic features (see FEIS Section 4.8.2 and FEIS Appendix G-3). The Selected Alternative 3C is expected to result in the dredging or filling of 64.8 acres of aquatic features comprised of the following: 1.4 acres of forested wetlands; 50.3 acres of emergent wetlands; 7.0 acres of river/stream channels; and 6.1 acres of other open water features.

Consideration for avoidance and minimization of impact to wetlands has and will continue to be given throughout the design and construction process as evidenced by design features such as construction alternatives (e.g. retaining walls and steeper side slopes) which will be considered to avoid or minimize such impacts. Construction of new structures involving dredging and filling in waters of the U.S. will be conducted in accordance to the requirements of Sections 401 and 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. It is anticipated that the Selected Alternative 3C will be authorized under Regional General Permit (RGP) 12 or Individual Section 404 permit, and details of mitigation for impacts to aquatic features will be overseen by the USACE and Texas Commission on Environmental Quality (TCEQ) to ensure all appropriate BMPs are included in construction plans. The Selected Alternative 3C has been coordinated extensively with the USACE and documents to assist in completing the necessary permit review processes are included in FEIS Appendixes G-1 and G-2. Additionally, a preliminary mitigation plan has been developed which gives priority to the purchase of credits from a mitigation bank or in-lieu fee program (see FEIS Appendix G-3).

To avoid unnecessary wetland impacts during construction, staging areas and borrow areas will avoid wetlands where practicable. Wetlands receiving only temporary impacts will be returned to pre-construction contours and re-vegetated with appropriate native plants for the site. Heavy equipment will avoid all wetland areas that are not included as impact areas in the RGP 12 or Section 404 permit. The mitigation plan will compensate for the loss of aquatic functions associated with waters of the U.S. impacts through the purchase of mitigation banking credits. However, if sufficient mitigation bank credits are not available, then additional NEPA documentation may be needed during the Section 408 review process to address the compensatory mitigation activities that will be included in accordance with USACE requirements.

## V.F. Vegetation and Wildlife Impacts

Unavoidable impacts to wildlife habitat will be mitigated by minimization, restoration, or replacement where permissible and practicable. Temporary impacts to vegetation will be minimized by limiting construction activities to the minimum area needed to complete improvements to the tollway. Planning and coordination have worked to minimize impacts to habitat and most impacts will be either temporary in nature, or will effect a permanent conversion of smaller amounts of habitat such as riparian forests to maintained grassland. In addition to the impacts to aquatic habitat discussed above, the Selected Alternative 3C is expected to impact 50.1 acres of riparian forests and 490.6 acres of maintained grassland areas. The Trinity Parkway may also cause habitat fragmentation and reduction in wildlife habitat connectivity as a result of roadway construction. Measures to avoid or minimize adverse impacts to vegetation and wildlife are discussed in FEIS Sections 4.9 and 5.3 and are summarized below.

A revegetation plan will be developed prior to project construction that specifies the areas to be revegetated, species of plants to be used, and the techniques to be used to revegetate disturbed areas. The plan will also identify the techniques to be used to establish vegetation on steep slopes (i.e., grade steeper than 3:1) or alternative techniques and measures to prevent erosion. The plan will be developed in consultation with the Texas Parks and Wildlife Department (TPWD) and the U.S. Fish and Wildlife Service (USFWS), as necessary, and will specify the use of plant species that are native to the project area and that will enhance the quality of habitat within the ROW. In addition to general mitigation methods and techniques, the revegetation plan will include specific provisions relating to mitigation for loss of riparian forests to be replaced by replanting similar species within the Trinity River floodplain in accordance with the City of Dallas Vegetation Ordinance, through in-lieu fee payment to the City of Dallas, or through the acquisition of property with an existing stand of mature trees along the Trinity River Corridor. All revegetation and landscaping activities will comply with EO 13112 (Invasive Species). Preventative measures will include the inspection and cleaning of construction equipment, commitments to ensure the use of invasive-free mulches, topsoil, and seed mixes, and eradication strategies should invasive plants occur. Any seed mixes used to reestablish vegetation will be consistent with the implementing agency's seeding specifications, and will meet the requirements of the Texas Seed Law and EO 13112.

A plan to avoid and minimize effects/impacts to federal/state threatened or endangered species will be developed prior to project construction. The plan will be developed in consultation with TPWD and the USFWS and will focus on avoiding potential effects to the interior least tern and impacts to state-threatened mollusk species, alligator snapping turtle, and timber/canebrake rattlesnake. The plan will include a pre-construction wildlife survey to determine presence of these species and identify habitat areas of particular sensitivity to these species. The locations of any tern nesting areas and important roost sites will be discussed with the construction team and flagged for avoidance. If protected mollusk species are found in water bodies subject to mechanical disturbance, a plan will be developed for the removal of mussels and relocation to a site approved by the TPWD. Any handling of protected species will be done only by personnel with an appropriate permit issued by TPWD's Wildlife Permits Office.

In addition to protective measures for federally or state listed species, construction that will occur in river or wetland habitats will apply impact avoidance measures regarding native freshwater fish and mussel species regardless of federal or state protections. This will require coordination with the TPWD Kills and Spills Team prior to commencing excavation or fill activities in the vicinity of the Trinity River and its historic meanders regarding the relocation of potentially affected native aquatic species in conjunction with a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters and an Aquatic Resource Relocation Plan.

To ensure compliance with the Migratory Bird Treaty Act (MBTA), a pre-construction survey of areas likely to contain migratory bird nests (e.g., forests and bridge structures) and ground nesting birds will be conducted to verify if any migratory birds or nests are located in the project area. The construction contractor will remove all old migratory bird nests between October 1 and February 15 from any structures that will be affected by the proposed project, and complete any bridge work and/or vegetation clearing. In addition, the contractor will be prepared to prevent migratory birds from building nests between February 15 and October 1. In the event migratory birds are encountered on-site during project construction, adverse impacts on protected birds, active nests, eggs, and/or young will be avoided.

### V.G. Potential Impacts to Water Quality and Water Use

State regulations pertaining to construction site management form the main source of mitigation relating to soil erosion and sedimentation of water bodies. In Texas, the FHWA follows TxDOT guidelines and TCEQ regulatory requirements that address the prevention of impacts to water

quality from highway construction sites. In addition to erosion/sedimentation control, efforts will be taken to avoid and/or minimize adverse impacts to wetlands and water bodies which help maintain and improve water quality. Design features such as spanning jurisdictional waters and installation of stormceptor systems are a few examples of water quality enhancements that will be evaluated in final design.

Construction of the Selected Alternative 3C will comply with the conditions of TPDES General Permit Number TXR15000, the TCEQ permit for construction activities exceeding 5 acres. A stormwater pollution prevention plan (SWP3) will be prepared in accordance with TPDES permit requirements. In addition, a Notice of Intent for storm water discharges as well as a Notice of Termination will be prepared in accordance with TPDES permit requirements. Both structural and non-structural BMPs will be considered to minimize adverse effects to water quality during construction and post-construction.

Section 401 of the CWA requires a Water Quality Certification for USACE Section 404 permit applications for the discharge of dredged or fill material into waters of the U.S., including wetlands. In Texas, such certification by the TCEQ provides reasonable assurance that an activity that may result in discharge to waters of the U.S. will not violate water quality standards. Information pertaining to compliance with Section 401 requirements is included in FEIS Appendix G-2.

Municipalities and other designated entities have storm water permit requirements to monitor storm water during wet weather events. Compliance with the Municipal Separate Stormwater Sewer Systems (MS4) program requires additional safeguards to minimize the discharge of pollutants from construction sites as well as from routine operational activities. The NTTA will construct the proposed project in accordance with its TCEQ-approved MS4 permit as well as the Phase 1 City of Dallas MS4.

The Selected Alternative 3C will have a nominal impact to regional groundwater resources. The groundwater recharge zones for local aquifers are approximately six miles from the project area and no public drinking water supply wells are located in the project area, therefore public health concerns related to any potential groundwater impacts will be negligible. While changes to the existing localized hydrogeologic regime may occur, no adverse impacts to the quality of shallow groundwater are expected.

By using effective landscape management practices, appropriate application of pesticides and fertilizers, and runoff reduction practices, potential impacts to water quality will be minimized. The Selected Alternative 3C will not affect any public water supply, water treatment facilities, or water distribution systems, and proper control measures will be implemented during construction and operation to manage possible contamination of stormwater due to pollutant runoff. With proper implementation and monitoring of appropriate mitigation measures, any substantial short-term (construction-related) and long-term (operation-related) water quality impacts will be avoided or minimized.

## V.H. Floodplain Impacts

Minimizing impacts resulting from floodplain encroachment has been a major area of emphasis throughout the Trinity Parkway project development. Little or no change to existing drainage patterns is expected within or downstream of the project area. The Selected Alternative 3C will not result in water surface elevation rises beyond the limits of the Dallas Floodway levees both upstream and downstream of the proposed toll road. Any increase in 100-year flood levels will be accounted for during the Trinity Parkway's design phase by adjusting the design crest of the flood separation wall protecting the roadway. Any potential impacts to storage (such as displacements by columns, abutments, or embankments) will be offset by providing additional excavated areas and other design aspects to ensure no net loss of floodwater storage capacity. Bridge structures supported with concrete piers and decks elevated above 100-year flood levels will create no substantial effect on base floodwater surface elevation and create a low risk of water overtopping the roadway or causing additional damage to adjacent property.

Coordination with the USACE and the City of Dallas will continue to ensure that final design plans for the Selected Alternative 3C are compatible with the flood conveyance mission of the Dallas Floodway. The final design will comply with the FHWA floodplain regulations (23 C.F.R. Part 650, Subpart A), and all other federal, state, and local regulatory requirements. In particular, the Selected Alternative 3C will be reviewed by the FEMA, the City of Dallas floodplain administrator, NCTCOG , and the USACE as part of the Trinity River CDC process. Such review will rely on a detailed hydraulic analysis of the Dallas Floodway's ability to convey the 100-year flood and SPF as modeled with proposed design features in place and as measured against specific hydraulic criteria originally established by the 1988 TREIS ROD. Similarly, USACE implements its authority over construction and operations within the Dallas

Floodway through national flood control regulations (33 C.F.R. Section 208.10) as well as through local floodway guidance issued by the USACE Fort Worth District. USACE approval of any construction within the Dallas Floodway is conditioned on demonstrating design, construction phasing, and mitigation measures that meet specific USACE guidelines for ensuring continuous protection of flood conveyance capacity. It is likely that a variance to the 1988 TREIS ROD criteria pertaining to rises in the water surface elevation for a 100-year flood event will be required from the Fort Worth USACE District Commander as part of their approval process.

Planning and design of all drainage structures will adhere to the FHWA design criteria to achieve compliance with EO 11988 and will be coordinated with the Regulatory Division and Operation Branch of the USACE pursuant to Section 404 of the CWA and Section 408. All conditions and requirements of Section 404 and 408 authorizations for drainage crossings will be complied within their entirety during the final design phase of the project to ensure that floodplain capacity is not reduced and that floodplain management or development plans are not impaired.

## V.I. Air Quality Impacts and Project Level Conformity Determination

The Clean Air Act Amendments of 1990 (CAAA) require transportation plans, programs, and projects in nonattainment and maintenance areas, which are funded or approved by the FHWA, to conform to the State Implementation Plan (SIP). This ensures that transportation plans, programs, and projects do not produce new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards (NAAQS). The DFW area has been designated by the USEPA as a moderate non-attainment area for the 2008 8-hour ozone NAAQS, therefore the transportation conformity requirements apply.

The Selected Alternative 3C is consistent with the area's financially constrained Metropolitan Transportation Plan (MTP), *Mobility 2035 – 2013 Update*, and the 2015-2018 TIP, which were found to conform to the TCEQ SIP by the FHWA on July 19, 2013 and December 2, 2014, respectively. The design concept and scope of the Selected Alternative 3C are consistent with that used in the regional emissions analysis in the MTP and TIP conformity determinations. All projects in the TIP, as revised, that are proposed for federal or state funds were initiated in a manner consistent with federal guidelines in Section 450, of Title 23 C.F.R. and Section

613.200, Subpart B, of Title 49 C.F.R.. Energy, environment, air quality, cost, and mobility considerations are addressed in the programming of the TIP.

The project complies with the transportation conformity regulations at 40 C.F.R. Part 93 and the conformity provisions of Section 176(c) of the CAAA. The project was found to conform at the project level and would not contribute to any new violations, increase in frequency or severity of any existing violation, or delay timely attainment of the NAAQS or any required interim emissions reduction or other milestones.

The Selected Alternative 3C is also consistent with the area's *Mobility 2035 – 2014 Amendment,* for which transportation conformity is currently being reviewed.

Although a carbon monoxide (CO) Traffic Air Quality Analysis (TAQA) was not required based on estimated average annual daily traffic (AADT) volumes, a TAQA was conducted in order to demonstrate that CO concentrations will not exceed the NAAQS under Alternative 3C in 2020 (estimated completion date) or 2035 (design year). Based on the TAQA modeling results, local concentrations of CO are not expected to exceed national standards at any time.

An analysis of Mobile Source Air Toxics (MSATs) was performed for the Build scenario. The analysis indicates a substantial decrease in annual MSAT emissions can be expected in the years 2028 and 2035 (design year) compared to the 2013 base year. Although the vehicle miles traveled (VMT) for the proposed project's identified affected network will increase approximately 51 percent by 2028 and 75 percent by 2035, total MSAT emissions for the same scenarios will decrease an estimated 78 percent by 2028 and 79 percent by 2035. On a regional basis, USEPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than today.

## V.J. Noise Impacts

Based on a noise analysis performed at areas impacted by traffic noise from Alternative 3C, four noise barriers were determined to be both feasible and reasonable and are proposed for inclusion in this project. The final decision to construct any proposed noise barrier will not be made until completion of the project design following the FHWA approved TxDOT Noise Guidelines. The noise analysis included areas in the Trinity River Greenbelt Park where

amenities are proposed, and noise impact contour data for undeveloped areas in the park were provided to the City of Dallas to guide future development.

### V.K. Visual Impacts

Aesthetic guidelines will be developed for design elements to help mitigate visual impacts of the proposed project. Alternative 3C will not substantially limit the views of most commercial businesses and residential neighborhoods beyond the immediate corridor. Design enhancements and quality landscaping will soften, and partially shield, the Trinity Parkway and may help maintain the property values of businesses and residential areas adjacent to the facility. Design enhancements may include context-sensitive landscaping, foreground elements (i.e. toll gantries and toll gantry landscaping), and background elements (i.e. background color, sign structures, and wall texture).

### V.L. Hazardous/Regulated Materials

The construction of the Selected Alternative 3C poses very little risk of hazardous waste impacts to the environment. Hazardous waste impacts associated with Alternative 3C will more likely be associated with present and past sites and facilities that have already impacted the environment or have the potential to impact the existing environment if contaminants are mobilized. Such facilities, when unavoidable, that are located within the ROW of Alternative 3C will be acquired by NTTA and secured in accordance with the FHWA policies and applicable local, state and federal laws to minimize the risk of a contaminant release to the environment. The City of Dallas is pursuing a Municipal Setting Designation (MSD) for the Dallas Floodway, which will restrict the use of shallow groundwater beneath the Dallas Floodway and eliminate ingestion of groundwater a potential exposure pathway.

None of the soil samples, collected as part of a Phase II Environmental Site Assessment, from the borrow areas contained concentrations of potential constituents of concern (COC) exceeding the Texas Risk Reduction Program (TRRP) Non-ingestion Protective Concentration Levels (PCLs) with a MSD (i.e., human health based PCLs). Only four samples from the borrow areas contained concentrations of potential COCs exceeding the TRRP Ecological Benchmarks, but special handling/management and mitigative measures will be implemented to eliminate potential exposure to ecological receptors during construction and operation of the roadway. Any required mitigation of identified hazardous material concerns will include those for proper

management and disposal of hazardous wastes encountered during construction and precautions for worker health and safety.

Based on the absence of COCs exceeding human health regulatory levels and the mitigative measures identified for fill and dredge borrow areas with COCs exceeding Ecological Benchmarks, adverse effects on the physical, chemical, or biological characteristics of the aquatic ecosystem are not anticipated.

### V.M. Utilities

Alternative 3C will require the relocation of an estimated 1,850 linear feet of water lines. Alternative 3C will not require relocation of any portion of major sanitary sewer lines. Alternative 3C will potentially require the relocation of approximately 3,000 linear feet of major natural gas lines, but not any portion of fuel lines in the project area. Alternative 3C will require the relocation/adjustment of six major electrical lines and 24 associated support towers, but it will not impact any of the electrical substations in the project area. Further design and planning will involve a more detailed inventory of relatively minor electrical utilities. Alternative 3C will not impact flood control pump station facilities, and any impact of bridges constructed over storage sumps will be minimal.

### V.N. Energy and Mineral Impacts

The Selected Alternative 3C will require short-term energy consumption during construction activity. The short-term construction-related energy consumption could be offset by the operational energy efficiencies gained with the use of an improved transportation facility over many decades. The construction of the Selected Alternative 3C will result in the reduction of energy consumption by relieving congestion on the existing roadway network.

### V.O. Temporary Impacts during Construction

Roadway construction activities inevitably result in a variety of inconvenience-causing actions that affect different resources or environmental conditions. Alternative 3C will have temporary construction impacts likely affecting air, noise, and water quality; the temporary impedance to the maintenance and control of traffic; safety concerns because of changes in traffic patterns; the stockpiling and disposal of construction materials; the use of borrow areas; and construction and use of haul roads. Construction impacts are mitigated on two levels, direct intervention methods, and construction procedures that effectively lessen construction impacts.

A Traffic Management Plan (TMP) will help address any traffic impacts during construction, however overall traffic disruptions are anticipated to be minor for a large portion of Alternative 3C given its location primarily within the Dallas Floodway. To ensure pedestrian safety, ample width for construction activities will be provided, properly equipped machinery will be employed, temporary or permanent fencing will be erected, and guidelines for equipment operators and supervisors will be enforced. Maintenance of the current flow of traffic on the existing roadway network will be planned and scheduled to minimize adverse impacts to the traveling public. Within construction areas, traffic control measures using standard practices will be used, as outlined in TxDOT guidelines.

Project construction will comply with all federal, state, and local regulations governing construction activities and emissions in order to minimize and mitigate any impacts to ambient air quality. In addition, specific mitigation measures such as speed limits and prompt revegetation may be utilized in a dust control plan prepared prior to construction. Considering the temporary and transient nature of construction-related emissions, as well as the mitigations actions to be utilized, it is not anticipated that emissions from construction of this project will have any significant impact on air quality in the area.

None of the noise receivers evaluated is expected to be exposed to construction noise for a long duration; however contractors may be required to make every reasonable effort to minimize construction noise. Noise reduction measures, if needed, will be considered where they are reasonable, feasible, and practicable.

Restoration activities for impacts to vegetated areas, such as reseeding with native grass-dominated seed, are part of the planned response to construction impacts that are readily foreseeable. Disturbed areas will be restored and stabilized as soon as the construction schedule permits, and temporary sod will be considered where large areas of disturbed ground will be left bare for a considerable length of time. Minimization of the effects to water quality from erosion and sedimentation will be accomplished by preparing a Storm Water Pollution Prevention Plan (SW3P) pursuant to TxDOT guidelines.

Cleanups of leaks or spills of hazardous materials will be performed in accordance with appropriate procedures and corrective actions will be performed to eliminate unacceptable exposure to human health and ecological receptors.

## V.P. Indirect Effects

Indirect effects are defined as those "…which are caused by an action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 C.F.R. Section 1508.8).

Based on the indirect impacts analysis, it is not anticipated that Alternative 3C will have adverse indirect effects on the Area of Influence (AOI). The encroachment-alteration effects will be minimal and could be alleviated by joint economic redevelopment efforts on the part of the City of Dallas and local businesses. Alternative 3C will complement existing public policy by providing congestion relief around downtown while allowing existing development trends to continue. The alternative will not induce land use change because it will be designed as an access-controlled facility with new interstate access planned at each terminus at IH-35E and IH 45 respectively. In addition, the regulatory constraints and government ownership of land within the Dallas Floodway will prevent Alternative 3C from inducing private development of land within the Floodway. Alternative 3C will stimulate some areas with improved but limited access and visibility, creating new opportunities for development, jobs, and revenue to local tax bases. The City of Dallas Park and Recreation Department (PARD) has indicated that Alternative 3C will not have a negative impact on any of the existing/planned parks and recreational areas located in the project area, but will provide the benefit of improving local access to recreational opportunities. The Selected Alternative 3C includes providing access into the proposed park area at five locations along with construction of the support structure for a pedestrian overlook deck (by others) to mitigate impacts to City of Dallas plans for future park access. No incompatible land use changes will occur because of Alternative 3C. There will be no need for FHWA mitigation to address indirect impacts.

## V.Q. Cumulative Impacts

Cumulative effects (or impacts) include a project's direct and indirect effects, as well as other actions that are not caused by the project, but in combination with the project, add to the overall

effect, whether adverse or beneficial, on the environment. The CEQ regulations for implementing NEPA define cumulative effects as: "The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions …" (40 C.F.R. 1508.7). The overall focus of the cumulative impacts analysis is on the sustainability of each resource of interest; the analysis, therefore is not limited to the project area but takes into consideration larger areas that represents the base for sustaining the resource in that area.

The Study Team followed an eight-step approach to evaluate cumulative effects based on the 2010 TxDOT's Guidance on Preparing Indirect and Cumulative Impact Analyses (see FEIS Section 4.26). Eight resources were carried through the cumulative effects analysis: Land Use, Community Resources (environmental justice and visual), Cultural Resources and Parklands, Waters of the U.S., including Wetlands, Vegetation/Wildlife Habitat, Water Quality, Floodplains, and Air Quality. Each resource/issue was evaluated within a specified resource study area (RSA). Cumulative effects to these resources/issues attributable to the Selected Alternative 3C combined with 61 reasonably foreseeable transportation/development projects within the respective RSAs are summarized as follows (as amended by design refinements to the Selected Alternative 3C summarized in Appendix A):

- Land Use – 1,552 acres;
- Community Resources – 91 Residential Displacements with regulatory controls and affordable housing mitigating potential impacts to EJ populations; future projects (e.g. BVP and DFE projects) will enhance visual quality and offset moderate cumulative visual impacts;
- Cultural Resources and Parklands – 14 non-archeological historic resources to be impacted and 311 acres of parks and recreational area lost;
- Waters of the U.S., including Wetlands – net loss of 87 acres;
- Vegetation/Wildlife Habitat – net gain of 1,007 acres of riparian woodlands and net loss of 1,832 acres of grass areas;
- Water Quality – new development will result in an increase in impervious cover and greater volumes of runoff during storm events, however regulatory controls and local initiatives will insure potential impacts to water quality will be substantially reduced, with long term minor benefits;

- Floodplains – maximum increase of 0.56 foot in 100-year flood elevation but no increase in maximum SPF elevation; reduction in valley storage for 100-year flood of 2.7 percent and reduction in valley storage of 5.1 percent for SPF; and
- Air Quality – proposed project and reasonably foreseeable transportation projects included in *Mobility 2035 – 2013 Update* and the 2015-2018 TIP which have been determined to conform to the SIP and are anticipated to have a cumulatively beneficial impact on air quality.

Finally, as required by NEPA, appropriate mitigation for direct impacts will occur at the project level. Implementing the Selected Alternative 3C will likely result in cumulative impacts to expected future conditions for several resources throughout the Trinity River Corridor, but mitigation measures will be implemented to minimize any potential adverse cumulative impacts. In many cases, the cumulative impacts are expected to be neutral or beneficial, as development and successful implementation and monitoring of mitigation measures can lessen a potential adverse impact, or in some instances, negate it in its entirety.

## V.R. Regional Indirect and Cumulative Effects of Tolled Facilities and Managed Lanes

To assess the significance of regional impacts and address the potential need for mitigation of the tolled components of the long-range metropolitan transportation plan, NCTCOG prepared the *Regional Tolling Analysis for the Dallas-Fort Worth Metropolitan Planning Area based on Mobility 2035 – 2013 Update* technical memorandum (hereinafter *Regional Tolling Analysis* or "technical memorandum") (NCTCOG, 2014). This technical memorandum can be viewed at *http://www.nctcog.org/trans/mtp/2035/documents/RTAJan2014.pdf*. The *Regional Tolling Analysis* evaluated the proposed expansion of the regional priced facility system in the Dallas-Fort Worth region based on the improvements included in *Mobility 2035 – 2013 Update.*

Based on the analysis documented in the *Regional Tolling* Analysis, the 2035 build network for the metropolitan planning area (MPA), including future priced facilities, will result in a fair distribution of impacts and benefits among the regional population including environmental justice communities. The 2035 build network for the MPA, included priced facilities and will not cause disproportionately high and adverse impacts on any minority low-income populations as per EO 12898 regarding environmental justice.

The priced facilities will help manage congestion, improve air quality, improve travel time reliability, improve safety, and enhance health compared to the non-build and priced facility no-build alternatives. By helping to reduce overall congestion levels, improvements to the overall transportation system, including priced facilities, also contribute to the economic vitality of the region. Additionally the revenue from priced facilities will help to finance improvements and rehabilitation of both priced and non-priced facilities.

The addition of tolled facilities and managed lanes into the existing regional roadway network will not have any cumulative impacts to air quality. Moreover, a tolled roadway network adds capacity to the regional roadway network, thus allowing a better flow of traffic and decreasing the amount of cars traveling at lower speeds or idling conditions. The improved traffic flow results in less fuel combustion and lower emissions.

***Conclusion***

The regional tolled roadway network will cause some impacts to natural and socio-economic resources. Every effort has been made to avoid or minimize adverse effects to sensitive resources. The project will have a beneficial impact on the DFW area. Overall, with the 2035 build scenario, which includes the tolled roadway, travel efficiencies in the region will benefit both EJ and non-EJ populations. The additional vehicle lane miles that the regional tolled roadway network provides enables traffic to flow more efficiently thereby reducing emissions associated with cars traveling at lower speeds or idling conditions.

During the construction phase, short-term effects related to noise and dust will be minimized. Traffic delays will be minimized through coordination among TxDOT, contractors, and affected neighborhoods or landowners (in the areas immediately adjacent to the proposed ROW), and by developing a construction schedule that will allow for a minimum delay for movement across the proposed ROW. Also, efforts will be made to provide appropriate construction detours, informative signage, and access to residences, businesses, and community facilities where practicable.

## VI. MONITORING OR ENFORCEMENT PROGRAM

All commitments and conditions of approval stated in the FEIS regarding mitigation measures, commitments, and agency and public coordination will be monitored by the FHWA, TxDOT, and other appropriate federal, state, and local agencies to ensure compliance per the appropriate

approved permit(s). The FHWA will require and ensure that all agencies/entities involved with the development of the Trinity Parkway project follow all commitments of this ROD, mitigation regulations, and specific mitigation measures developed for this project and approved by the FHWA. The NTTA will develop a construction oversight and environmental monitoring program outlining the activities to be implemented by the NTTA during design and construction, thereby ensuring environmental commitments are met and mitigation measures are properly implemented.

## VII. COMMENTS RECEIVED ON THE FEIS

The Notice of Availability for the FEIS for the Trinity Parkway, was published in the Federal Register and Texas Register on March 21, 2014. The review period officially closed on May 9, 2014. A 50 day review period was provided by the state, exceeding federal requirements. Comments on the FEIS and responses are presented in Appendix C, and agency correspondence received after the public comment period is included in Appendix D. All comments were reviewed and fully considered and all substantive comments were addressed. There was one discrepancy regarding Texas Rapid Assessment Method (TXRAM) values for waters of the U.S., including wetlands, in Chapter 3, page 88 of the FEIS that was identified by TPWD. The discrepancy was acknowledged and the locations in the FEIS where the correct information was presented were communicated to TPWD in a response letter included in Appendix D of this ROD. The FEIS comments and associated responses can be found on the Trinity Parkway website at *www.ntta.org*. Select 'Roads & Projects' on the NTTA homepage, and then click on 'Trinity Parkway' under the 'Future Projects' category.

## VIII. CONCLUSION

Based upon the information presented in the FEIS and supporting technical documents; the associated administrative record; and input received from the public and interested local, regional, state and federal agencies; the FHWA decision, after its own independent review and consideration of the referenced information, is to provide approval for the construction of the Trinity Parkway as a new location toll road facility within Dallas County. This decision selects the Alternative 3C as the only practicable alternative under 23 C.F.R. 650 and applicable EOs, described in the Trinity Parkway FEIS dated March 2014 and in this document, as Alternative 3C, a six-lane limited-access toll facility extending from the IH-35E/SH-183 interchange

(northern terminus) to the US-175/SH-310 interchange (southern terminus), a distance of approximately 8.8 miles.

Date: 4/2/2015

For Federal Highway Administration
Texas Division

EXHIBIT - 1

# SELECTED ALTERNATIVE ON AERIAL PHOTOGRAPH

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**Selected Alternative 3C**

**Alternative 2A**

**Alternative 2B**

**Alternative 4B**

**PROJECT AREA BOUNDARY**

## Legend

- Selected Alternative 3C - Combined Parkway - Riverside (Further Modified)
- Other Build Alternatives Considered in the Trinity Parkway Final Environmental Impact Statement (FEIS)

The ROW footprint for the Selected Alternative 3C reflects updated schematic design as of June 2014.
ROW footprints for Trinity Parkway build alternatives 2A, 2B, and 4B reflect the schematic design considered during the preparation of the SDEIS (2009), LSS (2012), and FEIS (2014).

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Note: Location labels are approximate.

Year of Aerial Photograph: 2012.

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# Appendix A

# Design Refinements to the Recommended Alternative 3C as Presented in the FEIS

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# Appendix A: Design Refinements to the Recommended Alternative 3C as Presented in the FEIS

## A. Introduction

This appendix discusses the design refinements to Trinity Parkway Build Alternative 3C (Combined Riverside – Further Modified) after the Final Environmental Impact Statement (FEIS) was published in March 2014. As discussed in the FEIS, the Build Alternative 3C was identified as the recommended alternative by the Federal Highway Administration (FHWA) after completing an analysis of the practicability of the four Build Alternatives that evolved during the process of project development that began in the late 1990s. The information presented below discusses the reasons leading to design refinements of the Selected Alternative 3C in the Trinity Parkway Record of Decision (ROD), the nature of design changes that have occurred, the expected impacts of those changes as compared to the material presented in the FEIS, and conclusions as to the significance of the design changes in light of FHWA regulations in 23 CFR Section 771.130.

## B. Reasons for Design Refinements

The reasons for schematic revisions after preparation of the FEIS are twofold and were generated by external requirements, as discussed further below. In short, the design schematic for Alternative 3C was revised to meet the requirements of new roadway design standards, and was adjusted along Interstate Highway (IH) 45 to maintain compatibility with design planning by the Texas Department of Transportation (TxDOT) for constructing improvements to the SM Wright Project.

Concurrent with the development of the FEIS, the design schematic for the Trinity Parkway Alternative 3C was updated to reflect changes in circumstances affecting roadway connections at the proposed project's northern and southern termini. These design refinements, described in **FEIS Section 2.9.1**, were submitted to TxDOT and the FHWA for review on three occasions and were revised in accordance with comments received. Upon review of the fourth draft of the design schematic, comments received in March 2014 from TxDOT and the FHWA included the

requirement to update the schematic geometry to conform to the TxDOT Roadway Design Manual (RDM) changes that were effective on December 11, 2013.

As described in **FEIS Section 2.9.1.2**, the design refinements presented in the FEIS included changes to connections with the US-175/SH-310 interchange at the southern terminus for the proposed Trinity Parkway. Between IH-45 and US-175/SH-310, the proposed Trinity Parkway overlaps with the proposed SM Wright Project (TxDOT CSJs: 0092-01-052, 0197-02-108 and 0092-14-081), which is a TxDOT project that is independent of the Trinity Parkway. The construction of the SM Wright Project is planned to occur before construction of the proposed Trinity Parkway, and final design plans are being completed to enable that project to be let for construction. Accordingly, the design plans for the recommended alternative (Alternative 3C) in the FEIS had been refined to accommodate the Trinity Parkway's transition with improvements to IH-45 and US-175 that are proposed as part of the SM Wright Project. However, additional requirements for changes to the Alternative 3C design schematic arose during final design of the SM Wright Project.

The most important change to the SM Wright Project design resulted from receipt of information from the Union Pacific Railroad (UPRR) of plans to increase the number of railroad tracks passing under IH-45 from the existing two tracks to a total of four railroad tracks. To accommodate UPRR plans for expanding the use within its railroad right-of-way (ROW), TxDOT's design engineer for the SM Wright Project made refinements to the IH-45 ramp geometry. These and other changes to the final design plans for the SM Wright Project necessitated revisions to the Trinity Parkway Design Schematic for Alternative 3C to dovetail with the revised plans for the SM Wright Project.

## C. Summary of Changes to Design Attributes

The design refinements to Alternative 3C based on changes in the TxDOT RDM resulted in adjusting design elements affecting sight distances at intersections, the placement of drainage facilities and guardrails, and updating curve and superelevation design criteria to current values adopted by the American Association of State Highway and Transportation Officials (AASHTO) in its latest revisions to ***Geometric Design of Highways and Streets***. The application of the revised RDM design criteria to Alternative 3C primarily affected design at the transition areas with other roadways in the project's northern terminus.

The principal design refinement to Alternative 3C resulting from changes to the SM Wright Project affect the direct connecting ramps to and from IH-45. The expected expansion of the UPRR facility within its ROW resulted in the need to push the elevated entrance ramp to southbound IH-45 farther to the west. This also resulted in widening of IH-45 to the east to accommodate the northbound exit ramp for a direct connection with the Trinity Parkway.

## D. Summary of Changes to Potential Environmental Impacts

After the fourth draft of the design schematic was submitted for review by TxDOT and the FHWA, potential impacts to all natural resources and other environmental issues discussed in the FEIS were reevaluated in light of the changes to the design schematic summarized above. The updating of information relevant to assessing impacts was based on the interpretation of aerial photography from 2013, data previously acquired from field visits and reported in the FEIS, and general familiarity of the study team with land use and environmental conditions developed during the preparation of the FEIS. In most instances, the recent design refinements would not result in any change to the information reported in the FEIS (see the impacts summary in **FEIS Table 4-62**). This is particularly the case for impacts that were qualitatively assessed such as water quality and aesthetics. The discussion below provides information about those natural resources and other environmental topics for which there would be a change in impacts caused by the Selected Alternative as compared to the same type of information presented in the FEIS. However, in some instances resources or topics are discussed below even though the recent design changes would not result in a change of impacts. This has been done for selected topics where it was considered that explanatory information would be warranted, such as the discussion of hydraulic impacts in the Physical Environment bullet below.

1. Total Project ROW Footprint. The Selected Alternative would require a total of 562.5 acres of ROW as compared to 559.4 acres reported in the FEIS, a net increase of 3.1 acres. The amount of ROW acreage needed within the Dallas Floodway decreased by 4.8 acres, while the amount of joint use of existing transportation ROW increased by 4.3 acres. A total of 2.6 acres of additional ROW would be required from privately-owned land (1.7 acres) and City of Dallas property that is not within the floodway (1.9 acres).

2. Total Project Costs of Construction. The design of the Selected Alternative would have a total project cost of $1,310 million, which would be a $3.88 million reduction from the estimate of project cost in the FEIS ($1,314 million). Construction cost categories that were reduced as compared to the FEIS are roadway costs (-$1.05 million), costs for structures (-$3.07 million), mobilization and contingency costs (-$1.04 million), and soft costs (-$1.05 million). Cost categories that increased as compared to the FEIS are miscellaneous costs (+$0.87 million) and ROW acquisition costs (+$1.46 million).

3. Community and Economic Impacts. In terms of major land use change, the Selected Alternative would require an estimated conversion of combined privately-owned land and land within the Dallas Floodway of approximately 330 acres, which would be 3 acres less than the 333 acres reported in the FEIS. The expected impacts to the Great Trinity Forest would decrease by 2 acres from the FEIS (222 acres) for the Selected Alternative (220 acres). Two additional commercial displacements would occur to properties located on Lamar Street adjacent to IH-45, which would be added to the 27 commercial properties reported in the FEIS. Although both of these properties (metal recycling facilities) were included as displacements as part of the SM Wright Project and are expected to be acquired for that project before construction of the Trinity Parkway, they are included as part of the Selected Alternative impacts for full disclosure. No additional changes are expected to any other aspects of Community Impacts or Economic Impacts reported in the FEIS.

4. Physical Environment. The Selected Alternative would reduce the amount of area occupied within the 100-year floodplain by 2 acres. This reduction of project ROW footprint within the Dallas Floodway is primarily the result of partial elimination of ROW where bridges cross over drainage sumps. However, design refinements did not alter the cross section geometry of the proposed facility within the Dallas Floodway, and the previous results of hydraulic modeling reported in the FEIS remain unaffected.

5. Natural Environment. Impacts of the design refinements to waters of the U.S., including wetlands, would total 64.8 acres, which represents a reduction of 0.7 acre from the impacts reported in the FEIS (65.6 acres). The Selected Alternative would result in an increased impact of 0.04 acre to the emergent wetland shown in **Attachment 1 – Sheet**

**1**, and reduced impacts totaling 0.75 acre to three drainage sumps shown in **Attachment 1 – Sheets 2** and **3**. Impacts to vegetation/habitat from the Selected Alternative would reduce impacts to maintained grassland areas by 1.3 acres (new total is 490.6 acres), and would increase impacts to riparian forests by 1.1 acres from 49.0 acres reported in the FEIS to 50.1 acres. The areas of additional impacts to riparian forest habitat would occur along the east and west sides of IH-45 as shown in **Attachment 2**. The revised cost estimate for miscellaneous costs discussed above reflects minor adjustments in estimated environmental mitigation costs for impacts to waters of the U.S., including wetlands (-$27,335), and vegetation enhancements in response to impacts to riparian forests (+$14,300); as compared to costs in **FEIS Table 6-2**. Additionally, in response to recommendations from the Texas Parks and Wildlife Department, the estimated costs of mitigation commitments in the ROD related to surveying and relocating aquatic organisms (+$750,000) have been included in the environmental mitigation portion of miscellaneous costs for the Selected Alternative.

6. Cultural Resources. The areas included in the design refinements to Alternative 3C all occur within areas that have previously been surveyed for historic-age resources, and no non-archeological resources would be affected. With regard to archeological resources, all areas of new ROW are within the area previously evaluated in past archeological surveys. Based on those archeological studies, there are no recorded archeological sites that would be affected by the areas of new ROW. In the event that unanticipated archeological deposits are encountered during construction, work in the immediate area will cease and actions and consultation will be initiated to avoid, minimize, or mitigate adverse effects to that site.

## E. Conclusion

The FHWA has reviewed the design refinements for the Selected Alternative that are required to update project design to current TxDOT and FHWA roadway design standards, and to maintain compatibility with final design plans for the SM Wright Project. The FHWA has also assessed the extent to which the design refinements would change the level of impacts for the FHWA-recommended Alternative 3C as presented in the FEIS (March 2014). This evaluation of impacts indicates that the design refinements will generally result in a lessening of adverse environmental impacts. In those instances where an increase in adverse impacts is anticipated,

such increases are negligible. There is otherwise no new information or circumstance that would result in significant impacts beyond the information presented in the FEIS. In accordance with 23 CFR Section 771.130 and after a thorough consideration of the changes in impacts resulting from the design refinements to the FHWA-recommended Alternative 3C as presented in the FEIS (March 2014), the FHWA has determined a Supplemental FEIS is not required.

## List of Attachments to Appendix A

1. Potential Impacts to Waters of the U.S., Including Wetlands (3 sheets)
2. Potential Impacts to Riparian Forest Habitat

APPENDIX A - ATTACHMENT 1 (SHEET 1 OF 3)

# POTENTIAL IMPACTS TO WATERS OF THE U.S., INCLUDING WETLANDS

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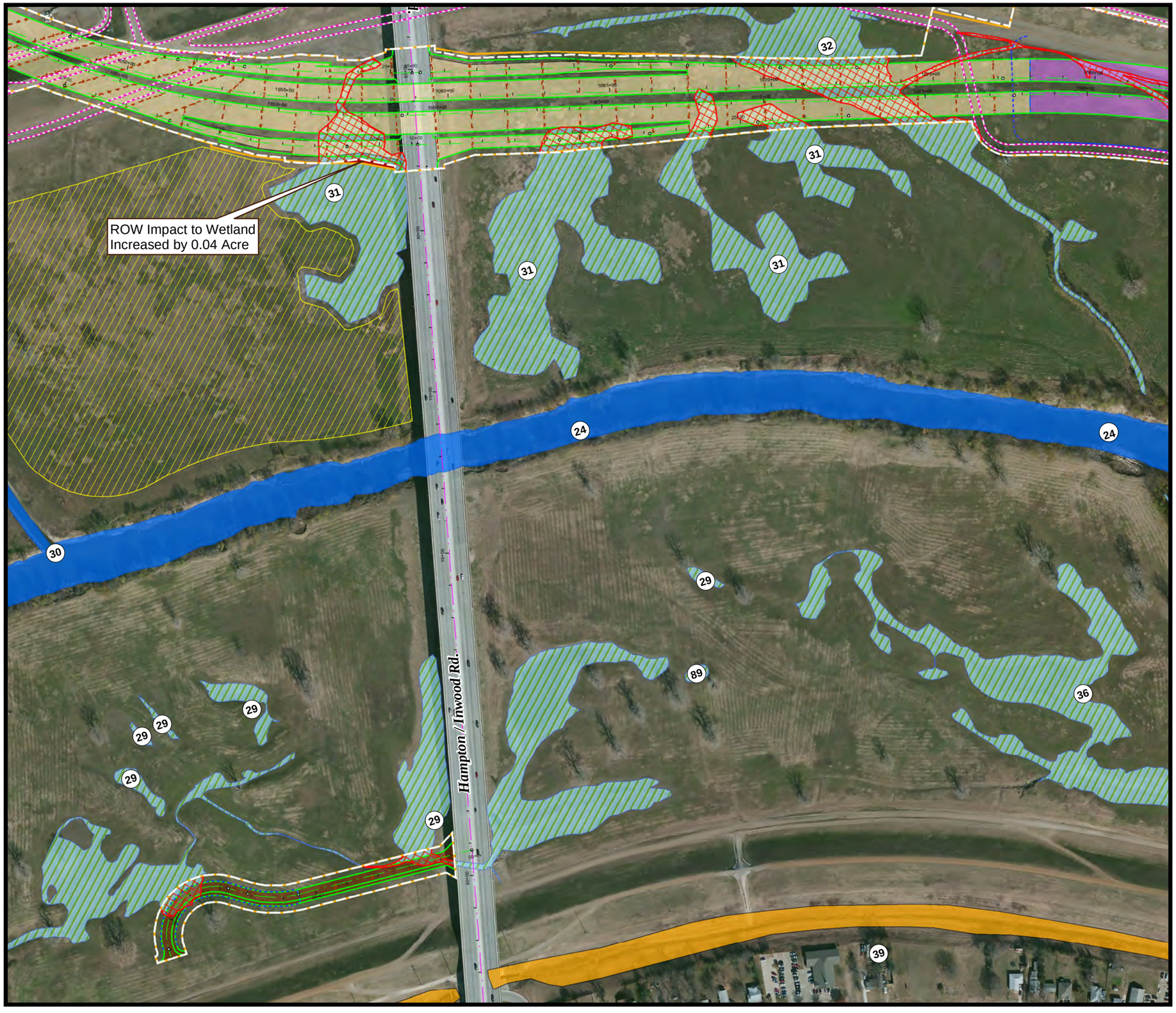


## Legend

**Design Aspects Features**

- Operation & Maintenance Road for Levee Control
- Proposed Abutment
- Proposed Bent
- Proposed Diaphragm Wall
- Proposed Flood, Retaining or Security Wall
- Proposed Culvert
- Proposed Edge of Concrete Pavement
- Proposed Excavation Area
- Proposed Road/ Ramp at Grade
- Proposed Bridge
- Proposed Bridge/ Pavement Removal
- Proposed Park Access
- Proposed ROW in FEIS
- Proposed ROW Updated in June 2014
- Existing ROW

**Waters of U.S. and Impacts**

- Emergent Wetland
- Forested Wetland
- Open Water/River Channel
- Outline of Potential Impacts*

**Non-Waters of U.S.**

- Open Water (Man-made Sumps)

* In some instances, emergent wetland impacts extend beyond excavation areas where loss of wetland function is likely.

NOTE: This map reflects updated impacts to water features previously depicted in FEIS Appendix G-1, Map 4, and Table G-1-10.

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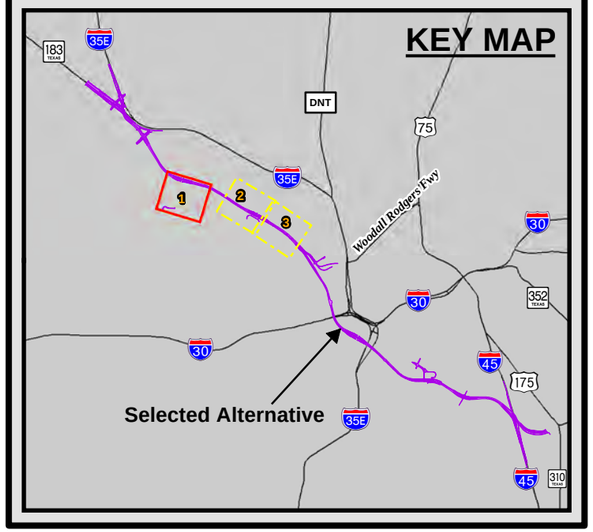
Note: Year of Aerial Photograph: 2011.



APPENDIX A - ATTACHMENT 1 (SHEET 2 OF 3)

# POTENTIAL IMPACTS TO WATERS OF THE U.S., INCLUDING WETLANDS

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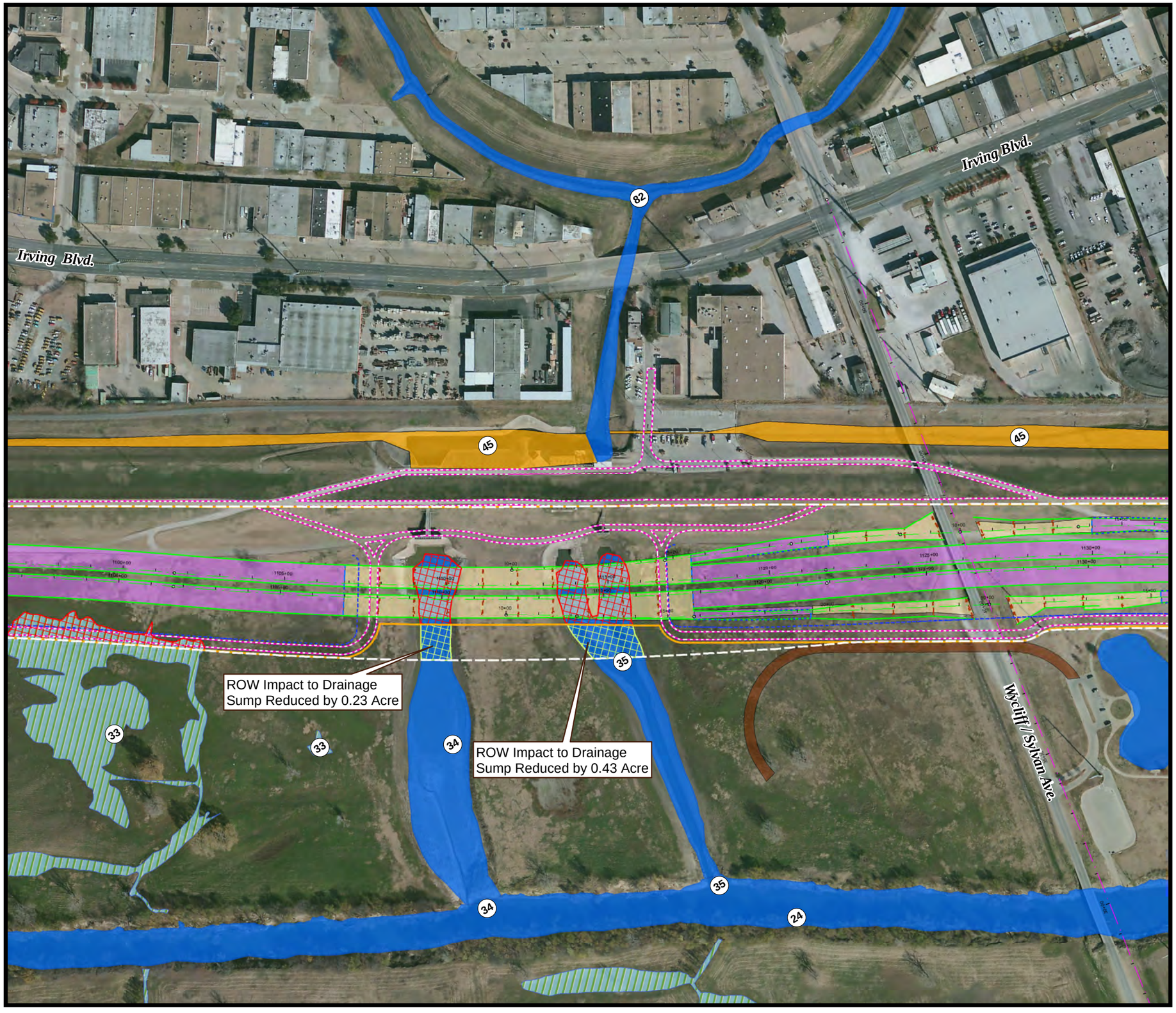


## Legend

**Design Aspects Features**

- Operation & Maintenance Road for Levee Control
- Proposed Abutment
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- Proposed Culvert
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- Proposed ROW in FEIS
- Proposed ROW Updated in June 2014
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- Open Water/River Channel
- Outline of Potential Impacts*

**Non-Waters of U.S.**

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NOTE: This map reflects updated impacts to water features previously depicted in FEIS Appendix G-1, Map 4, and Table G-1-10.

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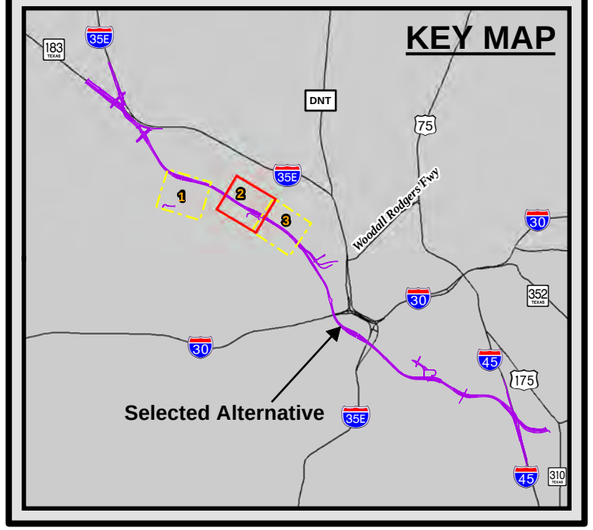
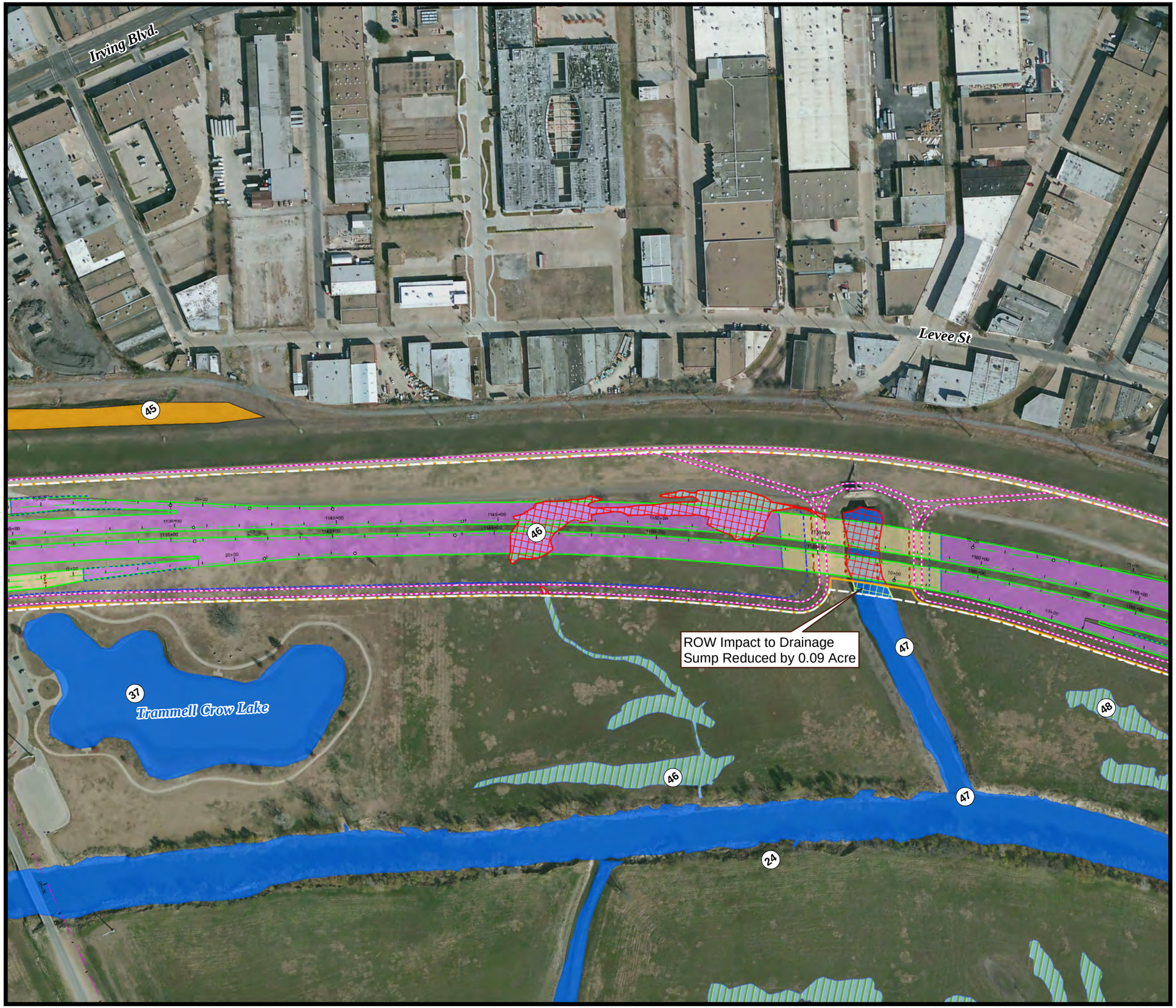
Note: Year of Aerial Photograph: 2011.



APPENDIX A - ATTACHMENT 1 (SHEET 3 OF 3)

# POTENTIAL IMPACTS TO WATERS OF THE U.S., INCLUDING WETLANDS

NTTA®
NORTH TEXAS TOLLWAY AUTHORITY




## Legend

**Design Aspects Features**

- Operation & Maintenance Road for Levee Control
- Proposed Abutment
- Proposed Bent
- Proposed Diaphragm Wall
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- Proposed Culvert
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- Proposed Park Access
- Proposed ROW in FEIS
- Proposed ROW Updated in June 2014
- Existing ROW

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- Forested Wetland
- Open Water/River Channel
- Outline of Potential Impacts*

**Non-Waters of U.S.**

- Open Water (Man-made Sumps)

* In some instances, emergent wetland impacts extend beyond excavation areas where loss of wetland function is likely.

NOTE: This map reflects updated impacts to water features previously depicted in FEIS Appendix G-1, Map 4, and Table G-1-10.

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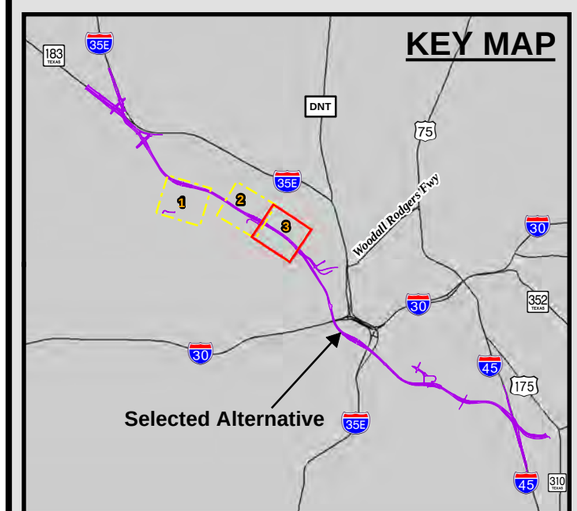
Note: Year of Aerial Photograph: 2011.



APPENDIX A - ATTACHMENT 2

# POTENTIAL IMPACTS TO RIPARIAN FOREST HABITAT

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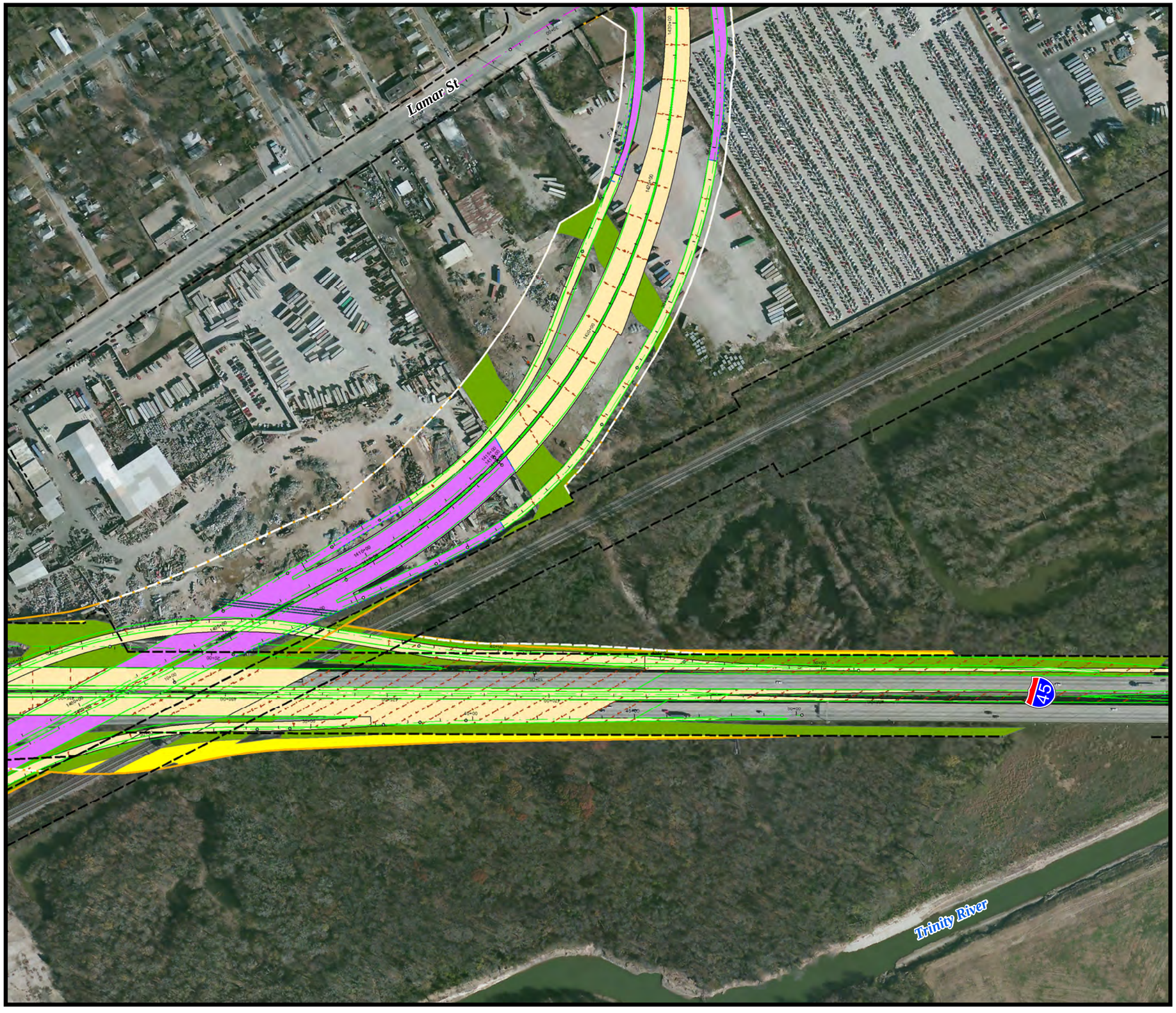
NORTH TEXAS TOLLWAY AUTHORITY




## Legend

**Design Aspects Features**

- Operation & Maintenance Road for Levee Control
- Proposed Abutment
- Proposed Bent
- Proposed Diaphragm Wall
- Proposed Flood, Retaining or Security Wall
- Proposed Culvert
- Proposed Edge of Concrete Pavement
- Proposed Road/ Ramp at Grade
- Proposed Bridge
- Proposed Bridge/ Pavement Removal
- Proposed Park Access
- Existing ROW
- Proposed ROW in FEIS
- Proposed ROW Updated in June 2014
- ROW Impact to Riparian Forests in FEIS
- ROW Impact to Riparian Forests Updated in June 2014

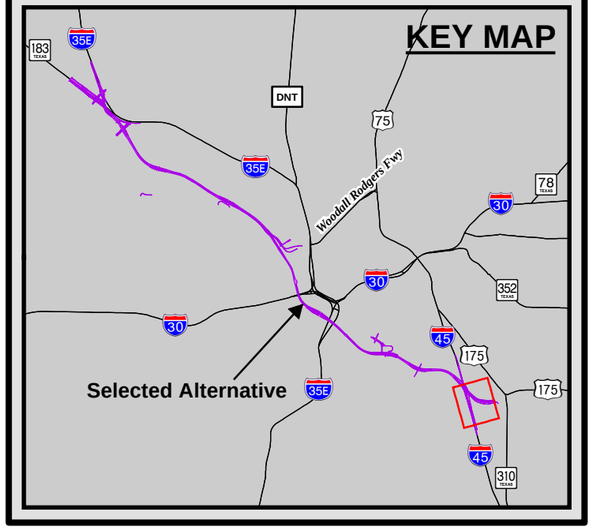
N

0 300 600 900
SCALE IN FEET

0 90 180 270
SCALE IN METERS

Reference section: 2.9.1.3
Year of Aerial Photograph: 2011.

## KEY MAP



# Appendix B

# List of Mitigation Measures and Commitments

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# Appendix B: List of Mitigation Measures and Commitments

This appendix lists the major mitigation measures and commitments per the Trinity Parkway Final Environmental Impact Statement (FEIS) and this Record of Decision (ROD).

**Project Construction**

- A construction oversight and environmental monitoring program will be developed that specifies the activities to be implemented during design and construction to ensure environmental commitments are met and mitigation measures are properly implemented.

- Construction activities will be limited to the minimum area needed to complete the necessary improvements in order to minimize impacts to vegetation. A pre-construction conference and field review involving the construction contractors will be held prior to the start of project construction to establish and review the locations and boundaries of construction. Subsequently, a report will be prepared identifying areas to be avoided during construction and any other special provisions to be followed by the contractor. The limits of construction staging areas will be surveyed and staked in the field prior to construction. The perimeter will be fenced or flagged during construction.

**Storm Water Management**

- A Storm Water Pollution Prevention Plan (SW3P) will be prepared in accordance with the Texas Pollutant Discharge Elimination System (TPDES) permit requirements. The SW3P will identify specific measures and techniques to prevent excessive silt and/or chemical contaminants from being washed into perennial streams, ephemeral drainages, and wetlands during storm events. The SW3P will clearly describe the control measures and the general timing (or sequence) during the construction process that they will be implemented. A Notice of Intent and Notice of Termination regarding storm water discharges will also be prepared in accordance with the TPDES permit requirements. Best Management Practices (BMPs) will be utilized during construction and post-construction. All erosion and sediment control measures and other protective measures will be maintained in effective operating condition. Qualified personnel will inspect disturbed areas of the construction site in accordance with the SW3P.

- The NTTA will construct the proposed project according to the requirements of its Municipal Separate Storm Sewer System (MS4) storm water permit, as well as the Phase 1 City of Dallas MS4.

**Vegetation and Wildlife**

- Vegetation in the right-of-way (ROW) will be preserved to the extent feasible and practicable to minimize impacts to soil and reduce erosion. A revegetation plan will be developed prior to project construction that specifies the areas to be revegetated, species of plants to be used, and the techniques to be used to revegetate disturbed areas. The plan will also identify the techniques to be used to establish vegetation on steep slopes (i.e., grade steeper than 3:1) or alternative techniques and measures to prevent erosion. The plan will be developed in consultation with the Texas Parks and Wildlife Department (TPWD) and the U.S. Fish and Wildlife Service (USFWS), as necessary, and will specify the use of plant species that are native to the project area and that will enhance the quality of habitat within the right-of-way (ROW). In addition to general mitigation methods and techniques, the revegetation plan will include specific provisions relating to mitigation for loss of riparian forests to be replaced by replanting similar species within the Trinity River floodplain in accordance with the City of Dallas Vegetation Ordinance, through in-lieu fee payment to the City of Dallas, or through the acquisition of property with an existing stand of mature trees along the Trinity River Corridor. All revegetation and landscaping activities will comply with Executive Order (EO) 13112 (Invasive Species). Preventative measures will include the inspection and cleaning of construction equipment, commitments to ensure the use of invasive-free mulches, topsoil, and seed mixes, and eradication strategies should invasive plants occur. Any seed mixes used to reestablish vegetation will be consistent with the implementing agency's seeding specifications, and will meet the requirements of the Texas Seed Law and EO 13112.

- A plan to avoid and minimize effects/impacts to federal/state threatened or endangered species will be developed prior to project construction. The plan will be developed in consultation with TPWD and the USFWS and will focus on avoiding potential effects to the interior least tern and impacts to state-threatened mollusk species, alligator snapping turtle, and timber/canebrake rattlesnake. The plan will include a pre-construction wildlife

survey to determine presence of these species and identify habitat areas of particular sensitivity to these species. The locations of any interior least tern nesting areas and important roost sites will be discussed with the construction team and flagged for avoidance. If protected mollusk species are found in water bodies subject to mechanical disturbance, a plan will be developed for the removal of mussels and relocation to a site approved by the TPWD. Any handling of protected species will be done only by personnel with an appropriate permit issued by TPWD's Wildlife Permits Office.

- In addition to protective measures for federally or state listed species, construction that would occur in river or wetland habitats will apply impact avoidance measures regarding native freshwater fish and mussel species regardless of federal or state protections. This will require coordination with the TPWD Kills and Spills Team prior to commencing excavation or fill activities in the vicinity of the Trinity River and its historic meanders regarding the relocation of potentially affected native aquatic species in conjunction with a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters and an Aquatic Resource Relocation Plan.

- To ensure compliance with the Migratory Bird Treaty Act (MBTA), a pre-construction survey of areas likely to contain migratory bird nests (e.g., forests and bridge structures) and ground nesting species will be conducted to verify if any migratory birds or nests are located in the project area. The construction contractor will remove all old migratory bird nests between October 1 and February 15 from any structures that will be affected by the proposed project, and complete any bridge work and/or vegetation clearing. In addition, the contractor will be prepared to prevent migratory birds from building nests between February 15 and October 1. In the event migratory birds are encountered on-site during project construction, adverse impacts on protected birds, active nests, eggs, and/or young will be avoided.

**Waters of the U.S., Including Wetlands**

- Construction that involves dredging and filling in waters of the U.S. will be conducted in accordance with the requirements of Section 401 and Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act of 1899. Coordination with the U.S. Army Corps of Engineers (USACE) and Texas Commission on Environmental

Quality (TCEQ) will continue through project design to ensure the CWA BMP requirements are included in construction plans. Oversight and monitoring of project construction by the NTTA will be provided to ensure that the SW3P, Section 401, and Section 404 permit requirements are followed. An oversight and monitoring plan will be developed in collaboration with the USACE and TCEQ.

- To avoid unnecessary wetland impacts during construction, staging areas and borrow areas will avoid wetlands where practicable. Wetlands receiving only temporary impacts will be returned to pre-construction contours and re-vegetated with appropriate native plants for the site. A wetland mitigation plan will be prepared prior to project construction. This plan will be developed in collaboration with the USACE and appropriate resource agencies. Once approved, the wetland mitigation plan may be modified prior to construction with the approval of the USACE. Heavy equipment will avoid all wetland areas that are not included as impact areas in the Section 404 permit. The mitigation plan will compensate for the loss of aquatic functions associated with waters of the U.S. impacts through the purchase of mitigation banking credits. The project area is located within the service area of several mitigation banks including the Bunker Sands Mitigation Bank, South Forks Trinity River Mitigation Bank, Mill Branch Mitigation Bank and Trinity River Mitigation Bank. As such, the applicant proposes to purchase the appropriate number of credits from one of the available banks, or a combination thereof, depending on which bank has the required number of credits available at the time of the purchase. However, if sufficient mitigation bank credits are not available, then additional NEPA documentation may be needed during the Section 408 review process to address the compensatory mitigation activities that would be included in accordance with USACE requirements.

**Floodplains and the Dallas Floodway**

- In accordance with the 1988 TREIS ROD criteria, the Selected Alternative will be reviewed by the Federal Emergency Management Agency (FEMA), the City of Dallas floodplain administrator, North Central Council of Governments (NCTCOG), and the USACE as part of the Trinity River Corridor Development Certificate (CDC) process. Such review will rely on a detailed hydraulic analysis of the Dallas Floodway's ability to convey the 100-year flood and Standard Project Flood (SPF) as modeled with proposed

design features in place and as measured against specific hydraulic criteria originally established by the 1988 TREIS ROD. Similarly, USACE implements its regulatory authority over construction and operations within the Dallas Floodway through national flood control regulations (33 CFR Section 208.10) as well as through local floodway guidance issued by the USACE Fort Worth District. USACE approval of any construction within the Dallas Floodway is conditioned on demonstrating design, construction phasing, and mitigation measures that meet specific USACE guidelines for ensuring continuous protection of flood conveyance capacity. It is likely that a variance to the 1988 TREIS ROD criteria pertaining to rises in the water surface elevation for a 100-year flood event will be required from the Fort Worth USACE District Commander.

- Planning and design of all drainage structures will adhere to the FHWA design criteria to achieve compliance with EO 11988 (Floodplain Management) and will be coordinated with the Regulatory Division and Operations Branch of the USACE pursuant to Section 404 of the CWA and Section 408. All conditions and requirements of Section 404 and 408 authorizations for drainage crossings will be complied with in their entirety during the final design phase of the project to ensure that floodplain capacity is not reduced and that floodplain management or development plans are not impaired.

**Continental Avenue Viaduct**

- Future coordination with the Texas Historical Commission (THC) will take place regarding a final design for the replacement of the north approach spans of the Continental Avenue Viaduct, and compatible design elements consistent with those presented in previous correspondence and concurred with by the State Historic Preservation Officer (SHPO) will be included in a Memorandum of Agreement (MOA) between the FHWA, TxDOT, and SHPO as mitigation for the adverse effect to the historic bridge.

**ROW Acquisition**

- The acquisition of residences, structures, property, and any resulting relocations of persons and businesses will be conducted in accordance with federal and state laws including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Title VI of the Civil Rights Act of 1964, as amended.

**Access During/After Construction**

- Emergency medical service providers will be consulted during the design phase to develop an emergency response plan that provides continuous and acceptable service during project construction.

- Access to roadside businesses, side roads, and driveways will be maintained throughout construction. Within construction areas, traffic control measures using standard practices will be used, as outlined in TxDOT guidelines. Traffic impacts during construction will be addressed by implementation of a Traffic Management Plan (TMP) to include the following: staging of construction activities; providing detours around construction areas; limiting work on arterial streets to off-peak hours; confining haul routes to designated streets; and providing a public relations and media campaign to inform residents and motorists of upcoming activities.

- Provide crosswalks, walk signals, and appropriate signage at grade-separated intersections to protect bicyclists and pedestrians. Reconstruct, as necessary, existing bicycle/pedestrian facilities in order to preserve continuity and function.

- Access to the City of Dallas Trinity Park will be provided at the following five locations: Hampton Road, Sylvan Avenue, the future Jefferson Memorial Bridge (by others), Corinth Street/Riverfront Boulevard, and the Cedar Crest/MLK, Jr. Bridge. The City of Dallas Cedar Crest/MLK, Jr. Bridge improvement project and Sylvan Avenue Dallas Floodway crossing include providing access to the Dallas Floodway. As agreed among the project sponsors, Trinity Parkway funds have either been expended (in the case of the Sylvan Avenue Bridge and park access ramp) or allotted for future use (in the case of the Cedar Crest/MLK, Jr. Bridge parking and trail elements with park access), thereby meeting the Trinity Parkway's responsibility for construction of programmed access ramps at these two locations. The remaining three park access ramps at Hampton Road, the future Jefferson Memorial Bridge (by others), and Corinth Street/Riverfront Boulevard will be constructed as part of the Trinity Parkway and maintained by the City of Dallas. The project also includes construction of the super structure support for a downtown overlook deck to be constructed by others (i.e., the Reunion Gateway).

**Noise**

- Noise barriers were determined to be both feasible and reasonable and will be incorporated in the proposed project.

- Construction noise reduction measures will be implemented where they are reasonable, feasible and practicable as determined based on factors such as space limitation, equipment efficiency, construction timing and other particular construction problems.

**Aesthetics**

- The ***System-Wide Design Guidelines for the Dallas North Tollway System*** and the ***Trinity Parkway Design Criteria Manual (DCM)***, both developed by the NTTA, will be followed regarding technical and aesthetic design parameters for structures, landscaping, and other roadway elements in order to elevate the aesthetic character of the proposed project and mitigate visual impacts, to the extent practicable. Final materials, details, location, and quantity of such elements are subject to change in the final design.

**Hazardous Materials**

- A hazardous material mitigation plan will be developed to investigate and characterize the ROW and construction areas. Phase I Environmental Site Assessments (ESA) will be conducted as appropriate. Site characterization and closure plans will be overseen by the TCEQ. The demolition and removal of all structures will include procedures for the identification, abatement, handling, and disposal of lead-based paint and asbestos, as well as worker health and safety. All procedures will be consistent with applicable guidelines and all federal, state, and local laws and regulations. Any unanticipated hazardous materials and/or petroleum contamination encountered during construction will be handled according to applicable local, state, and federal regulations and TxDOT Standard Specifications and Guidelines for handling emergency discovery of hazardous materials.

- An emergency spill control pollution prevention plan will be developed and coordinated with local officials.

**Air Quality**

- Adhere to all federal, state, and local regulations that govern construction activities in regard to air emissions. Prepare a dust control plan prior to construction.

- Open burning will not be used to dispose of vegetative debris.

**Safety**

- All reasonable safety considerations to protect the life and health of the construction workers, the public, wildlife, and property will be exercised. Properly equipped machinery will be employed, and guidelines for equipment operators and supervisors will be enforced. Steps will be taken to control access to construction zones by pedestrians. Other safety measures may include the use of flag persons, signs, barricades, and the general restriction of construction activities to daylight hours, when feasible or appropriate.

# Appendix C

# Comments on the FEIS and Responses

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# APPENDIX C. COMMENTS ON THE FEIS AND RESPONSES



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**INTRODUCTORY NOTE:** The statements received from commenters on the FEIS are generally repeated verbatim in this appendix and are shown in quotations. In some instances, lengthy comments have been condensed to achieve brevity and avoid redundancy, and to focus attention on the principal points made by the commenter. In such cases, the comments that appear in this report are paraphrased from the commenter's written or verbal statement. Throughout this appendix, various acronyms are utilized after defined when first used; a list of acronyms used in the FEIS and in this appendix is in **FEIS Chapter 11**.

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## SECTION A. STATEMENTS AND ASSOCIATED COMMENTS

The public comment period for the Trinity Parkway Final Environmental Impact Statement (FEIS) was open from March 19, 2014 through May 9, 2014. The FEIS was circulated to federal, state, and local agencies during this period for review, and was made available to the public at the locations in **Table C-1**.

**TABLE C-1. LOCATIONS WHERE THE FEIS WAS AVAILABLE FOR PUBLIC REVIEW**

| Location | Location |
|---|---|
| **Dallas:** City of Dallas, 1500 Marilla Street, Room 6BS, Dallas 75201 | Martin Luther King Jr. Branch Library, 2922 MLK Jr. Blvd., Dallas 75215 |
| Dallas Area Rapid Transit, 1401 Pacific Avenue, Dallas, TX 75202 | North Oak Cliff Branch Library, 302 W. Tenth Street, Dallas 75208 |
| Dallas Black Chamber of Commerce, 2838 MLK Jr. Blvd., Dallas 75215 | Oak Cliff Chamber of Commerce, 1001 N. Bishop Avenue, Dallas 75208 |
| Dallas County, 411 Elm Street, 4th Floor, Dallas 75202 | Oak Lawn Branch Library, 4100 Cedar Springs Road, Dallas 75219 |
| Dallas Regional Chamber, 500 N. Akard Street, Suite 2600, Dallas 75201 | Pleasant Grove Branch Library, 7310 Lake June Road, Dallas 75217 |
| Dallas West Branch Library, 2332 Singleton Boulevard, Dallas 75212 | St. Philip's School & Community Cntr, 1600 Pennsylvania Ave., Dallas 75215 |
| Downtown Dallas, 901 Main Street, Suite 7100, Dallas 75202 | T.R. Hoover Community Development Corp., 5106 Bexar St., Dallas 75215 |
| Exline Recreation Center, 2525 Pine Street, Dallas 75215 | West Dallas Multipurpose Center, 2828 Fish Trap Road, Dallas 75212 |
| Greater Dallas Asian American Chamber of Commerce, 7610 Stemmons Freeway, Suite 690, Dallas 75247 | **Plano:** NTTA Offices, 5900 W. Plano Parkway, Suite 100, Plano 75093 |
| | **Mesquite:** TxDOT–Dallas Library, 4777 E. Highway 80, Mesquite 75150 |
| Greater Dallas Hispanic Chamber of Commerce, 4622 Maple Avenue, Suite 207, Dallas 75219 | **Arlington:** North Central Texas Council of Government's headquarters – Center Point Two, 2nd Floor, 616 Six Flags Drive, Arlington 76011 |
| J. Erik Jonsson Central Library, 1515 Young St., Dallas 75201 | |

A public hearing was held on Thursday, April 24, 2014, at the Kay Bailey Hutchison Convention Center Arena to inform the public about the Trinity Parkway FEIS and to solicit comments. An open house was held from 5:00 p.m. to 7:00 p.m., which allowed members of the public to view exhibits detailing aspects of the No-Build Alternative (Alternative 1) and four Build Alternatives (Alternatives 2A, 2B, 3C, and 4B) under consideration. During the formal presentation for the hearing, which began at 7:00 p.m., information was provided on the proposed construction of the Trinity Parkway reliever route in the City of Dallas with particular emphasis on the FHWA-recommended Alternative 3C. In both the open house and formal presentation of the public hearing, attendees were encouraged to either provide a verbal statement or make written comments on forms provided. Attendance of 266 people was recorded for the open house and public hearing; this number includes 184 general public attendees, 12 elected officials, and four media representatives. In addition, 66 people representing the FHWA, TxDOT, and NTTA project team were available during the open house and public hearing to explain the proposed project and answer questions. Spanish-speaking interpreters were on hand during the public hearing, and provided Spanish interpretation for one attendee who requested assistance.

Throughout the public comment period the public was invited to submit written comments on the FEIS by standard mail or email. Prior to the public hearing, a variety of notices were provided to inform members of the community about the proposed project, the public hearing, and the opportunity to provide comments. Notices were published (English or Spanish, as appropriate) in the legal notice sections of three area newspapers as outlined as well as a display advertisement. Notices of the public hearing in English and Spanish were mailed to community leaders, agencies, interested groups, potentially-affected property owners, and other persons on the project mailing list who have indicated past interest in the proposed project. In addition to such notices and notifications, the hearing was publicized by news releases distributed to area broadcast media. The FEIS was also posted on the North Texas Tollway Authority's (NTTA) website prior to the public hearing, and were published in the *Federal Register* and *Texas Register* on March 21, 2014.

All of the verbal and written statements received from members of the public and from government agencies were assigned statement numbers as indicated in **Table C-2**. The list of statements in **Table C-2** is alphabetical by the last name of the person who signed each written statement or who provided a verbal statement. The table also indicates whether a statement was made on behalf of an organization. The type of each statement provided is also shown in the table, with "E" representing an emailed statement, "W" indicating a written statement either provided at the public hearing or mailed, and "V" indicating a verbal statement given at the public hearing. These letters are followed by a hyphen and a

statement number that was assigned in the order that the statement or multiple statements from a commenter were received.

Specific comments contained in the statements were extracted and organized by topic and subtopic, and responses have been prepared for each subtopic in **Section C** of this appendix. The column on the right side of **Table C-2** includes one or more subtopic (comment/response) reference numbers. These paired numbers separated by a hyphen indicate the topic number (left) and subtopic number (right of hyphen) that correspond with the topics and subtopics shown in **Table C-3**.

**TABLE C-2. LIST OF STATEMENTS AND SUBTOPIC COMMENT/RESPONSES**

| State-ment # | Last Name | First Name | Statement Type | Organization | Reference to Subtopic Comment/Response # |
|---|---|---|---|---|---|
| 1 | (not provided) | Cameron | E-1 | | 2-5, 5-5, 8-1, 14-6, 15-1, 17-1, 18-6 |
| 2 | Albers | Anna | W-1 | Trinity River Action Coalition | 2-13, 3-1, 7-7, 8-1, 9-3, 10-6, 14-6, 17-1, 18-3, 18-6, 18-8, 23-1 |
| 3 | Albers | Anna | V-2 | Trinity River Action Coalition | 2-13, 8-1, 9-3, 14-6, 23-1 |
| 4 | Allen | Charles | W-1 | | 1-6, 2-12, 14-6, 18-3 |
| 5 | Amonett | Michael | W-1 | | 23-1 |
| 6 | Amonett | Michael | V-2 | City of Dallas Landmark Commission | 1-7, 2-6, 5-5, 8-1, 14-5 |
| 7 | Anderle | Katherine | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 8 | Aten | Stan | W-1 | | 1-2, 2-1, 2-23, 5-1, 14-6, 23-1 |
| 9 | Aten | Stan | V-2 | | 1-1, 2-23, 5-1 |
| 10 | August | Jordan | E-1 | | 2-1, 2-5, 5-4, 8-1, 14-2, 18-2 |
| 11 | Baker | Darryl | W-1 | | 2-5 |
| 12 | Baker | Darryl | E-2 | | 5-1, 5-4, 15-1, 17-1 |
| 13 | Baker | Darryl | V-3 | | 2-5 |
| 14 | Barksdale | Jay | V-1 | Dallas Regional Chamber | 2-20 |
| 15 | Barnabas | Vijay | V-1 | | 2-12, 5-2, 10-1 |
| 16 | Bartos | Lorlee | E-1 | | 2-5, 2-12, 5-2, 14-6, 18-6 |
| 17 | Bartos | Lorlee | W-2 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 18 | Beasley | Arlene | E-1 | | 14-6, 18-6, 23-1 |
| 19 | Bennett | Larry | E-1 | Stemmons Corridor Business Association | 2-8, 2-19, 2-20, 18-8 |
| 20 | Bennett | Larry | E-2 | Stemmons Corridor Business Association | 2-8, 2-19, 2-20, 18-8 |
| 21 | Bennett | Larry | W-3 | Stemmons Corridor Business Association | 2-8, 2-19, 2-20, 18-8 |
| 22 | Bennett | Larry | V-4 | Stemmons Corridor Business Association | 2-8, 2-20 |
| 23 | Betzen | Bill | V-1 | | 2-5, 15-1, 20-1 |
| 24 | Bisbe | Penelope | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 25 | Black | Jack | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 26 | Borga | Dunia | W-1 | | 2-17 |
| 27 | Borino | Anthony | V-1 | | 2-10, 2-17 |
| 28 | Borino | Doris | V-1 | | 2-10, 2-17 |
| 29 | Bornhorst | Becky | E-1 | | 2-5, 5-5, 8-1, 14-6, 15-1, 17-1, 18-6 |
| 30 | Bradley | Ginger | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 31 | Bradley | Virginia | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 32 | Brewer | Byron | W-1 | | 14-5 |
| 33 | Brewer | Byron | V-2 | | 14-5 |
| 34 | Bright | Sally/Tom | W-1 | | 12-4 |
| 35 | Brink | Richard | E-1 | | 1-7, 10-3, 23-1 |

**TABLE C-2. LIST OF STATEMENTS AND SUBTOPIC COMMENT/RESPONSES**

| State-ment # | Last Name | First Name | Statement Type | Organization | Reference to Subtopic Comment/Response # |
|---|---|---|---|---|---|
| 36 | Bristow | Annemarie | W-1 | | 2-5, 14-1 |
| 37 | Bristow | Annemarie | V-2 | | 2-24, 14-5, 20-1 |
| 38 | Britt | Ben | E-1 | bbGun Interactive | 2-5 |
| 39 | Bush | Helen | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 40 | Byars | Steve | W-1 | | 1-2, 1-3, 1-4, 2-5, 12-2 |
| 41 | Callahan | Rick | V-1 | **Dallas City Council Member** | 1-5, 2-3, 12-2, 14-4 |
| 42 | Campbell | Bryan | E-1 | | 1-6, 2-5, 2-22, 5-6, 9-1, 14-2, 14-5, 18-7 |
| 43 | Carona | John | E-1 | **Texas Senator** | 2-15 |
| 44 | Carpenter | Curtis | E-1 | | 2-5, 14-6 |
| 45 | Carroll | Jon | E-1 | | 2-5, 14-2, 23-1 |
| 46 | Ceverha | Bill | W-1 | Trinity Improvement Association | 2-16 |
| 47 | Ceverha | Bill | V-2 | Trinity Improvement Association | 2-16 |
| 48 | Chereck | Robert | E-1 | Dallas Citizens Council; Southwest Securities, FSB | 2-16 |
| 49 | Coffee | Ben | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 50 | Cooke | Linda | V-1 | | 2-5 |
| 51 | Cruz | Daniel | W-1 | | 2-22 |
| 52 | Cruz | Daniel | V-2 | | 2-12, 14-1 |
| 53 | Cunningham | Gary | E-1 | Cunningham Architects | 2-5 |
| 54 | Dalbey | Tim | W-1 | | 2-5, 4-1, 5-2, 5-5, 7-5, 10-1, 13-1, 13-2, 13-3, 14-3, 15-1, 16-1, 18-5, 18-8, 23-1 |
| 55 | Darrouzet | Bob | V-1 | Trinity & Design District Merchants Association | 2-11 |
| 56 | Davis | Daryl | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-5, 14-6, 18-6 |
| 57 | Davis | Heather | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 58 | Davis, III | Leamon | W-1 | | 14-5, 23-1 |
| 59 | Davis | Leamon | V-2 | | 10-1 |
| 60 | Day | Karl | E-1 | | 2-5 |
| 61 | De Los Reyes | K. | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 62 | Edwards | Chad | W-1 | **DART** | 7-3 |
| 63 | Elliott | Kit | E-1 | | 9-1 |
| 64 | Escalante | Kirsty | V-1 | | 1-6, 2-5, 5-5, 14-5 |
| 65 | Fusinato | Bob | E-1 | | 2-5, 5-5, 8-1, 14-6, 15-1, 17-1, 18-6 |
| 66 | Fusinato | Robert | W-2 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 67 | Galindo | David | E-1 | **TCEQ** | 7-2 |
| 68 | Garia | Sarahi | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 69 | Garrison | Catherine | V-1 | | 2-5, 2-24, 5-4, 18-2, 23-1 |
| 70 | Gewax | Lisa | E-1 | | 2-5 |
| 71 | Gewax | Lisa | E-2 | | 2-5 |
| 72 | Gleason | Pat | W-1 | Associated Time & Parking Controls | 2-8, 2-16 |
| 73 | Gosslee | Susybelle | V-1 | | 1-3, 2-12, 5-2, 9-1, 9-3, 23-1 |
| 74 | Greyson | Sandy | V-1 | **Dallas City Council Member** | 2-6, 5-1, 21-1 |
| 75 | Griggs | David | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 76 | Griggs | Mariana | W-1 | | 1-6, 2-5, 2-23, 5-5, 23-1 |
| 77 | Griggs | Scott | W-1 | | 2-5 |
| 78 | Griggs | Scott | W-2 | | 23-1 |
| 79 | Guldi | Christine | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 80 | Guldi | Richard | E-1 | | 2-12 |

**TABLE C-2. LIST OF STATEMENTS AND SUBTOPIC COMMENT/RESPONSES**

| State-ment # | Last Name | First Name | Statement Type | Organization | Reference to Subtopic Comment/Response # |
|---|---|---|---|---|---|
| 81 | Guldi | Dick | W-2 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 82 | Haesly | Jack | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 83 | Haight | Dorothy | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 84 | Hamaker | Maralyn | E-1 | | 2-5, 5-5, 8-1, 14-1, 17-1, 18-6, 23-1 |
| 85 | Hancock | Chantele | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 86 | Hardin | Karen | E-1 | **TPWD** | 7-4 |
| 87 | Hart | C. | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 88 | Hartmann | Edward | W-1 | | 2-5, 18-9 |
| 89 | Henderson | Garrett | E-1 | | 5-1, 6-1, 11-2 |
| 90 | Henderson | Linda | E-1 | **SHPO** | 13-4 |
| 91 | Henger | Peggy | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 92 | Herod | Reagan | E-1 | | 8-1 |
| 93 | Hickman | John | E-1 | | 2-5, 8-1 |
| 94 | Hilliard | Keena | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 95 | Holcomb | Craig | W-1 | Trinity Commons Foundation | 2-16, 2-20 |
| 96 | Holcomb | Craig | V-2 | Trinity Commons Foundation | 2-16 |
| 97 | Homan | Katherine | E-1 | | 5-1, 5-4, 15-1, 17-1 |
| 98 | Homan | Katherine | W-2 | | 5-1, 5-4, 15-1, 17-1 |
| 99 | Hope, Jr. | Eduardo | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 100 | Housewright | Mark | V-1 | | 2-2, 2-22, 19-1 |
| 101 | Hunt | Angela | W-1 | | 2-5, 14-5 |
| 102 | Hurst | Alan | E-1 | | 2-5, 10-3 |
| 103 | Hurst | Max | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 104 | Jackson | Lee | V-1 | | 2-7, 2-14, 14-7, 18-10 |
| 105 | Jackson | Sarah | E-1 | Dallas Citizens Council | 2-16, 14-7 |
| 106 | Johnson | Charles | W-1 | | 2-2 |
| 107 | Johnson | Charles | V-2 | | 1-5, 2-14, 15-1, 19-1 |
| 108 | Jones-Hill | Vonciel | V-1 | **Dallas City Council Member** | 2-3 |
| 109 | Juhl | Josh | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 110 | Karnowski | Michael | W-1 | | 2-5, 5-2, 12-6, 14-1 |
| 111 | Karnowski | Michael | V-2 | | 2-5, 14-2 |
| 112 | Keller | Karen | E-1 | | 2-5, 2-23, 5-5, 14-6,15-1, 17-1, 18-6 |
| 113 | Kelley | Martha | W-1 | | 2-12, 15-1 |
| 114 | Kelton | Lee | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 115 | Khan | Karen | E-1 | American Council of Engineering Companies, Dallas Chapter | 2-16, 14-8, 19-1 |
| 116 | Khan | Karen | V-2 | American Council of Engineering Companies, Dallas Chapter | 2-16 |
| 117 | Kille | James | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 118 | Kimberling | Kerrie | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 119 | King | Michael | W-1 | | 3-3, 14-8 |
| 120 | Kinser | Grant | E-1 | | 1-6 |
| 121 | Kriehn | Thomas | W-1 | | 2-5, 2-23 |
| 122 | Lamberty | Jean | E-1 | Room to Read | 1-3, 14-5, 19-2 |
| 123 | Lamkin | Lisa | E-1 | The American Institute of Architects, Dallas Chapter | 2-4 |
| 124 | Lampert | Andy | E-1 | Occidental Chemical Corporation | 12-5, 19-3, 22-1 |

**TABLE C-2. LIST OF STATEMENTS AND SUBTOPIC COMMENT/RESPONSES**

| State-ment # | Last Name | First Name | Statement Type | Organization | Reference to Subtopic Comment/Response # |
|---|---|---|---|---|---|
| 125 | Lampert | Andy | W-2 | Occidental Chemical Corporation | 12-5, 19-3, 22-1 |
| 126 | Lee | Jessica | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 127 | Levy | Janis | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 128 | Liles | Laura | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 129 | Lindley | Hamilton | E-1 | Deans & Lyons | 2-5 |
| 130 | Lingenfelder | John | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 131 | Lloyd | Geoffrey | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 132 | Long | Janet | E-1 | | 2-5, 4-1, 12-3, 18-1, 18-6 |
| 133 | Long | Janet | W-2 | | 2-5, 4-1, 8-1, 12-3, 18-1, 18-6 |
| 134 | Long | Janet | V-3 | | 1-7, 2-5, 7-6, 12-3, 18-1, 18-6 |
| 135 | Loper | Sonny | W-1 | North Dallas Chamber of Commerce | 2-20 |
| 136 | Loper | Sonny | V-2 | North Dallas Chamber of Commerce | 2-20 |
| 137 | Lopez | R. | E-1 | | 14-6 |
| 138 | Lowry | Michael | E-1 | | 2-5 |
| 139 | Luna | Alejandra | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 140 | Lyons | Alendra | W-1 | | 5-1, 12-1 |
| 141 | Mansfield | Stephen | E-1 | Methodist Health System | 2-20 |
| 142 | Martin | Mike | E-1 | | 2-5, 2-12, 14-5 |
| 143 | May | Dallas | V-1 | | 2-5, 23-1 |
| 144 | Mazzei | Matt | E-1 | | 2-5, 3-2, 4-1, 5-3, 8-1, 9-2, 10-2, 10-3, 10-4, 10-5, 14-5, 18-4, 18-7, 19-1 |
| 145 | Mazzei | Matt | W-2 | | 2-5, 3-2, 4-1, 5-3, 8-1, 9-2, 10-2, 10-3, 10-4, 10-5, 14-5, 18-4, 18-7, 19-1 |
| 146 | McAdams | Gerald | W-1 | | 2-17 |
| 147 | McClendon | Albert | E-1 | Majors Scientific Books, Inc. | 2-7, 2-14 |
| 148 | McCord | Marc | E-1 | FracDallas | 1-6, 2-5, 2-12, 5-1, 5-3, 5-4, 5-5, 10-3, 12-3, 14-6, 15-1, 17-1, 18-6, 23-1 |
| 149 | McIntyre | Mallory | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 150 | McKinley | Suzanne | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 151 | Meckfessel | Robert | E-1 | DSGN Associates, Inc. | 2-5, 8-1, 23-1 |
| 152 | Meckfessel | Robert | V-2 | DSGN Associates, Inc. | 2-5, 8-1, 23-1 |
| 153 | Meier | Betty | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 154 | Mein | Joen | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 155 | Melton, III | Warren | E-1 | | 1-7, 2-5, 5-1, 23-1 |
| 156 | Meyer | Ed | V-1 | | 2-1, 2-5 |
| 157 | Molinar | Elias | V-1 | | 2-5 |
| 158 | Moore | Daniel | E-1 | | 2-5, 2-21 |
| 159 | Morgan | Eddie | W-1 | | 5-1, 18-3 |
| 160 | Morris | Michael | W-1 | **NCTCOG** | 2-4 |
| 161 | Morris | Michael | V-2 | **NCTCOG** | 2-4 |
| 162 | Morton | Brandon | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 163 | Nash | Carol | E-1 | | 2-12, 14-1, 15-1 |
| 164 | Nash | Carol | E-2 | | 2-5, 5-5, 14-6, 15-1, 18-6 |
| 165 | Ohlsson | Lars | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 166 | Paris | James | W-1 | | 11-1 |
| 167 | Parker | Steve | E-1 | **FEMA** | 7-6 |
| 168 | Patel | Dharmesh | E-1 | | 14-6 |

**TABLE C-2. LIST OF STATEMENTS AND SUBTOPIC COMMENT/RESPONSES**

| State-ment # | Last Name | First Name | Statement Type | Organization | Reference to Subtopic Comment/Response # |
|---|---|---|---|---|---|
| 169 | Pepe | Michael | E-1 | | 2-12, 14-5, 15-1 |
| 170 | Petroskey | Dale | E-1 | Dallas Regional Chamber | 2-20 |
| 171 | Powell | Elmer | W-1 | | 7-5, 18-8, 19-2 |
| 172 | Powell | Elmer | W-2 | | 19-2 |
| 173 | Prejean | Robert | W-1 | | 2-5 |
| 174 | Quintans | Alicia | E-1 | JQAQ Atelier | 1-6, 14-5 |
| 175 | Raj | Chetan | E-1 | DFWcomposites | 2-5 |
| 176 | Ramsey | Dave | E-1 | Dave the Printer | 2-8, 2-16 |
| 177 | Ratley | Ashley | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 178 | Reese | Rusty | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 179 | Reist | Jason | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 180 | Renfro | Amanda | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 181 | Roach | Jason | E-1 | | 2-5, 14-5 |
| 182 | Robben | Gary | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 183 | Robben | Shirley | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 184 | Rooke | Becky | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 185 | Rooke | Molly | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 186 | Rothermel | Joel | E-1 | | 1-6, 2-5 |
| 187 | Sanders | Jan | W-1 | Trinity River Action Coalition | 1-3, 2-5, 5-5, 14-6, 18-6 |
| 188 | Scheef | Craig | W-1 | Texas Security Bank | 2-8, 2-11, 2-19 |
| 189 | Schmidt | Peter | E-1 | | 2-5, 23-1 |
| 190 | Schmidt | Rene | W-1 | | 2-5, 5-5, 14-2, 14-5 |
| 191 | Schweitzer | Carrie | E-1 | | 2-5, 2-23, 5-2, 14-6 |
| 192 | Seay | Michael | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 193 | Shelton | Greg | E-1 | | 1-3, 2-5, 14-5 |
| 194 | Sheridan | Richard | W-1 | | 2-21, 9-3, 14-2, 23-1 |
| 195 | Sheridan | Richard | W-2 | | 2-21, 9-3, 14-2, 23-1 |
| 196 | Sheridan | Richard | V-3 | | 2-21, 9-3, 14-2, 23-1 |
| 197 | Smith | Rhonda | W-1 | **USEPA** | 7-1 |
| 198 | Snyder | Cheryl | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 199 | Snyder | Daniel | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 200 | Steakley | Marjorie E. | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 201 | Steakley | Marjorie H. | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 202 | Steakley, Sr. | Marvin | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 203 | Svedeman | Lee | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 204 | Swenson-Roberts | Carroll | W-1 | | 2-9, 14-5 |
| 205 | Terselich | Metka | W-1 | | 2-17, 2-18 |
| 206 | Thomas | Richard | W-1 | | 2-2 |
| 207 | Trahan | Zac | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 208 | Tsu | Cooley | E-1 | | 1-5, 2-14 |
| 209 | Ubico | Jean | E-1 | | 2-5 |
| 210 | Unger | Shei | E-1 | | 2-5 |
| 211 | Vaughan | Pat | V-1 | League of Women Voters of Dallas | 2-23, 5-5, 14-5, 17-1, 18-6 |
| 212 | Ward | Kyle | W-1 | | 1-2, 1-6, 2-5, 8-1, 14-5 |
| 213 | Weinberg | Cachet | V-1 | | 1-1, 2-5, 5-4, 14-5, 18-8 |
| 214 | Weinberg | William | W-1 | | 1-1, 2-5, 5-4, 14-5, 17-1, 18-8 |
| 215 | Weiss | Nigel | E-1 | | 2-5, 5-3 |
| 216 | Wesch | Sandy | V-1 | **NCTCOG** | 2-4 |
| 217 | Wierl | Lynne | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 218 | Williams | Christy | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 219 | Williams | Kenneth | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 220 | Wilson | Amanda | W-1 | **Regional Transportation Council, NCTCOG** | 2-4 |

**TABLE C-2. LIST OF STATEMENTS AND SUBTOPIC COMMENT/RESPONSES**

| State-ment # | Last Name | First Name | Statement Type | Organization | Reference to Subtopic Comment/Response # |
|---|---|---|---|---|---|
| 221 | Withrow | Wendel | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 222 | Wolf | John | W-1 | Trinity River Action Coalition | 2-5, 5-5, 14-6, 18-6 |
| 223 | Wood | Marcus | E-1 | | 2-7, 2-18 |

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## SECTION B. TOPICS AND SUBTOPICS

Each comment included within the statements received has been grouped into one of 23 major topics and 98 subtopics shown in **Table C-3**. Comments that essentially addressed the same subtopic were consolidated. Responses to each comment or group of comments addressing each of the subtopics are presented in **Section C** of this appendix.

**TABLE C-3. LIST OF TOPICS AND SUBTOPICS**

| |
|---|
| **1. Need and Purpose** |
| 1-1 The estimated reduction in travel time and congestion does not warrant the project. |
| 1-2 The building of more roads is not a practical transportation option. |
| 1-3 The project is not needed due to mass transit. |
| 1-4 The project is not needed because I-30 and I-35 are being rebuilt. |
| 1-5 The project is needed for the Southeast Dallas residents to bypass through downtown. |
| 1-6 The project would not reduce congestion. |
| 1-7 This project would mainly serve motorists living outside the City of Dallas who are seeking to bypass the city. |
| **2. Alternatives** |
| 2-1 Other types of transportation improvements. |
| 2-2 General support of a Build Alternative (no alternative specified). |
| 2-3 Elected/Appointed Officials in general support of a Build Alternative (no alternative specified). |
| 2-4 Organizations in general support of a Build Alternative (no alternative specified). |
| 2-5 Comments in support of Alternative 1 (No-Build). |
| 2-6 Elected/Appointed Officials in support of Alternative 1 (No-Build). |
| 2-7 Comments in opposition of Alternative 1 (No-Build). |
| 2-8 Businesses in opposition of Alternative 1 (No-Build). |
| 2-9 Comment in opposition of all Build Alternatives. |
| 2-10 Comments in opposition of Alternatives 2A and 2B (no preferred alternative listed). |
| 2-11 Businesses and organizations in opposition of Alternatives 2A and 2B (no preferred alternative listed). |
| 2-12 Comments in opposition of a Build Alternative within the Trinity River levees/Floodway. |
| 2-13 Organizations in opposition of a Build Alternative within the Trinity River levees/Floodway. |
| 2-14 Comments in support of Alternative 3C. |
| 2-15 Elected/appointed official in support of Alternative 3C. |
| 2-16 Businesses and organizations in support of Alternative 3C. |
| 2-17 Comments in support of Alternatives 3C and 4. |
| 2-18 Comments in support of Alternative 3C and in opposition of Alternatives 2A and 2B. |
| 2-19 Comments from businesses in support of Alternative 3C and in opposition of Alternatives 2A and 2B. |
| 2-20 Local businesses and organizations in support of Alternative 3C. |
| 2-21 Trinity Parkway should be constructed as a tunnel. |
| 2-22 Improve other corridors instead of constructing the Trinity Parkway. |
| 2-23 Comments in support of other transportation modes. |
| 2-24 Comments in support of rerouting trucks. |
| **3. Project Design** |
| 3-1 Design elements. |
| 3-2 Changes in design. |
| 3-3 Design plans for southern end of the project area. |
| **4. Adequacy of Investigation** |
| 4-1 Data used in the study is outdated |
| **5. Project Funding and Other Costs** |
| 5-1 Sources of funding in question. |
| 5-2 The cost of the proposed project is too high. |
| 5-3 Cost associated with a flood event . |
| 5-4 Cost/risk of the project outweighs the benefits. |
| 5-5 Waste of limited transportation dollars. |
| 5-6 Costs and benefits of banning trucks versus the costs and benefits of the project. |
| **6. Consideration of Existing Logistics** |
| 6-1 Identify the project timeline. |

**TABLE C-3. LIST OF TOPICS AND SUBTOPICS**

| |
|---|
| **7. Regulatory Process and Agency Coordination** |
| 7-1 Coordination with USEPA. |
| 7-2 Coordination with TCEQ. |
| 7-3 Coordination with DART. |
| 7-4 Coordination with TPWD. |
| 7-5 USACE coordination and jurisdiction. |
| 7-6 FEMA coordination and jurisdiction. |
| 7-7 Compliance with CDC and coordination with NCTCOG. |
| **8. Social and Community Impacts** |
| 8-1 Community cohesion. |
| **9. Environmental Justice** |
| 9-1 Tolling is an unfair burden. |
| 9-2 Compliance with environmental justice regulations. |
| 9-3 Disproportionate impacts to environmental justice populations. |
| **10. Public Involvement** |
| 10-1 The format of meetings needs to be changed. |
| 10-2 General public opinion does not support the Trinity Parkway. |
| 10-3 Comments relating to the previous election(s) on the project. |
| 10-4 Information provided at the Public Hearing inaccurate. |
| 10-5 Media coverage of the proposed project. |
| 10-6 Public involvement requests. |
| **11. Right-of-Way Acquisition** |
| 11-1 Right-of-way impacts. |
| 11-2 ROW acquisition schedule. |
| **12. Economic Impacts and Property Values** |
| 12-1 Economic impacts to citizens paying toll. |
| 12-2 Economic growth and development potential. |
| 12-3 Impacts to personal expenses and property values. |
| 12-4 Economic impacts to businesses. |
| 12-5 Economic impacts to OxyChem property and business operations. |
| **13. Cultural Resources** |
| 13-1 Potential impacts to Continental Street Bridge. |
| 13-2 Archeological site 41DL320. |
| 13-3 Section 106. |
| 13-4 Notify THC if receive comments. |
| **14. Parklands and Recreation Areas** |
| 14-1 The proposed project would deter visitors from using the park. |
| 14-2 The project will separate the park from downtown. |
| 14-3 Section 4(f). |
| 14-4 Park access. |
| 14-5 Project impacts to parkland, recreation, and open space. |
| 14-6 Impacts to planned/potential park and recreation development. |
| 14-7 Consistency and compatibility with regional and local plans. |
| 14-8 Park opportunities. |
| **15. Vegetation and Wildlife Resources** |
| 15-1 Potential impacts to wildlife and habitat. |
| **16. Wetlands** |
| 16-1 Missing information. |
| **17. Water Quality/Resources** |
| 17-1 Water pollution. |

## TABLE C-3. LIST OF TOPICS AND SUBTOPICS

| |
|---|
| **18. Floodplains and Flood Control** |
| 18-1 Hydraulic modeling questioned. |
| 18-2 Damage to the roadway from flooding. |
| 18-3 City is at risk for a catastrophic flood. |
| 18-4 Probability of a flood event. |
| 18-5 Location of Alternative 3C is in contradiction to the USACE designation of roadway placement within the levees. |
| 18-6 Impacts to flood protection. |
| 18-7 Impacts of flood on human safety. |
| 18-8 Flood concerns: flood elevation and floodwater conveyance. |
| 18-9 Non-disturbance of floodplains. |
| 18-10 Floodplain improvements. |
| **19. Air Quality** |
| 19-1 Impacts to air quality. |
| 19-2 Carbon dioxide. |
| 19-3 Construction impacts. |
| **20. Noise** |
| 20-1 Noise impacts. |
| **21. Visual Impacts** |
| 21-1 Visual impact assessment in the FEIS. |
| **22. Hazardous Materials** |
| 22-1 Impacts from Hazardous material sites. |
| **23. Miscellaneous Comments** |
| 23-1 Deception and lack of transparency. |

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## SECTION C. COMMENTS AND RESPONSES

This section contains responses for the comments representing each of the subtopics outlined in the previous section. In general, responses to comments fall into one of three basic types. First, commenters that asked questions or requested information received an explanatory response, often citing information in the FEIS or other sources for further reference. Second, some comments that expressed an opinion but did not appear to be seeking a response have been noted and considered. Third, comments that warrant an agency commitment not included in the FEIS or some other agency action will be addressed in the Record of Decision (ROD) for the Trinity Parkway. In these instances, the response will indicate generally how the matter will be addressed in the ROD.

Each of the comments associated with each subtopic is attributed to the statement provided by the list of commenters in **Table C-2**. In each instance, the statement number is provided, followed by the name of the commenter and statement type. Please note that statements received from elected or other public officials of government agencies are followed by the name of the agency in parentheses. Also, in those instances where the commenter indicated he/she occupies a leadership role in a non-governmental organization, the name of the organization is included in parentheses.

Please note that if a Build Alternative is selected in FHWA's Record of Decision (ROD), the final selection of an implementing agency (e.g., NTTA or TxDOT) will be made thereafter. Although frequent reference is made to NTTA's policies and plans in this document, this is because many of the comments received from the public were directed to the NTTA. While the NTTA is clearly a project sponsor, it is important to emphasize that none of the responses to comments should be interpreted to indicate that a decision has been made as to which agency would implement the Trinity Parkway, if a Build Alternative is selected in the ROD.

### 1. NEED AND PURPOSE

**Need and Purpose 1-1. The estimated reduction in travel time and congestion does not warrant the project.**

*Statement 9 Aten, Stan V-2:* This project does not make sense. "To build a road 9 miles long to save 3 minutes for a commute to get from Irving to Dallas. There are better uses for taxpayer dollars and NTTA doesn't have the money to build this tollroad, TxDOT has no money, City of Dallas has no money, the Federal Government hasn't any money."

*Statement 213 Weinberg, Cachet V-1*: "The purported benefit of the tollroad is to relieve traffic congestion. According to EIS, however, the benefits will be very small. The EIS projects that in the year 2035 average highway speeds near downtown Dallas will be 30 miles per hour if we do not build the tollroad. If we do build the tollroad, however, average highway speeds will increase to 32 miles per hour. Although 32 miles per hour is faster than 30 miles per hour, it is not a significant improvement. In addition, the EIS projects that in the year 2035, 47 percent of highway lane miles near downtown Dallas will operate in congested conditions if we do not build the tollroad. If we do build the tollroad, however, the number will not change; 47 percent of highway lane miles will still operate in congested conditions."

*Statement 214 Weinberg, William W-1*: "According to EIS, the tollway will only increase average highway speeds from 30 mph to 32 mph. This is a minuscule improvement. In addition, the EIS projects that 47 percent of highway lane miles will be congested regardless of whether the road is built. The tollroad is not a solution to congestion. According to the EIS, it will barely make a dent."

**Response 1-1:** The traffic volume projections for 2035 were based on *Mobility 2035 – 2013 Update* (MTP) for the Dallas-Fort Worth (DFW) Area for the Build Alternatives. The traffic volumes were developed during the traffic study for the project using the Dallas-Fort Worth Expanded Travel Model. Based on the traffic models, if the Trinity Parkway is not built as currently proposed, congestion on

alternative routes would continue to rise and this increase in congestion is reflected in forecasted metrics of transportation effectiveness discussed in **FEIS Section 4.6.1**.

The **FEIS Table 4-20** shows that the Trinity Parkway provides congestion relief benefits within the project area where traffic, mobility, and access issues are the most acute (i.e., the Canyon/Mixmaster area). There are some roadway segments where congestion would not be improved with any of the Build Alternatives; however, congestion on the roadway segments within the distressed Canyon/Mixmaster area would generally be improved compared to the No-Build Alternative. For instance, traffic volumes on IH-35E, from the DNT to IH-30, would be reduced by 11,000 average daily traffic (ADT); traffic volumes on IH-35E, from South R.L. Thornton Freeway to IH-45, would be reduced by 8,000 ADT; and traffic volumes through the Mixmaster on IH-30 and IH-35E at Houston/Jefferson, would be reduced by 10,000 ADT. This reduction in traffic volume would help manage congestion through the Canyon/Mixmaster area.

Although the difference in average speed (mph) is slight when comparing the No-Build to the Build Alternatives and would likely result in a non-perceptible effect to users in the traffic analysis study area, the purpose of the proposed facility is to manage congestion both for those who use the facility as well as for users of other streets in the corridor. As growth in population and employment continues to rise, there will be more vehicles in the project area and region. One option to manage the existing and future levels of congestion is to construct a reliever roadway to IH 35E which would serve to enlarge the traffic pipeline available for vehicles pass through the area. Failure to act now to manage future traffic demand would worsen congestion delays to the point that would eventually be unbearable to users. Therefore, the Build Alternatives are consistent with the purpose of the project.

**Need and Purpose 1-2. The building of more roads is not a practical transportation option.**

*Statement 8 Aten, Stan W-1: "*Instead of spending money on more highways, the Regional Transportation Council should focus all its energy and funding to do the following: . . . Reduce the percentage of transportation funding for highways from the 90% to a more reasonable 50% and focus on maintaining existing roadways versus new construction."

*Statement 40 Byars, Steve W-1:* "Of all the transportation options available as we go further into the 21st century, more roads, especially more toll roads is our least practical choice. I know no one under 30 who thinks this is the way to go."

*Statement 212 Ward, Kyle W-1*: "Outdated thinking. It's a 40-year old idea and therefore is an artifact of old, outdated traffic and urban planning theory. Old-school urban planning was in love with the automobile and fashioned all efforts to accommodate automobiles, consequently making extremely ugly and hostile environments for people. At a time when other cities like Milwaukee WI, San Francisco CA, Portland OR, Providence Rl, and Seoul, South Korea are tearing down their "concrete necklaces" that strangle the urban core of the cities, Dallas is contemplating a move in the opposite direction. The old model of traffic planning just encourages the sprawl of cities and development, despoiling our region and making it a shining example of placelessness. This tollroad placement is contrary to all modem planning ideas of urbanism, which is what Dallas claims to be embracing. To build this tollway demonstrates that those folks in charge do not truly understand the principals of urbanism and place-making that are essential for a vital, world-class city."

**Response 1-2:** Historically, the proportion of travel by people driving alone has generally increased for Dallas County, with a corresponding decline in average vehicle occupancies. Average vehicle occupancy in Dallas County exhibited a steady decline throughout the 1970s and 1980s, and then leveled out throughout the 1990s. In 1990, approximately 79 percent of residents within the region were single-occupancy drivers. Recent decades have seen an increase in alternative modes of transportation and the implementation of various travel demand management strategies as a means to reduce the large number of single-occupancy vehicles on the roadways, and thereby, reducing congestion. Such methods include the implementation of higher-occupancy travel modes such as DART Rail and HOV/managed lanes. However, even with increased regional support and the active implementation of such

methodologies, commuting modes in the Dallas-Fort Worth-Arlington Metro Area remain largely focused on motorized transportation, as shown in **FEIS Table 1-3**.

Although congestion mitigation strategies such as transit and rideshare programs are available to reduce the need for single-occupancy vehicle travel on roadways, approximately 81 percent of the Dallas-Fort Worth-Arlington Metro Area's population are single-occupancy vehicle commuters, which increases the amount of traffic. The continued high level use of single-occupancy vehicles is expected to continue, contributing to more congestion and further requiring implementation of measures to directly manage traffic congestion. The transportation planning process is regionally led by metropolitan planning organizations such as the NCTCOG for the Dallas-Fort Worth area. However, this process is open to public participation, and input from members of local communities helps to direct or adjust future transportation policy and the selection/implementation of projects. The Trinity Parkway project is included among the traffic congestion management strategies in *Mobility 2035 – 2013 Update*, the current Metropolitan Transportation Plan for the Dallas-Fort Worth region.

**Need and Purpose 1-3. The project is not needed due to mass transit.**

*Statement 40 Byars, Steve W-1:* "We've spent, and wisely so, million so dollars on a mass transit system. Thousands of people are returning to the City of Dallas – returning to the core from distant suburbs. We don't need this road."

*Statement 73 Gosselee, Susybelle V-1:* "Have we really truly considered rapid transit? At this point it's another one of those major solutions that could be considered, especially since our DART rail has been so successful."

*Statement 187 Sanders, Jan W-1:* "The Trinity Tollway does not take into consideration the DART build-out since the bonds were voted."

*Statement 193 Shelton, Greg E-1*: "With the addition of DART along the same direction I don't see that the road is needed and as a tax payer I don't want to pay for it."

*Statement 122 Lamberty, Jean E-1:* "If all the money that has been spent on studies, plans, and diagrams had been spent on improving public transportation, there would be fewer cars on the road. Dallas needs to be forward thinking, not look for 20$^{th}$ century solutions for a 21$^{st}$ century world. Dallas needs fewer $CO_2$ emissions, more green space, and better public transportation. The Trinity Parkway will accomplish none of these."

**Response 1-3**: The Trinity Parkway project is part of a multimodal transportation plan developed and endorsed by the NCTCOG Regional Transportation Council (RTC). As stated in *Mobility 2035 – 2013 Update*, "The RTC has long recognized that the region will not be able to solve its transportation problems by simply building more roads. As the region continues to grow, public transportation will be an increasingly viable transit option. Increasing opportunities for and access to public transportation will improve quality of life for the region's residents. Active transportation modes, which include bicycling and walking, also have a positive impact on one's quality of life." At the regional level, the current MTP (*Mobility 2035 – 2013 Update*) identified a $101.1 billion revenue and expenditure forecast. Of this $101.1 billion, a combined 40 percent is proposed for the following categories: Congestion Management, Bicycle/Pedestrian Facilities, Transit Operations and Maintenance, Rail Capital and Transit System Expansion, Bus Capital, and Paratransit Capital. As discussed in **FEIS Section 2.1**, the Trinity Parkway Corridor Major Transportation Investment Study (MTIS, completed in 1998) included improvements to roadways as well as mass transit (i.e., a road trip reduction measure) among the seven recommended elements to address transportation problems. Roadway and transit improvements work in tandem to address mobility and manage congestion, but neither approach alone would suffice.

**Need and Purpose 1-4. The project is not needed because I-30 and I-35 are being rebuilt.**

*Statement 40 Byars, Steve W-1:* "I-30 and I-35 are being rebuilt. There is no need for this blank check of a road."

**Response 1-4:** The Trinity Parkway is a needed reliever route around the City of Dallas CBD, balancing programmed capacity improvements on the radial freeways IH-35E, IH-45, SH-183, SH-114, and IH-30. As illustrated in the **FEIS Figure 2.1**, the Trinity Parkway is necessary to provide needed transportation capacity improvements in the area of downtown Dallas. Also see the discussion of the need for a reliever route in **FEIS Section 1.5** and inclusion of the Trinity Parkway as one of the seven elements for transportation improvements recommended in the Trinity Parkway Corridor MTIS (see **FEIS Section 2.1.2**). TxDOT is advancing the Dallas Horseshoe Project to improve the Mixmaster and replace the IH-30 and IH-35E bridges over the Dallas Floodway. The Dallas Horseshoe Project is a break-out project that was originally part of Project Pegasus. The improvements to the Canyon, Mixmaster, and Lower Stemmons Freeway corridors were also included as recommended elements of the Trinity Parkway Corridor MTIS.

**Need and Purpose 1-5. The project is needed for the Southeast Dallas residents to bypass through downtown.**

*Statement 41 Callahan, Rick (Dallas City Council) V-1:* "We have approximately 180,000 residents that live out in Southeast Dallas, and there's even more in the county. And when you factor in the people that live in Kaufman and Kemp and Mabank and out in that Cedar Creek Lake area, this is real critical for the people of that region to be able to bypass through downtown, be able to access the upper Stemmons corridor as well as D/FW Airport and also Love Field. There's no reason for them to go to the canyon or the Mixmaster. They need a simple or simpler access to get across Dallas."

*Statement 107 Johnson, Charles V-2:* "We talk about free-standing views, we have a free-standing view every day whether we're stuck in traffic trying to get to and from work on I-35. . . . We need a reliever route. . . . And if we're talking money that's being spent, I went to public schools, so you'll have to excuse my math. If we're spending a billion-three -- there's a million-two people in Dallas. If I was going to be on this project or participate in this, for 20 years I'd pay $50 a year. It cost me that much in gas in two days going to work. "

*Statement 208 Tsu, Cooley E-1*: "The decision shouldn't be affected by the rich who only view the Trinity River as their new toy; whereas residents of Southern Dallas desperately need better transportation to and from the southern sector. Build It!"

**Response 1-5:** The comments have been noted and considered.

**Need and Purpose 1-6. The project would not reduce congestion.**

*Statement 4 Allen, Charles W-1: "*Actual needed road improvements have been delayed when associated with this project (Project Pegasus) and have proceeded only when decoupled from this toll road. Our transportation needs will not be met by this project, and it will only continue to impede and delay meeting our actual needs."

*Statement 42 Campbell, Bryan E-1:* "I stand in strong opposition to the building of the Trinity Parkway for several reasons: a) Practicality. It is not a long term solution for the problem it is purportedly meant to solve, i.e. traffic congestion on lower I-35, and the I-30 Canyon, and Mixmaster areas."

*Statement 64 Escalante, Kirsty V-1: "*Traffic along I-75, for instance, is still congested despite the existence of Dallas North Tollway. Will another tollway truly solve our congestion problems if people like me activity avoid tollways?"

*Statement 76 Griggs, Mariana W-1:* "It is my belief that roads are built and fill up and do not relieve traffic for very long."

*Statement 120 Kinser, Grant E-1:* “Relief roads, closing I-345, etc. Don't add congestion to this wonderful route. The roads that need relief don't need to empty onto perfectly fine 175. Months to years of traffic snarls, congestion and construction are *never* needed!”

*Statement 148 McCord, Marc E-1:* “Only a complete fool would think that the toll road is a good idea, especially when it has already been determined that it would not alleviate traffic around downtown and that it will hamper access to downtown resulting in another negative economic impact.”

*Statement 174 Quintans, Alicia E-1*: “Today, I drove from Oak Cliff to Deep Ellum to Oak Lawn and back - using only inner city roads - no highways. All the highways were packed with stopped or crawling cars as I made my route and enjoyed the scenery.”

*Statement 186 Rothermel, Joel E-1*: “Adding more lanes of traffic means more lanes to be congested adding pollution, and noise. We should be focusing on improving the existing flow of traffic, routing it away from the urban core not adding more lanes.”

*Statement 212 Ward, Kyle W-1*: “Induced demand. It (the project) will relieve for about three weeks until it is just as clogged as every other freeway. The argument that this will be a reliever route is a specious argument.”

**Response 1-6:** As detailed in the **FEIS Chapter 1**, the purpose of the proposed action is to provide a safe and efficient transportation solution to manage traffic congestion and improve safety in the area of the Dallas Central Business District (CBD). Rapid growth in the DFW region is surpassing the transportation system's ability to help manage it, resulting in increased traffic congestion. Currently, there is insufficient transportation capacity in the Canyon/Mixmaster area to carry needed trips flowing north-south (generally along IH-35E) and east-west (generally along IH-30). The proposed project will provide a reliever route around the existing freeway loop which encircles downtown Dallas. This reliever route focuses on managing congestion in the IH-30/IH-35E (Mixmaster) interchange on the west edge of downtown Dallas; the depressed segment of IH-30 (Canyon) south of the CBD; and the segment of IH-35E (Lower Stemmons) from the Mixmaster north to the Dallas North Tollway.

Based on traffic models, if the Trinity Parkway is not built as currently proposed, congestion on alternative routes would continue to rise. The Trinity Parkway will facilitate congestion management within the study area where traffic, mobility, and access issues are the most acute (i.e., the Canyon/Mixmaster area). There are some roadway segments where congestion would not be improved with the Build Alternatives. However, congestion on the roadway segments within the distressed Canyon/Mixmaster area would generally be improved by the Build Alternatives compared to the No-Build Alternative. For instance, traffic volumes on IH-35E, from the DNT to IH-30, would be reduced by approximately 19,500 ADT under Alternatives 2A and 2B; approximately 17,500 ADT under Alternative 3C; and approximately 34,900 ADT under Alternative 4B. This reduction in traffic volume, along with a reduced ADT on IH-30 east of IH-35E, would manage congestion through the Canyon/Mixmaster area. The differences in interchange locations and configurations account for the primary differences in traffic projections between Build Alternatives. Substantial growth in area traffic volumes by the year 2030 would result in increased capacity deficiencies on the area transportation system. Under the No-Build Alternative, both IH-35E and IH-30 are projected to operate at Level of Service (LOS) “F” conditions during the peak hour.

Future traffic flow characteristics are also highlighted by future traffic projections. For example, traffic projections show an increase in traffic on US-175 ranging from 21,900 ADT (Alternatives 2A and 2B) to 27,300 ADT (Alternative 3C) compared to the No-Build Alternative. This increase in ADT can be attributed to the Trinity Parkway providing a regionally important connecting link to US-175 at SH-310. That is, the Trinity Parkway creates an attractive and more efficient way for motorists traveling to and from communities in South Dallas, southern Dallas County, and beyond to access the major roadway network within the study area and surrounding the CBD.

An updated traffic study using Alternative 3C was completed by NCTCOG in May 2013. This study demonstrated that future modeled conditions with Alternative 3C in place would assist in moderating the

congestion delays to be expected in the future (see **FEIS Section 4.6.1**). The study shows that while the LOS on alternative routes in the project area might not improve with Alternative 3C in place and would remain within the range of D to F, congestion delay (vehicle-hours of delay) would decrease 11 percent relative to the No-Build scenario. With Alternative 3C in place, congestion delay would increase 54 percent from 41,152 vehicle-hours of delay in 2013 to 63,250 vehicle-hours of delay by the year 2035 (see **FEIS Table 4-21**). Under the No-Build Alternative, congestion delay in the project area would increase 65 percent from 41,152 vehicle-hours of delay in 2013 to 68,067 vehicle-hours of delay by the year 2035 (see **FEIS Table 1-9**).

**Need and Purpose 1-7. This project would mainly serve motorists living outside the City of Dallas who are seeking to bypass the city.**

*Statement 6 Amonett, Michael (City of Dallas Land Commissioner) V-2: "*This is a severely underfunded regional project to get people from the suburbs to other parts of -- say, from Irving basically to the road to get to Balch Springs."

*Statement 35 Brink, Richard E-1: "*Bypass traffic should go around the city."
*Statement 134 Long, Janet V-3*: "The roadway, as best I can determine, will have marginal additional transportation benefits for the citizens of Dallas. Yes, it may positively affect the commute time for people who are traveling from suburbs through Dallas to other suburbs, but for the citizens of Dallas this roadway will be a big negative."

*Statement 155 Melton III, Warren E-1*: "Why would Dallas residents want to pay up to 70-percent of the costs to build a high speed toll road in the river floodplain that would serve mostly to get traffic through Dallas faster?"

**Response 1-7**: The volume of traffic in the IH-30/IH-35E (Mixmaster) interchange on the west edge of downtown Dallas, the depressed segment of IH-30 (Canyon) south of the CBD, and the segment of IH-35E (Lower Stemmons) from the Mixmaster north to the Dallas North Tollway, along with the complexity of merges and weaving in the area, has resulted in a high rate of accidents. In addition, the inefficient layout of ramps and service roads in the area slows emergency response and prevents efficient detouring of traffic around accident sites. The proposed project would increase safety by providing a reliever route around the existing freeway loop which encircles downtown Dallas, and subsequently manage congestion in the Canyon, Mixmaster, and Lower Stemmons corridors. Travel time savings would also be a benefit, both for those who use the facility as well as for those who use other streets within the corridor.

The Build Alternatives similarly offer improvements to travel patterns and accessibility within the project area. As an alternate route to IH-35E, especially in the more congested areas, the Trinity Parkway would present an attractive option for regional and local travel. Access to regional destinations would be improved by all of the Build Alternatives. Many of the vehicle trips bound for regional destinations that currently rely on IH-35E and other local roadways would have a convenient alternative in the Trinity Parkway, especially those trips that originate from the Dallas CBD and the communities/cities located south of the downtown area. Likewise, access to public facilities and major employment centers in the project area would be improved by the Trinity Parkway. Employment within the city is focused substantially in traditional core markets in the CBD and the Stemmons corridor, and the DFW metropolitan area is expected to have approximately 9.1 million residents in 2030, supporting approximately 5.4 million jobs. The proposed Trinity Parkway would improve access to employment centers, as the region is expected to add population at an average rate of approximately 135,000 persons per year and employment at a rate of approximately 75,000 jobs per year over the 30-year period.

Congestion on the major arterial streets is anticipated to improve, due to local street and access road improvements associated with the proposed action. Each of the Build Alternatives would intersect numerous existing roadways. The tollway design incorporates some form of connection or interchange on most of these intersections to provide uninterrupted service on existing roadways.

## 2. ALTERNATIVES

**Alternatives 2-1. Other types of transportation improvements.**

*Statement 8 Aten, Stan W-1:* "There are other solutions in our transportation problem in one of the fastest growing regions in the county but it requires a change in thinking that building more roads is a solution to ever increasing pollution in an area that can't meet federal air quality standards."

*Statement 10 August, Jordan E-1*: "If so needed, build a boulevard type street in place of the toll road to improve traffic while maintaining the natural integrity of the Trinity."

*Statement 156 Meyer, Ed V-1*: "I was watching a KERA/PBS program about two years ago on traffic and how cities handled them. Dallas was one of the cities that was highlighted, and then Dallas' response is build more roads, build more roads. Surveys have shown that building roads increases traffic, and pretty soon we're going to run out of spaces to build roads. Another city that was highlighted was Las Vegas. They have a very inexpensive, very efficient method of controlling their signal lights. They have a command center with screens and people on the streets. They can change the signal lights if there's a backup, they can turn them all green or slow down traffic. With their hotels and their shows, there's a lot of traffic in Las Vegas, and it's very effective and it works. A lot cheaper than $1.4 billion. So that's only a minute. And of course, the third city highlighted was Los Angeles, which hasn't built a new road in 30 years. So they're constantly backed up. The State is broke. That's the only -- put that on the record. I suggest that Dallas sends somebody to Las Vegas and check this out and take a look at their system."

**Response 2-1:** In addition to recommending a Trinity Parkway reliever route and improvements to existing freeways, the 1998 Trinity Parkway MTIS recommended a plan of action that included a variety of measures to address congestion in the Canyon, Mixmaster, and Lower Stemmons Corridors (see **FEIS Section 2.1.2**). These measures include: 1) bicycle pedestrian facilities; 2) enhancements to transportation systems designed to manage highway facilities more efficiently without roadway widening (i.e., signal timing, intersection improvements, intelligent transportation systems to provide travel information and monitor traffic information, and designated HOV lanes); and 3) transportation demand management strategies to reduce the number of vehicles on the road (i.e., reduced work schedules, creation HOV lanes for buses, vanpools, and carpools, and land use strategies encouraging higher density development).

Additionally, the latest MTP, *Mobility 2035 – 2013 Update*, which provides a blueprint for the region's multimodal transportation system, emphasizes the goals of improved mobility, quality of life, system sustainability, and implementation. While the costs of congestion and travel time will increase in the year 2035, accessibility will be enhanced through recommendations that support a multimodal transportation system that provides travel options to North Central Texas. Similar to the 1998 MTIS, the 2035 MTP recognizes the needs for varied transportation improvement projects to meet these goals, including but not limited to new and/or improved roadways (including the Trinity Parkway), transit (e.g., light rail, bus rapid transit), and active transportation modes (bicycle and pedestrian). *Mobility 2035 – 2013 Update* accounts for $101.1 billion revenue and expenditure forecast, for which a combined 40 percent is proposed for the following categories: Congestion Management, Bicycle/Pedestrian Facilities, Transit Operations and Maintenance, Rail Capital and Transit System Expansion, Bus Capital, and Para-transit Capital.

**Alternatives 2-2. General support of a Build Alternative (no alternative specified).**

*Statement 100 Housewright, Mark V-1:* "I heard a lot of comments that I've heard many times over the last 21 years that I've been involved with this project. There are valid points being made by both sides. There are a lot of concerns to the issue. I realize the concerns, I have discussed and debated those concerns for two decades with people.

We were told in the mid-'90s when all of this got started that the Corps of Engineers was being required by a Congressional edict to fix the levees. Almost simultaneously we were told by the EPA that we were

going to have to straighten out our traffic mess and the Mixmaster concrete canyon to make improvements or to at least keep the area quality in the City of Dallas from downgrading further. At that time then Mayor Steve Bartlett cobbled together a group that became known as the Trinity River Corridor Citizens Committee, the TR 3 C's. We analyzed the situation for several years. I don't know anybody that likes the idea of putting the concrete in between the levees. However, we looked at every alternative, not only the five or six finalists that Matt Craig showed earlier this evening, but another seven or eight double-decking Stemmons Freeway, putting the thing on top of the levees, et cetera, et cetera.

The only one that made sense to solve the two key problems, and the two key problems are that we have five to five and a half hours of traffic jams a day in the Mixmaster concrete canyon area. Also they contribute heavily to our air quality issues and air pollution in our city. The forecast we were given in the '90s said that if we do no-build, that the traffic jam would expand to nine to nine and a half hours a day and the air quality would go down even further.

In addition, the experts with the traffic estimated that we were losing over 1 billion, that's with a B, billion dollars a year in lost man hours due to the amount of traffic jam we had in the city, and that that number would expand to $2 and a half to $3 billion by the year 2030. Seems to me that to build a billion-dollar freeway to save us a billion and a half dollars a year in lost productivity to our economy makes sense. I also have heard no solution from any of the opponents as to how to take care of the traffic jam and the air quality issues that it creates."

*Statement 107 Johnson, Charles V-2:* "Let the will of the people work! Get project done."

*Statement 206 Thomas, Richard N. W-1:* "I think this is a great project and want to congratulate all the hardworking people who made it possible."

**Response 2-2:** Comments noted and considered.

**Alternatives 2-3. Elected/Appointed Officials in general support of a Build Alternative (no alternative specified).**

*Statement 41 Callahan, Rick (Dallas City Council) V-1:* "I wanted to come tonight and I felt like it was important enough to leave the banquet table to come to you to let you know that this Trinity Parkway is perhaps the single-most important project for the residents and businesses of Southeast Dallas. I represent District 5, and we have worked on this project for 25 years. Former City Councilman, who I was just with, he's just shy of 90 years old, former Mayor Pro Tem, Former Transportation Committee Chairman, both of the Chamber and also the City of Dallas. He said again with his lips tonight; Build the road. Also, former Mayor Pro Tem and Councilman John Evans, being a Civil Engineer himself, he thought it was a very viable opportunity to build this road. And we really do need the road. So I'm here again to say that we need to build the road for the future of Dallas, we need to build the road. And I just want to say thank you, and sorry I'm running a little bit late, but I had to leave the banquet table with friends to do that, but that's how important it is. Dallas is a can-do city, so let's build the road."

*Statement 108 Jones-Hill, Vonciel (Dallas City Council) V-1:* "I fully support the building and construction of the Trinity Parkway. The Parkway is absolutely essential to relieve downtown traffic congestion as well as essential for getting persons in the southern residential centers to the northern job centers. One of the often-mentioned obstacle is the cost of the project. However, in North Texas we have a history of innovative public financing. I believe that that kind of financing and that kind of effort will be placed on this project, and therefore, I say again, I absolutely support the building and construction of the Trinity Parkway."

**Response 2-3:** Comments noted and considered.

**Alternatives 2-4. Organizations in general support of a Build Alternative (no alternative specified).**

*Statement 123 Lamkin, Lisa (President, AIA Dallas) W-1*: "AIA Dallas represents more than 2,000 architects and design professionals, including 300 design firms in Dallas and throughout the North Texas region. Our mission is to empower architects to positively impact our practice, the profession and the community-at-large. We have a long-standing history of weighing in on matters of public policy that impact not only our profession, but the quality of the built environment."

"AIA Dallas has been engaged in the Trinity River Corridor master planning process since the late 1990's. We have consistently advocated for a comprehensive coordinated vision that leverages the incredible resources and spirit of Dallas instead of short term solutions that diminish the long term environmental and economic benefit to the city and its residents.

In November 2001, AIA Dallas issued its position paper AIA Dallas Trinity River Policy. This study highlighted the unique opportunities available to the city and encouraged all stakeholders to commit to sensitive corridor development, "not only solving immediate infrastructure concerns but also to create a legacy of a more mature, vibrant and livable community".

As conversations continued to evolve, AIA Dallas contributed to "The Balanced Vision Plan for the Trinity River Corridor" which became the consensus document of the day and was approved by the Dallas City Council in 2003. The Trinity River Corridor Project's Balanced Vision Plan featured a comprehensive and balanced approach that incorporated five major elements- Flood Protection, Recreation, Transportation, Environmental Restoration, and Economic Development."

"At this time, AIA Dallas is unable to endorse the Trinity Parkway Alternative 3C proposal as an isolated element without a full understanding of how the landscaping, park views and pedestrian bridging will be simultaneously implemented within the Parkway alignment. It appears that in the process of reconciling the engineering of the roadway alignment with the challenge of placing it within the banks of the levees, design has focused on the function of the road and deemphasized the importance of the other key integrated components championed in the Balanced Vision Plan.

We strongly encourage a multiagency and community-wide effort to coordinate and deliver the balanced vision as delineated in the 2003 Balanced Vision Plan. As an organization of design professionals, AIA Dallas is deeply committed to being a resource to our community and to our public officials. Recently, a visionary planning competition known as "The Connected City" unveiled a forward-thinking vision for capturing the Trinity Corridor potential, and highlighted the importance of solving the connection with West Dallas across the river as a necessary component of realizing this potential.

AIA Dallas is prepared to support and work with groups like CityDesign Studio, the Trinity Commons Foundation, City of Dallas, TxDOT, NTTA and West Dallas stakeholders to ensure there is balance between engineering of the parkway, and the vital connections from downtown to the park and west Dallas; to allow The Trinity Parkway and park system to meet the goals of the Balanced Vision Plan as originally approved by voters."

"The Citizens of Dallas are becoming increasingly aware of the impact that transportation corridors have on isolating and disconnecting communities from the CBD and adjacent amenities. AIA Dallas supports the design vision of the Connected Cities Competition. We encourage further development of the ideas presented along with an overall, comprehensive, coordinated planning vision for Dallas and the Trinity River Corridor."

*Statement 160 Morris, Michael (Director of Transportation, NCTCOG) W-1*: Mr. Morris submitted a packet of information outlining the history of Trinity Parkway. Items submitted in the packet are outlined as follows and can be viewed in full in **Appendix D**:

- Major Transportation Investment Study conducted from 1996 to 1998 - chaired by Judge Lee Jackson, bottom-up community approval (begin project).

- September 13, 2007 - RTC Action on November City of Dallas Proposition supporting the Trinity Parkway (see Attachment 1).
- October 11, 2007- NCTCOG Press Release - 10 Reasons to Build the Trinity Parkway (see Attachment 2).
- RTC Position Statement - November 6, 2007 - Opposing City of Dallas Proposition 1: Stopping the Trinity Parkway (see Attachment 3).
- RTC Meeting December 11, 2008 - Item 7 - RTC approved $30 million for design to support the Trinity Parkway environmental work (see Attachment 4).
- Statement of Support submitted for the Supplemental Draft Environmental Impact Statement, Public Hearing - May 2009 (see Attachment 5).
- Statement of Support submitted for the Limited Scope Supplement to the Supplemental Draft Environmental Impact Statement, Public Hearing -May 2012 (see Attachment 6).

*Statement 161 Morris, Michael (Director of Transportation, NCTCOG) V-2*: "I'm the Staff Director to elected officials and transportation providers that serve on the Regional Transportation Counsel. I would just like to recap RTC's support for this project. We began following the leadership from then County Judge Lee Jackson when he chaired the Major Transportation Investment Study to develop a bottom-up community-based consensus on a dozen or so transportation actions should be built. Today we stand here with the last or final of those recommendations; the building of the Trinity Parkway. September 13th, 2007, the RTC passed a position supporting the City of Dallas proposition to have its citizens help support the Trinity Parkway. October 11th, 2007, COG released a press release with ten reasons to build the Trinity Parkway. These items are included in the record that I will give to the reporter. On November 6th, 2007, the Regional Transportation Council opposed the City of Dallas proposition that would have stopped the Trinity Parkway. December 11th, 2008, the RTC, the Regional Transportation Council, approved $30 million to do the design for the Trinity Parkway that helped pay for the analysis that went into this particular environmental document.

In May of 2009 we stood before you supporting the Trinity Parkway in a discussion of the supplemental draft of the Environmental Impact Study. We were in this room in May of 2012 when the hearing was held for the limited scope supplemental to that Draft Environmental Impact Study, and staff of the Regional Transportation Council, with Regional Transportation Council support, is here again tonight requesting the implementation of the Trinity Parkway."

*Statement 216 Wesch, Sandy (Project Engineer, NCTCOG) V-1*: "For the record, every metropolitan transportation plan since 1974 has recognized the need for additional capacity near downtown Dallas to unlock the gridlock created by travelers destined for their jobs, and for those traveling through downtown on their way to Dallas, other parts of Dallas and the region. The North Texas region has experienced significant population growth, and that trend is expected to continue into the future. This growth will also continue to increase congestion on our area roadways. The current long-range transportation plan which is known as Mobility 2035, The Metropolitan Transportation Plan for North Central Texas 2013 Update, includes the Trinity Parkway. The Trinity Parkway is a critical element in this planned regional transportation system. It is part of a larger system of solutions to balance our local transportation needs for the City of Dallas with regional transportation needs."

*Statement 220 Wilson, Amanda (Public Involvement Manager, NCTCOG) W-1*: Ms. Wilson submitted the following Statement of Support for the Trinity Parkway prepared by the Regional Transportation Council and The North Central Texas Council of Governments, together serving as the Metropolitan Planning Organization for the Dallas-Fort Worth area.

"Historically, the North Central Texas Council of Governments' (NCTCOG) Regional Transportation Council (RTC) has supported the Trinity Parkway. The Trinity Parkway is a critical element of the planned regional transportation system. Every Metropolitan Transportation Plan since 1974 has recognized the need for additional capacity near downtown Dallas to unlock the gridlock created by travelers destined for jobs mixing with those simply traveling through downtown on their way to destinations in other parts of Dallas and the rest of the region. This region's current long-range transportation plan, Mobility 2035: The

Metropolitan Transportation Plan for North Central Texas- 2013 Update also includes the Trinity Parkway as part of a larger system of solutions to balance the local needs of the City of Dallas with the region. Previous regional transportation plans also contained additional capacity recommendations on Interstate Highway (IH) 30 and IH 35E, collectively referred to as Project Pegasus, but due to financial constraints the full Project Pegasus has been deferred and partially replaced by the Horseshoe Project currently under construction.

For reference, the RTC and NCTCOG's previous comments on the Limited Scope Supplemental to the Supplemental Draft Environmental Impact Statement (SDEIS) from May 2012 and RTC Position Statement and press release from September 2007 are attached to this statement. We are here this evening to restate our support for the project. The Trinity Parkway:

- Remains a critical element of an existing community-developed multimodal solution to address increasing congestion resulting from both local and regional trips.
- Aids in providing three vital goals for flood control, recreation, and mobility for the City of Dallas and the region through a unique partnership with the US Army Corps of Engineers, Federal Highway Administration, Federal Emergency Management Agency, Texas Department of Transportation (TxDOT), and North Texas Tollway Authority.
- Is more necessary than ever due to the deferral of Project Pegasus improvements on lower Stemmons Freeway and to help manage current and future congestion in Dallas, pending the implementation of all phases of Project Pegasus.

These facts have remained constant, since TxDOT's 1998 Major Transportation Investment Study:

- The population and employment in the Dallas-Fort Worth area has grown and will continue to do so.
- The primary mode of travel by the general public is by automobile.
- The management of congestion on IH 30 and IH 35E requires a multimodal, regional approach, as identified in Mobility 2035- 2013 Update, and includes continued expansion of transit options, active management tools such as managed lanes, and new roadway capacity including the Trinity Parkway.

Progress on Major Transportation Investments Study (MTIS) elements

The Trinity Parkway Major Transportation Investment Study conducted in the late 1990s set the groundwork for improving our transportation system in and around downtown Dallas. The study developed a locally preferred plan of action of seven elements to solve transportation problems and to integrate with community plans and goals for the Trinity River floodway. This plan of action was unanimously approved by Dallas City Council, Dallas County Commissioners Court, the Dallas Area Rapid Transit (DART) Board, and the NCTCOG Regional Transportation Council. Since that time, the City of Dallas and other transportation agencies have been making progress on these elements to improve our regional transportation system. These include:

- Completion of the construction and opening of the Woodall Rodgers Freeway to Beckley Avenue connection, now known as the Margaret Hunt Hill Bridge.
- Current construction of a TxDOT design-build project to replace the critical bridges on IH 30 and IH 35E over the Trinity River, known as the Horseshoe Project
- Completion of the construction and opening of the DART Line to Carrollton as a light rail line.
- Completion of portions of bicycle and pedestrian trails such as the Santa Fe Trestle Trail, Katy Trail, and Trinity Strand Trail and development of a new bicycle plan for the City of Dallas.

The long-standing, fundamental mobility issues associated with the IH 35E and IH 30 corridors remain. The necessity of the Trinity Parkway, as presented in the build alternatives at this public hearing, is clear. The Trinity Parkway will play a vital role in the management of congestion in this crucial corridor and in

the continued enhancement to the quality of life enjoyed by Dallas residents. Given the critical nature of this project, the RTC is willing to provide any assistance in the planning, design, and implementation of the Trinity Parkway."

**Response 2-4:** Comments noted and considered. With regard to the concerns expressed in Statement 123 by AIA, the Trinity Parkway is a part of the transportation component of the comprehensive Balanced Vision Plan (BVP) for the Trinity River Corridor. The specific design attributes of the BVP relating to its many facets (e.g., transportation, recreation, flood control) continue to be developed. Although the FEIS emphasizes design attributes of the Trinity Parkway that accomplish its primary transportation purpose, the FEIS also emphasizes the long-standing and ongoing coordination with City of Dallas and USACE planning for the BVP (e.g., see **FEIS Sections 1.6.1.2**, **3.5.6.4**, and **4.7.3.2**) to ensure compatibility and synergy with the BVP. The ongoing planning coordination of the Trinity Parkway and the BVP is further discussed in the responses to S**ubtopics 10-3** and **14-1**.

**Alternatives 2-5. Comments in support of Alternative 1 (No-Build).**

*Statement 1 (Last name not provided), Cameron E-1*: "I adamantly oppose the Trinity toll road, and I support the No-Build Option. After reviewing the proposal documents, it has become apparent that this project is unnecessary" and "unaffordable." "With all due respect, more toll roads is [*sic*] not the answer."

*Statement 10 August, Jordan E-1: "*The Trinity Parkway is like a serpent invading our city that needs to get its head cut off."

*Statement 11 Baker, Daryl W-1: "*This project should not be built. Based on the information to date, I feel it is environmentally unsafe and financially unreasonable."

*Statement 13 Baker, Darryl V-3: "*Based on the presentation tonight I encourage you to select the No-Build Alternative."

*Statement 16 Bartos, Lorlee E-1: "*I have been opposed to this toll road since 1997 when I helped lead the opposition to this boondoggle. To jeopardize our floodway with an unnecessary and ill-conceived toll road is ludicrous. It negatively impacts air pollution, does not ease congestion and wastes scarce transportation dollars. Bad idea, air polluting, horrendously expensive and does nothing to improve transportation."

*Statement 23 Betzen, Bill V-1: "*I am here to strongly support the No-Build Alternative. Few people have driven more miles than I have on the Dallas freeways over the last half century. There was a time in history when being a vehicular crossroads was necessary for a great city. Those days are gone. Today the greatest cities are no longer vehicular crossroads. They are cultural crossroads, financing crossroads, information crossroads, and digital crossroads. Due to the quality of life they nurture, these cities attract the professionals in these disciplines. Imagine Dallas doing that. These people living downtown on the weekends they can go to the best cultural activities in the world, or they can hop on a bicycle and go down a cement path along the Trinity River to afforest and back to where they live all within two hours. They won't go along a noisy freeway; they will go along a quiet river, wildlife. I live a half-mile from Highway 67 in South Oak Cliff and I've lived there for 40 years. It's a half-mile. It is noisy. I've listened to it a million times. There is no place where this toll road is going to be even 2,000 feet from that river. So if you're canoeing the river you're going to hear it, all 9 miles. We don't need that."

*Statement 29 Bornhorst, Becky E-1: "*I oppose the Trinity Toll road, and I support the No-Build Option. The Trinity Toll road is unnecessary."

*Statement 36 Bristow, Annemarie W-1*: "The Do Nothing would be my choice."

*Statement 38 Britt, Ben E-1*: "I live near the levee and have experienced firsthand flood damage from it. I would like to express my opposition to any freeway being built near the Trinity or inside the levees. I can't believe this is even being considered. I am for the no-build option."

*Statement 7 Anderle, Katherine W-1; Statement 17 Bartos, Lorlee W-2; Statement 24 Bisbee, Penelope W-1; Statement 25 Black, Jack W-1; Statement 30 Bradley, Ginger W-1; Statement 31 Bradley, Virginia W-1; Statement 39 Bush, Helen W-1; Statement 49 Coffee, Ben W-1; Statement 57 Davis, Heather W-1; Statement 56 Davis, Daryl W-1; Statement 61 De Los Reyes, K. W-1; Statement 66 Fusinato, Robert W-2; Statement 68 Garia, Sarahi W-1; Statement 75 Griggs, David W-1; Statement 79 Guldi, Christine, W-1; Statement 81 Guldi, Dick W-1; Statement 82 Haesly, Jack W-1; Statement 83 Haight, Dorthy W-1; Statement 85 Hancock, Chantele W-1; Statement 87 Hart, C. W-1; Statement 91 Henger, Peggy W-1; Statement 94 Hilliard, Keena, W-1; Statement 99 Hope, Eduardo, Jr. W-1;Statement 103 Husrt, Max W-1;Statement 109 Juhl, Josh W-1; Statement 114 Kelton, Lee W-1;Statement 117 Kille, James W-1;Statement 118 Kimberling, Kerrie W-1;Statement 126 Lee, Jessica W-1; Statement 127 Levy, Janis W-1; Statement 128 Liles, Laura W-1; Statement 130 Lingenfelder, John W-1; Statement 131 Lloyd, Geoffrey W-1; Statement 139 Luna, Alejandra W-1; Statement 148 McCord, Marc E-1; Statement 149 McIntyre, Mallory W-1; Statement 150 McKinley, Suzanne W-1; Statement 153 Meier, Betty Claire W-1; Statement 154 Mein, Joen W-1; Statement 162 Morton, Brandon W-1; Statement 165 Ohlsson, Lars W-1; Statement 177 Ratley, Ashley W-1; Statement 178 Reese, Rusty Ray W-1; Statement 179 Reist, Jason W-1; Statement 180 Renfro, Amanda W-1; Statement 182 Robben, Gary W-1; Statement 183 Robben, Shirley W-1; Statement 184 Rooke, Becky W-1; Statement 185 Rooke, Molly W-1; Statement 187 Sanders, Jan W-1; Statement 192 Seay, Michael W-1; Statement 198 Snyder, Cheryl W-1; Statement 199 Snyder, Daniel W-1; Statement 200 Steakley, Majorie E. W-1; Statement 201 Steakley, Majorie H. W-1; Statement 202 Steakley, Sr., Marvin C. W-1; Statement 203 Svedeman, Lee W-1; Statement 207 Trahan, Zac W-1; Statement 217 Wierl, Lynne W-1; Statement 218 Williams, Christy W-1; Statement 219 Williams, Kenneth W-1; Statement 221 Withrow, Wendel W-1; Statement 222 Wolf, John W-1:* "I oppose the Trinity Tollroad, and I support the No Build Option."

*Statement 40 Byars, Steve W-1:* "I am totally opposed to this project."

*Statement 42 Campbell, Bryan E-1:* "I stand in strong opposition to the building of the Trinity Parkway for several reasons: . . . I strongly recommend the selection of the "no build" option to be immediately followed by a refocused effort to improve traffic flow on the roads that already exist."

*Statement 44 Carpenter, Curtis E-1:* "I am writing to express my opposition to the Trinity Tollway project in Dallas."

*Statement 45 Carroll, Jon E-1:* "Please do not build a major road between the levies next to the Trinity River. Please do not build the Trinity River Parkway, as I believe it's called."

*Statement 50 Cooke, Linda V-1:* "I served on the Trinity River Corridor Citizens Committee as well as an environmental advocate. During that whole process, which took about a year and a half and many, many meetings, the environmental aspects were diminished. The final report seemed to sweep over all of the concerns that the environmentalist on that committee had brought forward. And the consensus was that it would be okay. It is not okay. I'm still here, I'm speaking up again, I do not support the building of the parkway. The bond election that was held in 1998 bundled the parkway into some other significant improvements that needed to be made, and that's the only way that it got through. I firmly believe that. Environmentalists have never supported it. I am here to say that one more time."

*Statement 53 Cunningham, Gary E-1:* "I live and work in 75207, right there on Dragon Street and I am completely against this project in any shape or form!"

*Statement 54 Dalbey, Tim W-1: "*I am totally against the 3C Preferred Alternative as well as 4B and any type of toll road inside the levees and the two build alternatives outside the levees 2A and 2B."

*Statement 60 Day, Karl E-1:* "I am against the building of the Trinity Tollroad/Parkway."

*Statement 64 Escalante, Kirsty V-1:* "In terms of practicability, I'm of the opinion that the no-build option is the best choice for Dallas."

*Statement 65 Fusinato, Bob E-1:* “As a resident of the DFW area, I oppose the Trinity Toll Road, and I support the No Build Option.”

*Statement 69 Garrison, Catherine V-1:* “I'm opposed to this project, because I have a lot of concerns.”

*Statement 70 Gewax, Lisa E-1; Statement 71 Gewax, Lisa E-2:* “I support the No Build option, a tool road would destroy woodlands and is a waste of time, money, and energy.”

*Statement 76 Griggs, Mariana W-1:* “I am bothered that the idea of the road has continued for this long. I am opposed to the project, most especially due to the environmental impacts.”

*Statement 77 Griggs, Scott W-1:* “Opposed. Opposed. Opposed.”

*Statement 84 Hamaker, Maralyn E-1*: “At this point, I am opposed to the Trinity Tollroad, and I support the No-Build option. The tollroad is not necessary.”

*Statement 88 Hartmann, Edward W-1:* “I oppose the parkway and the outrageous finances required to build it.”

*Statement 93 Hickman, John E-1: “*I am opposed to the trinity toll corridor. It is redundant with IH35 and not needed.”

*Statement 101 Hunt, Angela W-1:* “The Trinity Toll Road is a mistake that will scar our city for generations. This is a bad idea that has only worsened in time.”

*Statement 102 Hurst, Alan E-1:* “I am against the Trinity toll road.”
*Statement 110 Karnowski, Michael W-1:* “As a citizen of Dallas, I am incredibly disturbed that this project is still being considered! What an awful idea – build a 60 mph highway on top of one of our city’s treasures!”

*Statement 111 Karnowski, Michael V-2:* “I support the no-build option, and I hope that is what happens.”

*Statement 112 Keller, Karen E-1:* “I oppose the Trinity Tollroad, and I support the No Build Option”.

*Statement 121 Kriehn, Thomas W-1:* “I voted against the tollroad in 1998 and signed and voted upon the recall petition in 2007.”

*Statement 129 Lindley, Hamilton E-1*: “As a Dallas resident, I am against the Trinity Tollroad.”

*Statements 132/133 Long, Janet E-1/W-2*: “With the information I have received to date regarding Alternative 3C for the Trinity Parkway, I cannot support this build alternative or any of the others cited in the presentation. I think Alternative 3C needs expanded study as highlighted above. Without the expanded study, I support the No Build alternative for the Trinity Parkway. The Dallas Floodway needs the acreage it currently has and the additional Cadillac and Lamar levees to protect the 1+million residents and many business communities near the Trinity River.”

*Statement 134 Long, Janet V-3*: “For these reasons, I am not in favor of building this roadway within the levees of the Trinity floodplain. I vote that -- I recommend strongly that the no-build alternative be the decision of record.”

*Statement 138 Lowry, Michael E-1*: “After so many years of delays on this project, I feel it's entirely in the best interests of the City of Dallas and North Texas as a whole to finally shelve this project for good. Too many roads already built and maintained by NTTA are clearly in need of repairs, so at what point does building yet another new road that will inevitably just crumble as well come into the mind of even a slightly rational person? More realistic alternatives need to be considered besides "build, build, build."

*Statement 142 Martin, Mike E-1*: “I support the Trinity “Parkway” Alternative 1: The No-Build Alternative.”

*Statement 143 May, Dallas V-1*: “Write me up for the no-build. Yes. It’s time to stop. It’s time to tap out. It’s over.”

*Statements 144/145 Mazzei, Matt E-1/W-2*: “I urge the adoption of the No build option of the Trinity Toll Road into the Dallas floodway. . . . Once again, as a resident and taxpaying member of the City of Dallas, I urged the adoption of the No Build Option.”

*Statement 151/152 Meckfessel, Robert E-1/V-2*: “I am a resident of Dallas and an architect in private practice in Oak Cliff. I am writing now as a private citizen. I have been involved with the Trinity Corridor project for over 15 years, since before the 1998 bond program. During that time, I have held leadership positions in several community organizations concerned with the Trinity project. I was deeply involved with the development of the Balanced Vision Plan and have been a vocal advocate for it, including participation in public debates prior to the 2007 referendum, on the pro-Parkway side. However, I now support the No-Build Alternative, and am in adamant opposition to all of the build alternatives, including Alternative 3C. I support the No-Build Alternative and moving ahead to complete the remainder of the Balanced Vision Plan.”

*Statement 155 Melton III, Warren E-1*: “The Trinity Parkway concept should be scrapped, and the slow speed roadway along the river should be included with any environmental restoration that the Army Corps goes forward with. This makes no sense – we prefer no road over a toll road.”

*Statement 156 Meyer, Ed V-1*: “I’m opposed to this. I’m opposed to the toll road.”

*Statement 157 Molinar, Elias V-1*: “I drive through downtown Dallas every day to go to work. I am your target demographic. I don't want the tollway. “

*Statement 158 Moore, Daniel E-1*: “As it is currently being proposed, I am against it.”

*Statement 164 Nash, Carol E-2*: “I strongly oppose the Trinity Tollroad and support the No Build Option. We do not need this Tollroad.”

*Statement 173 Prejean, Robert W-1*: “As a citizen of Dallas, I support the No-Build Alternative. There are better solutions that can be found.”

*Statement 175 Raj, Chetan E-1*: “I’d like to formally voice my opposition to the Trinity Toll Road project.”

*Statement 181 Roach, Jason E-1*: “I want to express my opposition to the toll road being built in Trinity River flood way.”

*Statement 186 Rothermel, Joel E-1*: “I would like to add my comments on the proposed Trinity Parkway. I think this is one of the worst ideas that I have ever heard. Placing a multi-lane road in a flood plain makes absolutely no sense. Again, I must repeat, this is one of the worst ideas among the many stupid ideas that Dallas leaders have come up with in the guise of progress. This project needs to die its last death never to rise again.”

*Statement 189 Schmidt, Peter E-1*: “It's (the project) a bad idea and I don't want my tax dollars going toward it.”

*Statement 190 Schmidt, Rene W-1*: “I am opposed to the tollway.”

*Statement 191 Schweitzer, Carrie E-1*: “I have voted against the Trinity Tollway scheme at every opportunity over the years, and I oppose it now. This is not a viable option for North Texas or Dallas.”

*Statement 193 Shelton, Greg E-1*: “I am sending this email as a resident of the City of Dallas to say that I am against this Tollway (parkway) plan.”

*Statement 209 Ubico, Jean E-1*: “I support the No Build Option. The Trinity Tollroad cost too much, is unnecessary and will destroy hundreds of acres of woodlands and open space. Our limited transportation funds could be put to better use.”

*Statement 210 Unger, Shei E-1*: “Please record my name as being absolutely against the construction of the Trinity Tollroad in Dallas.”

*Statement 212 Ward, Kyle W-1*: “I unequivocally oppose the Trinity Tollway.”

*Statement 213 Weinberg, Cachet V-1*: “Although I'm a strong supporter of the overall Trinity Parkway Project and believe that the Project will do wonderful things for our region, I do not support the tollroad; instead, I support the no-build alternative. Based on the findings of the EIS, the cost of the tollroad outweigh the minuscule traffic improvements. For this reason, I support the no-build alternative.”

*Statement 214 Weinberg, William W-1*: “I support the no-build alternative. According to the EIS, the benefits of the tollroad do not justify the costs.”

*Statement 215 Weiss, Nigel E-1*: “I am unable to attend the public hearing tomorrow at City Hall, but I want to urge that the plans for the Trinity Tollroad be cancelled. Building a major thoroughfare in a flood plain is risky and unnecessary. . . . Cancel the plan to build it: we don't need it!”

**Response 2-5:** As discussed in **FEIS Section 1.5**, two major objectives have guided the planning and design of the proposed Trinity Parkway. First, due to multiple planning aspects under consideration in the project area (i.e., transportation, recreation, flood control, economic development, and environmental preservation), compatibility with local planning goals is an important objective of the proposed project. Achieving synergy with local development plans has been among the foremost of planning considerations. Throughout the project planning process, stakeholders have stressed that a major transportation improvement is likely to influence and shape local development. Local government agencies, as well as private residents and developers, all anticipate some improvements or changes with respect to traffic circulation and economic development within the Trinity Parkway Corridor. Second, the Trinity Parkway project area includes the environmental setting of the Dallas Floodway and the Trinity River. This major area of open space provides biological resources, water/wetland resources, recreation resources (existing and planned), and aesthetic resources. In addition, the project area includes certain areas that may be susceptible to adverse social, economic, and environmental impacts, including established businesses, residential neighborhoods, and cultural resources. Residents of these areas have expressed a high level of interest in the potential impacts (beneficial and/or adverse) associated with the Trinity Parkway. Therefore, avoiding, minimizing, and mitigating adverse impacts is an important objective in the development of the Trinity Parkway.

The **FEIS Chapter 5** discusses the mitigation measures that would be implemented to minimize impacts to the social environment, water quality, wildlife and vegetation resources, waters of the U.S., including wetlands, floodplains, safety of the levees, impacts of the build alternatives on flood control, cultural resources, parklands, hazardous waste sites, and construction impacts.

**Alternatives 2-6. Elected/Appointed Officials in support of Alternative 1 (No-Build).**

*Statement 6 Amonett, Michael (City of Dallas Landmark Commissioner) V-2: “*I'm currently a Landmark Commissioner for the City of Dallas, I serve on the Dallas County Trail Advisory Board, and I'm a former three-term President of the Old Oak Cliff Conservation League. I’m here to voice my opposition to the toll road and to support to no-build alternative.”

*Statement 74 Greyson, Sandy (Dallas* City Council) *V-1:* “I would suffice it to say; choose the no-build alternative.”

**Response 2-6:** Please see the response to **Subtopic 2-5**.

**Alternatives 2-7. Comments in opposition of Alternative 1 (No-Build).**

*Statement 104 Jackson, Lee V-1:* "I don't believe the no-build option is good for Dallas. I don't believe that it would serve our residents, our downtown residents, which are greater in number, our economy, our competition in the region. And I have to ask you to think about the north and south. If you are for not building any more roads, you have to recognize, we just built North Central Expressway, we've extended the Dallas North Tollway, and we've rebuilt LBJ. So really we're saying that we've built the projects in the north, and that in the southern half of the county, they'll use mass transit."

*Statement 147 McLendon, Albert W-1*: "I support 3C and oppose no build."

*Statement 223 Wood, Marcus W-1:* "I am writing in support of the Recommended Build Alternative 3C and active opposition to Alternatives 2A, 2B, 4B, and the No-Build Alternative. I find the work document as presented more than satisfactory as to all aspects of the Final Environmental Impact Statement and in keeping with the Balanced Vision Plan for the Trinity Corridor as supported by the voters of the City of Dallas. I am a life-long resident of Dallas. I was a member of the Community Advisory Work Group for the Trinity Parkway Corridor Major Transportation Investment Study and a founding member of the Trinity Commons Foundation. As a commercial Realtor with clients along Riverfront Boulevard I have followed the development of these studies and alternatives closely. It is time for the actual construction of the Build Alternative 3C to begin."

**Response 2-7:** Comments noted and considered.

**Alternatives 2-8. Businesses in opposition of Alternative 1 (No-Build).**

*Statements 19, 20, 21 Bennett, Larry (Chairman, Stemmons Corridor Business Association) E-1, E-2, W-3:* "The Stemmons Corridor Business Association therefore reaffirms its support for Alternative 3C and strongly opposes Alternatives 2A, 2B and "No Build"."

*Statement 22 Bennett, Larry (Chairman, Stemmons Corridor Business Association) V-4:* "Additionally, the SCBA wishes to express its opposition to the consideration of the No-Build Alternative. Existing high-traffic congestion in the area is well documented. The area is already home to four to the top 100 congested roads in the State of Texas. State Highway Spur 366 is the eighth most congested. Lower Stemmons Freeway is the ninth most congested. I-30 is the 13th most congested, and South R.L. Thornton Freeway is the 23rd most congested. We've been hearing talk of saving three or four minutes, but obviously, folks that work there and try to get there at 8 o'clock in the morning and 5 o'clock at night, it's more than three minutes. Therefore, the Stemmons Corridor Business Association reaffirms its support for Alternative 3C, and strongly opposes the No-Build Alternative."

*Statement 72 Gleason, Pat W-1:* "Associated Time & Parking Controls wishes to express its opposition to the consideration of the "No Build" Alternative due to the following findings from the FEIS study:

- A 65% increase in the vehicle-hours from congestion delay in the area by 2035
- By 2035, a trip on lower Stemmons freeway would take approximately 76% longer to complete during rush hour compared to off peak travel time.
- Existing high traffic congestion in the area is well documented. The area is alread~ home to four of the top 100 congested road in the state of Texas: State Highway Spur 366 as the 81 most congested, Lower Stemmons Freeway as the 9th most congested, IH-30 as the 13th most congested, and South RL Thornton Freeway as the 23rd most congested.
- The Level of Service for the area roadways would operate at "D", "E", or "F' levels which are characterized by slower travel speeds and unstable traffic flow operations which result in stop-and-go long backups and delay.

- Travel Delay Costs in the area are projected to be $185 million annually as delays and traffic congestion in area roadways grow by 54% to 122%

Traffic congestion and delays in the area are already at unacceptable levels. With the indefinite delay of the Pegasus Project, building the Trinity Parkway becomes crucial for the success of the area. The No Build option will further negatively impact our businesses and properties through inability to attract employees and customers to the area as travel congestion grows."

*Statement 176 Ramsey, Dave E-1*: "As an owner of 3 buildings on Irving Blvd in Dallas I would like to support 3C and oppose No Build."

*Statement 188 Scheef, Craig (Chairman, President and CEO, Texas Security Bank*) *W-1*: "Additionally, Texas Security Bank wishes to express its opposition to the consideration of the "No Build" Alternative due to the following findings from the FEIS study:

- A 65% increase in the vehicle-hours from congestion delay in the area by 2035
- A trip on lower Stemmons freeway would take approximately 76% longer to complete during rush hour compared to off peak travel time.
- Existing high traffic congestion in the area is well documented. The area is already. home to four of the top I00 congested road in the state of Texas: State Highway Spur 366 as the 8th most congested, Lower Stemmons Freeway as the 9th most congested, IH-30 as the 13th most congested, and South RL Thorton Freeway as the 23rd most congested.
- The Level of Service for the area roadways would operate at "0 ", "E", or "F" levels which are characterized by slower travel speeds and unstable traffic flow operations which result in stop-and-go long backups and delay.
- Travel Delay Costs in the area are projected to be $185 million annually as delays and traffic congestion in area roadways grow by 54% to 122%

The "No Build" option will further negatively impact our customers' businesses and properties through inability to attract employees and customers to the area as travel congestion grows."

**Response 2-8:** Comments noted and considered.

**Alternatives 2-9. Comment in opposition of all Build Alternatives.**

*Statement 204 Swenson-Roberts, Carroll W-1: "*I'm against the proposed tollroad and see no benefit."

**Response 2-9:** Please see the response to **Subtopic 2-5**.

**Alternatives 2-10. Comments in opposition of Alternatives 2A and 2B (no preferred alternative listed)**

*Statement 27 Borino, Anthony V-1: "*Yeah, I just wanted to support the proposal with the road being within the confines of the levee and definitely not in support of the road being built on Riverfront Boulevard and Irving Boulevard."

*Statement 28, Doris Borino V-1:* "And I do not want the traffic flow to go down Riverfront Boulevard. That would just add to congestion and frustration."

**Response 2-10:** Comments noted and considered.

**Alternatives 2-11. Businesses and organizations in opposition of Alternatives 2A and 2B (no preferred alternative listed).**

*Statement 55 Darrouzet, Bob (Trinity/Design District Merchants Association) V-1:* "I represent the Trinity and Design District merchants and the Merchants Association. I noticed on one of those slides tonight

the Design District was actually labeled and the Trinity Industrial District was not labeled. And this is because since this project began in the late 90s we have really come quite a way in changing the complexion of the Design District over to the old Trinity Industrial District. In the intervening 10 or 15 years, we've become noted throughout the country as one of the largest Design Districts that has a park-like structure to it where people can come and shop and come and go. So for us, I was really sent here tonight by my constituents to reiterate the fact that we do not want to tollway built down Irving and Industrial Boulevard all the way down to the Longhorn Ballroom. If you did that, you would bisect the Design District and probably bring it to a screeching halt. We're not here tonight to judge the construction or where the road is placed as far as putting a road inside the levee or not. Even if there was a no-build it would be fine with us, because it wouldn't affect us. But to put the road down the boulevard would create about a 300-foot-wide grove, and that's too much to cross."

*Statement 188 Scheef, Craig (Chairman, President and CEO, Texas Security Bank*) *W-1*: "Any alternative route using Riverfront Boulevard and Irving Boulevard for the Trinity Parkway would have severe negative economic impact on existing businesses located on this route, including many of our customers. It will have a negative impact on our business as well. Alternatives 2A and 2B will adversely impact the private property and business owners as well as the growing number of residents in the Stemmons Corridor."

**Response 2-11:** Comments noted and considered.

**Alternatives 2-12. Comments in opposition to a Build Alternative within the Trinity River levees/Floodway.**

*Statement 4 Allen, Charles W-1: "*I oppose the Trinity Toll Road because it will threaten our flood protection."

*Statement 15 Barabas, Vijay V-1: "*The idea of building a tollroad inside the levees fundamentally seems to be a bad idea, and that seems to be borne out by all the engineering challenges that continue to be identified. Who knows what we'll find next year."

*Statement 16 Bartos, Lorlee E-1: "*To jeopardize our floodway with an unnecessary and ill-conceived toll road is ludicrous. It negatively impacts air pollution, does not ease congestion and wastes scarce transportation dollars. To build it requires moving the river. As I sit back, I have to wonder, who thinks up these ideas. No one has ever jeopardized their floodway by putting in a toll road in the floodplain. We should not be the first."

*Statement 52 Cruz, Daniel V-2:* "I am against -- my wife and I are against the construction of the tollroad within the Trinity River levees."

*Statement 73 Gosselee, Susybelle V-1:* "I'm opposed to building the road within the Trinity River floodplain."

*Statement 80 Guldi, Richard E-2:* "It is foolhardy to build a parkway in a floodplain. Don't do it."

*Statement 142 Martin, Mike E-1*: "Their proposal to put a toll road inside the levees of the Trinity River must not be allowed. Who in their right mind would even want to build such a road inside a floodway that fills with water? Who would cling to such an outmoded idea? Whoever they are, they need to go fly a kite."

*Statement 148 McCord, Marc E-1*: "The idea of building a toll road between the levees is about the second stupidest thing I have heard in my life, right behind fracking for natural gas in Dallas."

Statement 163 Nash, Carol E-1: "I am strongly opposed to a toll road within or along the levees along the Trinity River."

*Statement 169 Pepe, Michael E-1*: “I do not support the toll road if it blocks access to the river or takes land set aside for the natural grassland.”

*Statement 113 Kelley, Martha W-1:* “I am still against this project. Do not build the toll road in the Trinity River Floodway or anywhere between the levees.”

**Response 2-12:** Comments noted and considered.

**Alternatives 2-13. Organizations in opposition of a Build Alternative within the Trinity River levees/Floodway**

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* “I chair the non-profit grassroots Trinity River Action Coalition and Citizens for a Safe Environment. We are a coalition that have joined together to benefit the human and natural habitats along the Trinity River and its' tributaries. Our members live throughout the Trinity River corridor, and most live south of I-30. I served on the City of Dallas Environmental Health Commission for nine years, from roughly 1991 to 2000 representing Oak Cliff and West Dallas. I served on a number of City of Dallas environmentally-oriented citizens' committees, including the Trinity River Corridor Citizens Committee, in 1991. . . . Our coalition opposes the placement of the Tollroad within the levee system. . . . TRAC strongly opposes the construction of the Trinity Tollroad within the existing levees in the existing levees and proposed southern levees. The tollroad is not needed to relieve congestion and will exacerbate the conditions for catastrophic flooding along the river corridor and its' tributaries.”

*Statement 3 Albers, Anna (Chair, Trinity River Action Coalition) V-2:* “So we want to see that this road not be built inside the tollroad -- inside the levees.”

**Response 2-13:** Comments noted and considered.

**Alternatives 2-14. Comments in support of Alternative 3C**

*Statement 104 Jackson, Lee:* “First, I do support Alternative 3C and believe it will be good for Dallas.”

*Statement 107 Johnson, Charles V-2:* “I want you to understand, please, that we do support, myself and quite a few others, 3C.”

*Statement 147 McLendon, Albert W-1*: “I support 3C and oppose no build.”

*Statement 208 Cooley, Tsu E-1*: “Please build the Trinity River Toll Road.”

**Response 2-14:** Comments noted and considered.

**Alternatives 2-15. Elected/appointed official in support of Alternative 3C**

*Statement 43 Carona, John (Texas State Senator) E-1:* “I would like to express my support for the Trinity River Parkway project as I believe the Parkway project is of great importance to the City of Dallas and the regional transportation system. As a result of population growth in Dallas and the surrounding region, insufficient transportation capacity exists along IH-35 and IH-30 in the Canyon and Mixmaster areas near downtown Dallas. Though the Parkway may not entirely resolve transportation challenges in the region, it is a significant piece of the solution. Once completed, the Trinity River Parkway will not only alleviate traffic congestion along existing highways, but it will also improve highway safety and increase access to businesses and local services. I consider Alternative 3C to be the most favorable and least expensive option for the project. Further, Alternative 3C's related commitments to noise· barriers, visual screens, construction activity limitations, and a minimized impact on the local environment, also make the option appealing. It is clear the Trinity River Parkway is supported by the residents of Dallas, as evidenced by ballot results in 1998 and 2007. I too support the project and appreciate the opportunity to voice my position.”

**Response 2-15:** Comment noted and considered.

**Alternatives 2-16. Businesses and organizations in support of Alternative 3C**

*Statements 46/47 Ceverha, Bill (Executive Vice President, Trinity River Improvement Association) W-1/V-2*: "Twenty-two years! That's how long I have personally been involved in planning and supporting the Trinity River Project in Dallas. It has been a slow and often-times arduous process, and tonight's hearing is another in a long series of discussions about one phase of that project. . . . I am Executive Vice President of the Trinity Improvement Association, which has been in existence for 80 years in Dallas/Fort Worth. I was a member of the Trinity River Citizens Corridor Committee, often called the T-R Triple C, a highly diverse group which hammered out a plan over more than a year and a half of meetings. . . .

That plan, part of which is under discussion here, was later approved by the Dallas City Council and then approved by the electorate in a 1998 bond issue, which I actively supported. Opponents of the proposed roadway went to the voters again later, asking them to remove the tollway from the plans, an objective rejected by the voters. When I think back about the visionaries who helped develop the Dallas Fort Worth area into the dynamic area that it is today, planning and developing transportation, water supplies, libraries, a major regional airport, parks and other assets, I become even more frustrated with those who never seem to believe in long-range planning, they seem to always have a better idea, causing delays and increased costs along the way.

We support the Alternative 3-C being discussed tonight and believe strongly it needs to move ahead without further delay. Its route along one side of the existing floodway is the least expensive choice with the most minimal impact on any residential or commercial real estate. The floodway, the area between the levees, is almost two-thousand feet across in most areas, with plenty of room for the roadway. That is an area as wide as Ervay Street on the City Hall's west to Griffin, which is east of the City Hall. Also, its design to be above the 100-year flood level assures a safe and consistent transportation option for our citizens."

*Statement 48 Chereck, Robert (Chairman, Dallas Citizens Council) E-1: "*I would like to comment on the proposed Trinity Parkway Project and support passage of the 3C Combined Parkway alternative. Our support of the Trinity Parkway Project is directly aligned with the will of Dallas' leaders and residents, who have approved the construction of this project three times since 1998, including the Balanced Vision Plan, which incorporates the five major components of the project - flood protection, recreation, transportation, environmental restoration, and economic development. We believe the city must now honor the will of its citizens and the past hard work of many of its leaders by proceeding with this exciting project. Therefore, we must build the 3C Combined Parkway alternative for the Trinity Parkway Project and the Dallas Citizens Council strongly supports this option."

*Statement 72 Gleason, Pat W-1:* "Associated Time & Parking Company wishes to affirm our support of Trinity Parkway Alternative 3C, the modified, combined parkway inside the floodway design."

*Statement 95 Holcomb, Craig (Executive Director, Trinity Commons Foundation) W-1:* "The Commons has long supported Alternative 3C as the only practical solution."

*Statement 96 Holcomb, Craig (Executive Director, Trinity Commons Foundation) V-2:* "Alternative 3C can be built at a significantly lower cost than other alternatives. Encourage all parties to move forward in implementing Alternative 3C."

*Statement 105 Jackson, Sarah (Director of Public Affairs, Dallas Citizens Council) E-1:* "The Dallas Citizens Council would like to comment on the proposed Trinity Parkway Project and support passage of the 3C Combined Parkway alternative. For more than 75 years, the Dallas Citizens Council has led, directed, or influenced important public policy affecting citizens in the Dallas region by mobilizing top business leaders. Transportation is a priority issue for our organization and we fully support the completion of this project. Our support for the Trinity Parkway Project is directly aligned with the will of the residents of this city. In 1998 and 2007, the citizens voted in favor of building the Trinity Parkway.

This is one reason we believe this project should be constructed. Correspondingly, in 2003, the Dallas City Council approved the Balanced Vision Plan, which incorporates the five major components of the project - flood protection, recreation, transportation, environmental restoration, and economic development. We are duty-bound to honor that compromise.

By honoring the city's commitment to the Trinity Parkway Project, we are ensuring the future vitality of Dallas' transportation infrastructure. Over the years, the Dallas Citizens Council has worked alongside city leaders on essential transportation projects that have remedied transportation problems in the area. For example:

- NTTA bid on State Highway 121
- DART Bond Package
- North Central Expressway Bond Package and the
- Trinity River Corridor Project.

Upon reflecting on the transportation infrastructure of this city, it's difficult to imagine the negative impact of our transportation flows without these projects. Therefore, the No-Build Alternative is not an option for Dallas, especially North or South Dallas. We currently have an overflow of congestion that needs to be relieved. In particular, South Dallas needs this Trinity Parkway Project for their transportation progress. This area of our city has been neglected for past transportation projects and this is the only highway project under consideration that is specifically for their southern sector.

In addition to the roadway aspect of this project, recreation infrastructure should also be considered for our future development. Opponents say transportation and parks cannot co-exist, but that is inaccurate. Throughout the country, in cities comparable to Dallas, parks and roadways coincide. This is the arrangement at Dallas' Klyde Warren Park, which is built over a highway. The same can be seen at Chicago's Millennium Park, which is surrounded by high-traffic. These collaborations are the future of sustainable development.

With our population growing, our city needs transportation infrastructure that can serve our residents. Dallas can be much more productive by reducing commute times. The 3C Combined Parkway alternative puts our city on the path to remedy this congestion problem. In closing, the Dallas Citizens Council reiterates its support of the construction of the Trinity Parkway Project."

*Statement 115 Khan, Karen E-1:* Ms. Kahn submitted a "Resolution in Support of the Trinity Parkway Project" on behalf of the Board of Directors for the Dallas Chapter of the American Council of Engineering Companies (Dallas ACEC). This resolution stated that the Dallas ACEC has a long history of support of infrastructure projects that helps sustain the wellbeing of Dallas and observed that "the downtown Dallas area is one of the most congested bottlenecks in the country." Support for the Trinity Parkway is based on the following: it will be a main reliever route for downtown congestion and has been part of the North Central Texas Council of Government's regional plan since 1974; it is needed to relieve traffic congestion, combat air quality issues and further safe travel; the NCTCOG has committed almost $1 billion to the downtown corridor for improvements which are contingent on the parkway; after much analysis, the U.S. Army Corps of Engineers has confirmed that building the roadway within the levees is a viable engineering solution; the citizens of Dallas voted twice to improve traffic flow by constructing the Parkway and in that process the alignment inside the levees was part of the discussion; a significant percentage of the Trinity Parkway's users will either live or work in Dallas; it would be more affordable to build the project in an area where over 200 properties would not have to be taken; for Dallas to grow strong, the Trinity Parkway is the practicable solution to traffic congestion in the downtown area. The resolution further states the Trinity Parkway FEIS recognizes the only practicable build option is Alternative 3C and the Region supports development of the build option, subject to context sensitive design that is complementary of the Balanced Vision Plan and provides future access to the environmental and recreation amenities. Accordingly, the resolution states that "The Board of Directors for ACEC Dallas agree that the Trinity Parkway is needed" and that it supports "the proposed Alternative 3C alignment as the only practicable alignment for the development of the Trinity Parkway."

*Statement 116 Khan, Karen V-2:* "Good evening. I'm with the Dallas Chapter of American Council of Engineering Companies. . . . The Board of Directors for ACEC Dallas agree that the Trinity Parkway is needed for many reasons such as to relieve traffic congestion, combat air quality issues and further safe travel. The existing transportation problems in the corridor are the result of various urban influences and lack of alternative routes. Immediately moving forward with the Trinity Parkway will provide traffic congestion relief in this very busy corridor. The Trinity River Corridor Major Transportation Improvement Study including the Trinity Parkway and Project Pegasus was developed to improve circulation and provide a solution to the increasing congestion. The Trinity River Parkway is essential to the success of this overall plan. The Parkway represents 49 percent of the solution and is expected to carry over 120,000 trips. Those trips cannot be accommodated just by I-35E. Alternative 3C is the most practical solution with a cost of $1.3 billion. It is the least expensive and has the smallest impact of all the alternatives. Dallas voters have already expressed for this project in the 1998 bond election and again in a 2007 referendum. It is now time to start this project and to make Dallas a more functional city for our community's transportation needs."

*Statement 176 Ramsey, Dave (Dave the Printer, Inc.) E-1*: "As an owner of 3 buildings on Irving Blvd in Dallas I would like to support 3C and oppose No Build."

**Response 2-16:** Comments noted and considered.

**Alternatives 2-17. Comments in support of Alternatives 3C and 4B.**

*Statement 26 Borga, Dunia W-1: "*I want to go on record that I do not want the toll to pass over Irving Blvd.; cutting the Design District in half. I will like it to go inside the levee routing it down the Trinity River as it was agreed to many years ago."

*Statement 27 Borino, Anthony V-1: "*Yeah, I just wanted to support the proposal with the road being within the confines of the levee and definitely not in support of the road being built on Riverfront Boulevard and Irving Boulevard."

*Statement 28 Doris, Borino V-1: "*Well, I'm speaking as a taxpayer, a citizen, a business owner, and a property owner. I'm in support of this project, the Trinity project along the levee. I think Dallas is way overdue to beautify and have things for our residents and to help with congestion. But I think this alternative through the levee would be a wise beautification plan for our city."

*Statement 146 McAdams, Gerald W-1*: "The McAdams Family want to be of record we are for the tollway to be located on the east side and inside the tollway (sic, floodway). I was born at Baylor Hospital 72 years ago. I attended school in Dallas from elementary through college at SMU. We own five properties on Levee Street and believe we have delayed moving on getting our traffic problems solved and the greenway built as we voted on years ago. It is now time to get some dirt moved and our city beautified."

*Statement 205 Terselich, Metka W-1:* "I do not want the tollroad to pass through the Design District therefore cutting it in two. We want the preferred plan routing it down the Trinity River inside the levees as agreed to many years ago."

**Response 2-17:** Comments noted and considered.

**Alternatives 2-18. Comments in support of Alternative 3C and in opposition of Alternatives 2A and 2B.**

*Statement 205 Terselich, Metka W-1:* "I do not want the tollroad to pass through the Design District therefore cutting it in two. We want the preferred plan routing it down the Trinity River inside the levees as agreed to many years ago."

*Statement 223 Wood, Marcus W-1:* "I am writing in support of the Recommended Build Alternative 3C and active opposition to Alternatives 2A, 2B, 4B, and the No-Build Alternative. I find the work document

as presented more than satisfactory as to all aspects of the Final Environmental Impact Statement and in keeping with the Balanced Vision Plan for the Trinity Corridor as supported by the voters of the City of Dallas. I am a life-long resident of Dallas. I was a member of the Community Advisory Work Group for the Trinity Parkway Corridor Major Transportation Investment Study and a founding member of the Trinity Commons Foundation. As a commercial Realtor with clients along Riverfront Boulevard I have followed the development of these studies and alternatives closely. It is time for the actual construction of the Build Alternative 3C to begin."

**Response 2-18:** Comments noted and considered.

**Alternatives 2-19. Comments from businesses in support of Alternative 3C and in opposition of Alternatives 2A and 2B.**

*Statements 19, 20, 21 Bennett, Larry (Chairman, Stemmons Corridor Business Association) E-1, E-2, W-3: "*I am writing on behalf of the Stemmons Corridor Business Association (SCBA). SCBA is an advocacy group for the more than 5,000 businesses in the Stemmons Corridor, which employs 170,000 people, and constitutes 20% of the Dallas tax base. Additionally, the Stemmons Corridor is home to the Dallas Market Center, Southwestern Medical District, Design District, and the Brookhollow Industrial District. SCBA wishes to reaffirm our support of Trinity Parkway Alternative 3C, the modified, combined parkway inside the floodway design.

Alternative 3C is the most viable build option based on the following reasons:

- Significantly less business displacements and lower cost than alternatives 2A and 2B
- Congruence with the Stemmons Deed Precedent which included the concept of a roadway in the Dallas Floodway system
- Congruence with the voter approved and City Council approved Balanced Vision Plan
- The Trinity Parkway will withstand the 1 00 year flood plus 2 feet

Any alternative route using Riverfront Boulevard and Irving Boulevard for the Trinity Parkway would have severe economic impact on existing businesses located on this route, including many SCBA members. Alternatives 2A and 28 will adversely impact the private property and business owners as well as the growing number of residents in the Stemmons Corridor.

Additionally, the SCBA wishes to express its opposition to the consideration of the "No Build" Alternative due to the following findings from the FEIS study:

- A 65% increase in the vehicle-hours from congestion delay in the area by 2035
- A trip on lower Stemmons freeway would take approximately 76% longer to complete during rush hour compared to off peak travel time.
- Existing high traffic congestion in the area is well documented. The area is already home to four of the top 100 congested road in the state of Texas: State Highway Spur 366 as the 8$^{th}$ most congested, Lower Stemmons Freeway as the 9$^{th}$ most congested, I-30 as the 13$^{th}$ most congested, and South RL Thornton Freeway as the 23$^{rd}$ most congested.
- The Level of Service for the area roadways would operate at "D", "E", or "F" levels which are characterized by slower travel speeds and unstable traffic flow operations which result in stop-and-go long backups and delay.
- Travel Delay Costs in the area are projected to be $185 million annually as delays and traffic congestion in area roadways grow by 54% to 122%

Traffic congestion and delays in the area are already at unacceptable levels. With the indefinite delay of the Pegasus Project, building the Trinity Parkway becomes crucial for the success of the area. The "No Build" option will further negatively impact our members' businesses and properties through inability to attract employees and customers to the area as travel congestion grows.

The Stemmons Corridor Business Association therefore reaffirm its support for Alternative 3C and strongly opposes Alternatives 2A, 2B and "No Build"."

*Statement 188 Scheef, Craig (Chairman, President and CEO,* Texas Security Bank) *W-1*: "Texas Security Bank is a $225 million independent bank located in the heart of the Design District at 1212 Turtle Creek Boulevard. Many of our customers live and work or own businesses within the Industrial Boulevard and Riverfront Boulevard area which will be impacted by the proposed Trinity Parkway. Texas Security Bank wishes to affirm our support of Trinity Parkway Alternative 3C, the modified, combined parkway inside the floodway design.

Alternative 3C is the most viable build option based on the following reasons:

- Significantly less business displacements and lower cost than alternatives 2A and 2B
- Congruence with the Stemmons Deed Precedent which included the concept of a roadway in the Dallas Floodway system
- Congruence with the voter approved and City Council approved Balanced Vision Plan
- The Trinity Parkway will withstand the 100 year flood plus 2 feet

Any alternative route using Riverfront Boulevard and Irving Boulevard for the Trinity Parkway would have severe negative economic impact on existing businesses located on this route, including many of our customers. It will have a negative impact on our business as well. Alternatives 2A and 2B will adversely impact the private property and business owners as well as the growing number of residents in the Stemmons Corridor.

Traffic congestion and delays in the area are already at unacceptable levels. With the indefinite delay of the Pegasus Project, building the Trinity Parkway becomes crucial for the success of the area.

Texas Security Bank therefore affirms its support for Alternative 3C and strongly opposes Alternatives 2A, 2B and "No Build"."

**Response 2-19:** Comments noted and considered.

**Alternatives 2-20. Local businesses and organizations in support of Alternative 3C.**

*Statement 14 Barksdale, Jay (Senior Vice President for Public Policy, Dallas Regional Chamber) V-1:* "And on behalf of Dallas Regional Chamber, I would like to reaffirm our continued support of the Trinity Parkway, specifically Alternative 3C; the combined parkway further modified plan included in the FEIS. The Dallas Regional Chamber has supported the Trinity Parkway since it was approved by Dallas voters in 1998. The Federal Highway Administration recommends it, and the Corps of Engineers included the 3C alignment in its preferred alternative for the Dallas Floodway Project. The Trinity Parkway will ease traffic congestion in our community by redirecting vehicles out of the I-30 canyon and around downtown Dallas. Currently, there's traffic congestion in the area for more than six hours per day with average speeds as low as 20 miles per hour during the peak hour. Over the last 20 years traffic has increased 40 percent along this route and is projected to continue to increase with the continued population growth. The current infrastructure is not adequate; it will increasingly affect our quality of life and business climate unless action is taken. The combined parkway plan is the best value for our citizens. It provides a reliever route from congestion problems at the heart of Dallas. Construction impacts to local businesses would be minimized since the majority of the work would take place in the Dallas floodway. The Trinity Parkway will also excavate a portion of the proposed Dallas floodway lakes and provide field map material for the roadway embankments. We've studied, debated and deliberated this issue extensively and it is time to move forward and complete the Trinity Parkway."

*Statements 19, 20, 21, 22 Bennett, Larry (Chairman, Stemmons Corridor Business Association) E-1, E-2, W-3, V-4:* On behalf of the Stemmons Corridor Business Association (SCBA), Mr. Bennett stated that the "SCBA wishes to reaffirm our support of Trinity Parkway Alternative 3C, the modified, combined parkway inside the floodway design."

*Statement 95 Holcomb, Craig (Executive Director, Trinity Commons Foundation) W-1:* "The Trinity Commons Foundation is a nonprofit whose mission is to see that what the voters have approved for the Trinity River corridor gets done. We have a large diverse Board of Directors representing geographical areas abutting the corridor, communities of interest, people with long histories of involvement in the corridor and newcomers who are excited by its potential. Many members of the Commons were part of the Trinity River Corridor Citizens Committee which included the possibility of the parkway in its 1996 final report. We have participated in many of the over 70 public meetings on this issue and considered the studies on the issue which have cost $2.5 million.

Based on all of the above, and the knowledge that the intersection of Interstate 30 and 35 near downtown Dallas is one of the worst bottlenecks in the country, the Commons has consistently supported the construction of the Trinity Parkway. We supported it in the 1998 bond election and the subsequent referendum on the subject. In both elections, the Parkway was approved by the voters of Dallas. The Commons has long supported Alternative 3C as the only practicable solution to the traffic problem and is glad that the Trinity Parkway Final Environmental Impact Statement does so also. The no build alternative is not acceptable because it does not address the traffic problem. Alternative 3C can be built at a significantly lower cost than other alternative. We are committed to working with all concerned parties to develop a design for the Trinity Parkway that is consistent with the City Council approved Balanced Vision Plan for the Trinity River corridor and urge all parties to move forward in implementing Alternative 3C."

*Statement 135 Loper, Sonny (North Dallas Chamber of Commerce) W-1*: Mr. Loper submitted a copy of a resolution title "Resolution Supporting the Trinity Parkway" from the North Dallas Chamber of Commerce. The resolution offers support for Alternative 3C for various reasons including the following: Dallas voters approved $246 million in bond funds to transform the Trinity River corridor in 1998; those enhancements included transportation improveemnts in addition to recreation and flood protection; the Trinity Parkway will provide much needed relief to downtown Dallas, the third most congested bottleneck in the U.S. by 15,000 vehicle hours per day or 4.2 million vehicle hours per year; the proposed alignment of the parkway inside the Trinity River levees has been studied for more than 15 years, has been the subject of countless public meetings, and twice has been approved by voters. The resolution submitted by Mr. Loper also stated that the Trinity River is well thought out, has positive economic impacts to Dallas and the region, the USACE has confirmed that locating the roadway within the levees is a viable engineering solution, and the roadway is interconnected with almost $1 billion in other road improvement projects. Please refer to **Appendix D** to view the resolution.

*Statement 136 Loper, Sonny (North Dallas Chamber of Commerce) V-2*: "Tonight I am speaking on behalf of the North Dallas Chamber of Commerce, and I will be submitting a Resolution of Support for the Trinity Parkway as prepared by the Board of Directors of the Chamber. I will not read the entire Resolution including all the whereas and therefores, but I would merely like to hit some of the high points.

Downtown Dallas is the third-most congested bottleneck in the United States. The Trinity River Corridor Major Transportation Improvement Study included the Trinity Parkway and Project Pegasus. And it was developed to improve the circulation and provide a solution to the increasing congestion in the Mixmaster and the canyon. Moving forward with the Trinity Parkway will accomplish this relief, in addition to providing an additional capacity along Interstate 35 corridor.

Do not forget that the Trinity Parkway is only a piece of the overall transportation plan, but it is essential to the success of our transportation plan. Other improvements as been made are in the process of being made, such as 175, the Horseshoe and the extension of Woodall Rodgers. COG has committed over $1 billion for improvements to the civilian bridge, 30, 35-E, S.M. Wright Freeway and Riverfront Boulevard.

Dallas voters have twice shown support for this endeavor as well as the North Dallas Chamber. In the 1998 bond election and again in the 2007 referendum. It's time to come together and succeed together. Unity accelerates project development. What we need now is a record of decision, a set of construction plans on the shelf to where we can get in line for any of the limited funding. And that would probably

require prayer at this point in time from what I've heard tonight; that TxDOT doesn't have money, Federal Government doesn't have money, and NTTA is overcommitted. So I appreciate the time to talk. Thank you very much."

*Statement 141 Mansfield, Stephen (President and CEO, Methodist Health System) E-1*: "Methodist Health System would like to comment on the proposed Trinity Parkway Project and support passage of the 3C Combined Parkway alternative. Our support of the Trinity Parkway Project is directly aligned with the will of Dallas' leaders and residents, who have approved the construction of this project three times since 1998, including the Balanced Vision Plan, which incorporates the five major components of the project – flood protection, recreation, transportation, environmental restoration, and economic development. We believe the city should now honor the will of its citizens and the past hard work of many of its leaders by proceeding with this exciting project.

Methodist Health System's flagship tertiary hospital – Methodist Dallas Medical Center – is located in the area proximal to the proposed Parkway and believes the project is needed in order to enhance traffic flow and to provide an alternative transportation route to reduce congestion in the area and to allow for future enhancements to the interstates and roads which are currently overwhelmed by vehicular traffic much of the time. Over 10,000 automobiles per day and hundreds of emergency vehicles rely on these roads for safe access to Methodist Dallas Medical Center and while the Trinity Parkway is not a perfect solution, we believe it is our best solution to begin to decongest and enhance safety in this area of the city. Therefore, we must build the 3C Combined Parkway alternatives for the Trinity Parkway Project and Methodist Health System strongly supports this option."

*Statement 170 Petroskey, Dale (President and CEO, Dallas Regional Chamber) E-1*: "On behalf of the Dallas Regional Chamber, I would like to reaffirm our continued support for the Trinity Parkway and specifically, Alternative 3C, the Combined Parkway - Further Modified plan included in the Final Environmental Impact Statement (FEIS). The Dallas Regional Chamber has supported the Trinity Parkway since it was identified in a 1997 study and approved by Dallas voters in 1998. The Combined Parkway plan is the best alternative. The Federal Highway Administration recommends it and the Corps of Engineers has included the 3C alignment in its preferred alternative for the Dallas Floodway Project.

This Trinity Parkway will ease traffic congestion in our community by redirecting vehicles out of the I-30 Canyon and around downtown Dallas. Currently, there is traffic congestion in that area for more than 6 hours each day with average speeds as low as 20 mph during the peak hour. Population and economic growth indicates that corridor congestion problems will continue to grow. The current infrastructure is not adequate and will increasingly affect our quality of life and business climate unless action is taken.

The Trinity Parkway project is the best value for our citizens. Construction impacts to local businesses would be minimized since the majority of the work would take place in the Dallas Floodway. The Trinity Parkway will also excavate a portion of the proposed Dallas Floodway lakes to provide fill material for the roadway embankments. We have studied, debated and deliberated this issue extensively; it is time to move forward and complete the Trinity Parkway."

**Response 2-20:** Comments noted and considered.

**Alternatives 2-21. Trinity Parkway should be constructed as a tunnel.**

*Statement 158 Moore, Daniel E-1*: "If there is not enough money (somewhere) to do something like the SMART flood control/tollway tunnel in Kuala Lumpur, Malaysia (*http://en.wikipedia.org/wiki/SMART_Tunnel*) then I am completely against a surface level tollway through Dallas' best chance at improving our connection to the Trinity River."

*Statements 194/195 Sheridan, Richard P. W-1/W-2:* "It seems every major engineering firm in Dallas is afraid to bring up the tunnel alternative which would allow the construction of a true world class park, a park that would compare with and in some ways outshine New York's Central Park and San Antonio's Riverwalk. New York would not be the great city it is without its tunnels. Why hasn't the Tunnel Tollway

alternative presented 4 years ago at the other public hearing been evaluated? It could reclaim up to 30% of the flood-zone, and allow us to build a San Antonio-like River Walk, an Austin Town Lake, and N.Y.s Central park-like venues.

At a public hearing in 2007 paneled by City Councilmember Sandy Greyson, and then Mayor Tom Leppert, I asked the question, "Why can't we build a tunnel tollway which would eliminate all the environmental concerns. New York would not be the great city it is without its hundreds of miles of tunnels." Leppert's response was that he'd build it but we don't have the money. How can we dismiss the Tunnel which has such significant advantages over all the other surface or elevated highway alternatives? How can we dismiss the Tunnel alternative which would eliminate the repair of and make obsolete some 60 year+ old levees?"

*Statement 196 Sheridan, Richard P. V-3: "*Why hasn't the tunnel tollway alternative presented seven years ago at another public hearing been evaluated? I've submitted three times documentation and it's been ignored. So at the public hearing in 2007 paneled Council Member Greyson, Angela Hunt and Mayor Leppert, I asked the question, why can't we build a tunnel tollway which would eliminate all the environmental concerns? New York would not be the great city it is without hundreds of miles of tunnels. Mayor Leppert's response was that he would build it in a New York minute if we had the money."

**Response 2-21:** Tunnels are problematic not only due to cost (for example, recent information available from the Washington State Department of Transportation [*http://www.wsdot.wa.gov/Projects/Viaduct/Budget*] indicates the construction cost for the two-mile long, four-lane Alaskan Way [SR 99] Tunnel Project in Seattle to be $2 billion), but also because the ability to provide ramp portals would be limited. The lack of connectivity associated with a tunnel design would be a substantial shortcoming. Drainage would also be a concern due to groundwater and surface runoff. In addition, tunnels present more hazards during construction and operation, such as ceiling collapses, than roads constructed in open areas. Rescue work is also more complicated in the event of an emergency situation. Other disadvantages associated with road tunnels include the need for fire detection/suppression systems, emergency egress, elaborate lighting systems, and ventilation portals to address vehicle emissions. Tunneling would also result in the need to dispose of massive quantities of excavated soil. While constructing a tunnel may minimize some environmental impacts, it is not considered a reasonable alternative for the proposed Trinity Parkway project for the reasons stated above.

**Alternatives 2-22. Improve other corridors instead of constructing the Trinity Parkway.**

*Statement 42 Campbell, Bryan E-1:* "To improve traffic flow on Central Expressway, Dallas simply expanded Central Expressway. Dallas DID NOT build a parallel reliever route. To improve traffic flow on I-635, Dallas simply decided to expand I-635, not build a parallel reliever route. To improve traffic flow on north Stemmons, Dallas simply decided to expand north Stemmons, not build a parallel reliever route. Obviously these choices were the best alternatives. They were also consistent in approach, in that they all widened and expanded existing thoroughfares, and did not consume new land for new roads. Nonetheless, the Trinity Parkway has been sold as the solution to traffic congestion in the lower I-35, the I-30 Canyon, and Mixmaster areas, an obvious contradiction to the successful logic used in the past. Please address why.

The Trinity Parkway is based on a 15 year old study. Highway engineering methods and technologies have changed much in 15 years. Dallas has changed much in 15 years. Would it not be prudent to consider the successes of the past, and the technology of the present to re-evaluate the most logical alternative, i.e., to simply expand the thoroughfares that are already in place? Does it not make sense to consolidate all funds and efforts into expanding the Pegasus project to make this happen? If not, please explain why? Within the past 2-3 years have you exhausted all options for tunneling, double-decking, building a channel (a-la LBJ), etc.? If not why?

Based on Dallas' recent project history (referenced above) the proposed best alternative is in fact not the best alternative. Just as with Central, I-635, and north Stemmons, the best alternative would include

either a widening, or lowering, or double decking, or even tunneling, or all of the above, in the vicinity of the existing roads. Please address why this approach cannot be revisited."

*Statement 51 Cruz, Daniel W-1:* "It seems the tollroad leads to I-45 and 175. It concerns me that the majority of traffic stays on I-35; therefore, the projected tollroad wouldn't be used as much. It would be more ideal if more capacity was built for I-30 and I-35."

*Statement 100 Housewright, Mark V-1:* "At that time then Mayor Steve Bartlett cobbled together a group that became known as the Trinity River Corridor Citizens Committee, the TR 3 C's. We analyzed the situation for several years. I don't know anybody that likes the idea of putting the concrete in between the levees. However, we looked at every alternative, not only the five or six finalists that Matt Craig showed earlier this evening, but another seven or eight double-decking Stemmons Freeway, putting the thing on top of the levees, et cetera, et cetera."

**Response 2-22: FEIS Section 4.15.4** describes other on-going transportation improvements within the Trinity Parkway study area and includes a discussion concerning their potential to assist in accomplishing the Trinity Parkway's need and purpose. These other improvements represent a continuing effort by local, state, and federal agencies to address the travel needs of this growing region (see **FEIS Section 1.3.2** for regional population and employment growth information). A variety of improvements are currently underway and others are planned for future years, including improvements to existing roadways and several traffic congestion management programs, policies, and projects (e.g., Transportation System Management/Travel Demand Management, Intelligent Transportation Systems, public transportation, and bicycle/pedestrian improvements). Refer to **FEIS Table 4.39** for a list of individual operational improvement projects within the study area. However, as indicated in **FEIS Section 2.1**, these supporting transportation improvements cannot separately or collectively satisfy the purpose of and need for the Trinity Parkway project. TxDOT is advancing the Dallas Horseshoe Project to improve the Mixmaster and replace the IH-30 and IH-35 bridges over the Dallas Floodway. The Dallas Horseshoe Project is a break-out project that was originally part of Project Pegasus. The improvements to the Canyon, Mixmaster, and Lower Stemmons Freeway corridors are one of seven recommended elements of the Trinity River Corridor MTIS designed to address transportation problems within the project area. A Trinity Parkway reliever route (the proposed action) was one of the seven recommended elements of the MTIS. The MTIS concluded that all seven components, including both the Trinity Parkway reliever route and improvements to the Canyon, Mixmaster, and Lower Stemmons Freeway corridors, were needed and that no single measure or combination of less than all seven measures would meet the transportation demand and address the transportation problems. The **FEIS Section 2.1** describes the MTIS and its conclusions.

**Alternatives 2-23. Comments in support of other transportation modes.**

*Statement 8 Aten, Stan W-1:* "Instead of spending money on more highways, the Regional Transportation Council should focus all its energy and funding to do the following: #1 Fund the 2nd line in Downtown Dallas known as D2 to allow the Dallas Area Rapid Transit to increase the frequency of light rail in the 13 city service area. #2 Adopt a policy that all freeway construction should include the building of light or commuter rail lines down the middle of all freeways that have 8 lanes or more in existence or in future projects. Light rail or commuter rail can move more people per hour and if capacity needs to be increased, you add more trains or run them more often."

*Statement 9 Aten, Stan V-2:* And if you're looking to move people, look to DART. If you live in the southeast and you want to get to D/FW Airport, come August, you can get a train in Pleasant Grove and get off at the airport. If you want to move trucks, which is probably the primary traffic that will use this tollroad, put them on trains. Trucks take up lots of space, they generate a lot of air pollution and we don't have the clean air that we need in this area. If you want to do something good for this region, get off the road habit. The more roads you build the more traffic you generate; it does not help the community. And things that have changed since this project was proposed, if you look at the Design District it's no longer an industrial district, it's a residential district. Do you think people want to move to an area surrounded by freeways? Not really. But as for this project, I say no-build. Look at alternatives whether it's light rail, streetcars, anything but another road."

*Statement 76 Griggs, Mariana W-1:* "This is a waste of money and an embarrassment to this city. So many more great things could have been done with the money spent already – maybe a car sharing, carpool project would have been a better endeavor."

*Statement 112 Keller, Karen E-1:* "There is a variety to meet people's needs. If people do not need to use their personal vehicles during the day, they can save money by parking them and riding buses and trains. Using public transportation is better for the environment also."

*Statement 121 Kriehn, Thomas W-1;* "I still prefer a mid-boulevard busway along Riverfront Blvd. Other busways that branch off from Riverfront Blvd. will include SH-183, SH-114, IH-35E, IH-30, and SH-310."

*Statement 191 Schweitzer, Carrie E-1*: "Rather, bring best minds to bear to develop alternative transit plans and enhance the environmental features the city has."
*Statement 211 Vaughan, Pat (President, League of Women Voters of Dallas) V-1*: "We (League of Women Voters of Dallas) support a city search for all possible sources for transportation solutions."

**Response 2-23**: In addition to recommending a Trinity Parkway reliever route and improvements to existing freeways, the 1998 Trinity Parkway Corridor MTIS recommended a plan of action that included a variety of measures to address congestion in the Canyon, Mixmaster, and Lower Stemmons Corridors (see **FEIS Section 2.1.2**). These measures include: (1) bicycle pedestrian facilities; (2) enhancements to transportation systems designed to manage highway facilities more efficiently without roadway widening (i.e., signal timing, intersection improvements, intelligent transportation systems to provide travel information and monitor traffic information, and designated HOV lanes); and (3) transportation demand management strategies to reduce the number of vehicles on the road (i.e., reduced work schedules, creation HOV lanes for buses, vanpools, and carpools, and land use strategies encouraging higher density development).

Additionally, the latest MTP, *Mobility 2035 – 2013 Update*, which provides a blueprint for the region's multimodal transportation system, emphasizes the goals of improved mobility, quality of life, system sustainability, and implementation. While the costs of congestion and travel time will increase in the year 2035, accessibility will be enhanced through recommendations that support a multimodal transportation system that provides travel options to North Central Texas. Similar to the 1998 MTIS, the 2035 MTP recognizes the needs for varied transportation improvement projects to meet these goals, including but not limited to new and/or improved roadways (including the Trinity Parkway), transit (e.g., light rail, bus rapid transit), and active transportation modes (bicycle and pedestrian). *Mobility 2035 – 2013 Update* accounts for $101.1 billion revenue and expenditure forecast, for which a combined 40 percent is proposed for the following categories: Congestion Management, Bicycle/Pedestrian Facilities, Transit Operations and Maintenance, Rail Capital and Transit System Expansion, Bus Capital, and Para-transit Capital.

**Alternatives 2-24. Comments in support of rerouting trucks.**

*Statement 37 Bristow, Annemarie V-2*: "In all the 20 years talking, they've never talked about the trucks. We have two major truck routes going to downtown Dallas, which is really only large city left in United States that allows trucks to go through it. If you look at the traffic jams that's where they are, and they can't move off, they put pollution, they blow. Why are they going through? Why are they not part of the planning of getting them around Texas, around the Dallas area? It isn't going to get any better. Now, you just make them go faster; you're not removing them. So why don't they think a little bit kinder, and maybe if once you remove the trucks, you don't need to build a road."

*Statement 69 Garrison, Catherine V-1: "*Dallas is the only city that I know of that allows through-trucks to drive through the Central Business District. That could be changed at City Hall with a stroke of a pen, and that would save the taxpayer of the City of Dallas $1.5 billion."

**Response 2-24:** Regarding the statement that Dallas is the only city that allows through-trucks to drive through the Central Business District (CBD), a review of the ordinances of three cities where IH 35

passes through their CBDs (San Antonio, Texas, Oklahoma City, Oklahoma, and Kansas City, Kansas) did not reveal any restrictions of through-truck traffic through their CBDs. In addition, a review of aerial photographs of these cities showed semi-trucks traveling through the CBDs.

A study of rerouting truck traffic from the CBD area has not been conducted. If large trucks were banned from the area, the delivery of goods and services would be hindered. Should the City of Dallas pursue a heavy truck restriction to the area by adopting an ordinance, federal and state approval would be required and would likely involve submitting a description of the proposed restriction with supporting rationale and analyses justifying such restriction. A heavy truck restriction would also involve additional public involvement by the city to inform the public, agencies, and industry groups and to provide an opportunity for comment. Furthermore, IH 35E is designated as a North American Free Trade Agreement corridor and would present additional implications and challenges if trucks are banned. The possibility of such a policy, and the consensus that would be required from multiple transportation agencies and the City of Dallas, is discussed in **FEIS Section 4.6.4.2.**

## 3. PROJECT DESIGN

**Project Design 3-1. Design elements.**

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:*
"1. Construction of the roadbed- where will dirt come from to build the dirt bench the road will lay on? How much floodwater will be displaced?
2. Where will the dirt come to build the diamond interchanges? How far into the floodplain will they extend? Are they funded?
8. Where will diamond interchanges be built? How far into the floodplain will they extend and how much floodwater will be displaced?"

**Response 3-1A re Question Groups 1, 2 and 8 above:** A discussion of proposed excavation areas and earthworks balancing can be found in **FEIS Section 2.7.1.2**. The dirt for the roadbed and diamond interchanges would come from the floodway. The five proposed borrow areas were identified as Hampton Swales, West Dallas Lake, Urban Lake, Natural Lake, and Corinth Swale (Oxbow Lake). **FEIS Plate 4-8** shows the location of these areas. The project is designed to be hydraulically neutral. There would be no substantial displacement of floodwater. **FEIS Section 2.3.2.4** discusses the proposed diamond interchanges and their locations. There would be full diamond interchanges at Hampton/Inwood Road, Sylvan/Wycliff Avenue, Houston/Jefferson Streets, MLK, and Lamar Street/SH-310. Half diamond interchanges are proposed at Commonwealth Drive, Continental Avenue, and Corinth Street. **FEIS Plate 2-9 Sheets 7 through 17** show the section of Alternative 3C that crosses the floodway. As shown on **Plate 2-9**, the distances that the diamond interchanges extend into the floodway vary. They range from approximately 750 feet from top of levee at Hampton Road to approximately 450 feet from top of levee at Riverfront Boulevard. **FEIS Chapter 6** discusses funding, cost sharing, finance tolls and project cost estimates. See also the response to **Subtopic 5-1** regarding project funding.

"3. Will the dirt bench and roadbed have concrete piers to hold up the road in flooding?"

**Response 3-1B re Question 3 above:** Except for bridges crossing levees or water features, the roadway within the floodway would not be constructed on concrete piers but would be placed on fill. **FEIS Section 2.7.1.2**. contains a discussion of the geotechnical analysis that was conducted to determine the suitability of soil from proposed excavated areas to construct Alternative 3C.

"4. Where will the floodwalls be built? What happens to them when the tollroad goes under existing bridges like Continental and Commerce?"

**Response 3-1C re Question Group 4 above:** As discussed in **FEIS Section 2.3.2.4**, at points where the alignment would meet existing bridge crossings of the Dallas Floodway, the tollway would be depressed to pass under the existing structures. At these locations, a flood separation wall along the

riverside of the tollway would be provided to protect the tollway from inundation during a 100-year flood event. Additionally, pump stations would be provided to drain the low points of the tollway at times that the Trinity River is in flood stage. **FEIS Plates 2A, 2B, and 2-9** show the locations of flood separation walls.

"5. How high in linear feet is the bench tollroad bed? You said it was 100 year flood plus 2 feet but not how high that is."

**Response 3-1D re Question Group 5 above: FEIS Plates 2-8A and 2-8B** show the proposed mainlane profiles for Alternative 3C, and **FEIS Plate 4-9** shows the difference in elevation between the 100-year flood water surface elevation and the floodplain floor (i.e., top of stream bank for the Trinity River). The elevation of the bench tollroad bed varies because the road is following the slope of the floodway. The roadway profiles that are not on structure range from approximately 399 feet to 431 feet in elevation. This means that the tollroad pavement would be at least approximately 15 feet above the floodplain floor. However, the road bench elevation drops gradually as the roadway approaches and passes under bridges over the Trinity River. In these instances, the road bench would be protected by flood walls that would likewise be at least approximately 15 feet above the floodplain floor.

"6. Will the storm water runoff go into the sanitary sewer or just run off into the floodway?"

**Response 3-1E re Question 6 above:** As discussed in **FEIS Section 2.3.2.4**, all of the storm water drainage discharge points for the northbound and southbound lanes would be coordinated with existing channels in the Dallas Floodway overbank. These channels drain into the Trinity River. Please note that no roadways in the Dallas-Fort Worth area drain into sanitary sewers.

"7. What about the roadbed going under the existing bridges? Will the existing piers supporting the bridges be moved? Will the bridges have to be torn down and rebuilt to accommodate the tollroad?"

**Response 3-1F re Question Group 7 above:** The roadway would pass between the piers of the existing bridges; however, a portion of the Continental Viaduct would require reconstruction to accommodate Alternative 3C mainlanes that are proposed to go under the viaduct with ramp connections to the viaduct on top of and outside of the levee. A portion of the IH-45 bridge would also require reconstruction to accommodate ramps connecting to it.

"9. Will is [*sic*] the proposed Jefferson Memorial Bridge require tearing down the existing bridge? What will that cost and are there any funds to pay for it? Why is it being studied separately when it is a contiguous part of the over Dallas Parkway Project."

**Response 3-1G re Question Group 9 above:** Subsequent to the publication of the SDEIS in 2009, plans have been advanced by TxDOT Dallas District for a proposed Jefferson Memorial Bridge (CSJ: 0918-47-018). The schematic plans for Alternative 3C have been updated accordingly to accommodate the proposed Jefferson Memorial Bridge. This new bridge would be located just south and parallel to the existing Jefferson Street Bridge, which would be removed upon completion of the new bridge. The new bridge would provide for two-way traffic and would connect to IH-35E (South R.L. Thornton Freeway). The existing Jefferson Memorial Bridge is proposed to be demolished after a new bridge to replace it has been constructed. This project is not a part of the Trinity Parkway Project. Funding information for the proposed Jefferson Memorial Bridge can be found in the 2015-2018 Transportation Improvement Program (TIP). This project is being studied separately from Trinity Parkway because it has independent utility and logical termini.

"10. What is the speed limit? Why will tractor-trailer rigs be allowed on the tollroad? TxDOT has said cannot restrict them from tollroad?"

**Response 3-1J re Question Group 10 above:** The project would have a design speed of 60 miles per hour (mph) and a posted speed of 55 mph. As discussed in **FEIS Section 1.6.6**, should the City of Dallas pursue a heavy truck restriction by adopting an ordinance, federal and state approval may be required

depending on funding sources for the proposed project and would likely involve submitting a description of the proposed restriction with supporting rationale and analyses justifying such restriction. A heavy truck restriction could also involve additional public involvement by the city to inform the public, agencies, and industry groups and to provide an opportunity for comment. If the city were to enact an ordinance to regulate truck traffic on some or the entire proposed toll road, and the NTTA is the implementing agency, the NTTA would support the prohibition of heavy trucks from the Trinity Parkway for roadway alternatives located in the Dallas Floodway and would cooperate with city, federal, and state authorities to implement such a prohibition. This issue would be expected to be further developed during final design should a Build Alternative be selected by the FHWA as part of the anticipated ROD. For the purpose of evaluating potential environmental impacts and in an effort to provide a conservative estimate of such impacts, given that this issue is still unresolved, the proposed Trinity Parkway Build Alternatives are considered to include truck traffic in the analyses presented in the FEIS. The schematic design of each Build Alternative has been developed to accommodate truck traffic.

**Project Design 3-2. Changes in design.**

*Statements 144/145 Mazzei, Matt E-1/W-2*: "The toll road has grown larger, and wider in design."

**Response 3-2:** The geometric design of the project has not changed since the DEIS. All of the build alternatives have three 12-foot wide travel lanes in each direction with 10-foot wide inside and outside shoulders, and a variable width median. Auxiliary lanes may be added in some segments, where required to properly accommodate merging areas between ramps. The right-of-way (ROW) widths of the various alternatives would vary depending on the extent of bridge structures, the need for ramps and service roads, the locations of ancillary buildings, and other geometric considerations. Regarding Alternative 3C, the USACE requirements associated with the levee necessitated moving this alternative farther from the toe of the levee than was originally envisioned. Although moving the roadway farther from the toe of the levee might give the appearance of a larger roadway, it did not increase the width of the roadway facility.

**Project Design 3-3. Design plans for southern end of the project area.**

*Statement 119 King, Michael W-1:* "What are improvements to I-45/Lamar, Cedar Crest/MLKB, and Corinth Street Bridge?"

**Response 3-3:** The IH-45 bridge section will be reconstructed to accommodate Trinity Parkway and direct connection ramps. Elevated connection ramps will provide adequate clearance over the levee top. The Trinity Parkway would pass under IH-45 and then pass over Lamar Street before tying into US 175. Full diamond interchanges would be constructed at Lamar Street and MLK Boulevard. In addition, MLK Boulevard and Cedar Crest would be expanded to accommodate turn lanes and bicycle-pedestrian traffic. At points where the project would meet existing bridge crossings such as the Corinth Street Bridge, the parkway would be depressed to pass under the existing structures. **FEIS Section 2.3.2.3** discusses these proposed improvements, which may be viewed in the design graphics in **Plates 2-8A** and **2-8B**.

## 4. ADEQUACY OF INVESTIGATION

**Adequacy of Investigation 4-1. Data used in the study is outdated.**

*Statement 54 Dalbey, Tim W-1:* "Many of the previously written paragraphs have changed little, even some of the agency people have moved on, dates of agency contacts are old, why not put new wording, etc. in italics for easy reference and to see what changes were made. . . . With the CESWF project that proposes moving the river, it will change most of your EIS findings. Therefore, are you going to do another EIS?"

*Statements 132/133 Long, Janet E-1/W-2*: "Another factor which may need re-evaluation: the conversion of agricultural land to build residential and business communities north and adjacent to the Trinity River's

Dallas Floodway. The demands for the Dallas Floodway will be ever greater as the North Texas communities continue to attract new residents and businesses. The recent announcement of the move of 4,000 jobs to North Texas by Toyota highlights this trend."

*Statements 144/145 Mazzei, Matt E-1/W-2*: "Many studies have been performed on old data. Vast amounts of land have been developed since the data that was determined on the EIS was created, and the runoff affect is well understated."

**Response 4-1:** The FEIS included all applicable updated analyses of the natural, physical, and human environments for the FHWA-recommended alternative (Alternative 3C), based on reasonably available and up-to-date data and the *Mobility 2035 – 2013 Update*. Note that although Alternative 3C has been recommended by the FHWA, a final alternative will not be selected until FHWA issues a ROD. Regarding preparing another EIS in response to the USACE (i.e., CESWF) project that proposes moving the river, another Trinity Parkway EIS is not required. Throughout the development of the Trinity Parkway, close coordination has continued with the USACE to ensure design compatibility of these two independent projects within the Trinity River Corridor (see discussion in **FEIS Section 1.6.1.2** for details).

Regarding the potential for greater demands on the Dallas Floodway resulting from continuing urbanization to the north, the USACE takes urban growth patterns into consideration in its hydrologic modeling. As discussed in **FEIS Section 3.5.6.4**, the Trinity River Corridor Development Certificate (CDC) process was established as a means of evaluating new projects proposed with potential corridor floodplain impacts. An essential component for that process is the estimation of storm water runoff from areas throughout the watershed area that generates flood stage flows through the Dallas Floodway. As stated in the CDC Manual 4$^{th}$ Edition published by the NCTCOG, the CDC hydraulic model "incorporates flood event peak discharges based on 2050 watershed conditions." This approach allows floodplain managers to consider the future effects of changes in land use (i.e., rural to urban) in the peak flood discharges that are modeled for evaluating projects proposed for construction in floodplain areas. The anticipated effects of urbanization in areas upstream of the Dallas Floodway were therefore an important component of the hydrology and hydraulic evaluations in the Trinity Parkway FEIS.

## 5. PROJECT FUNDING AND OTHER COSTS

**Project Funding and Other Costs 5-1. Sources of funding in question.**

*Statement 8 Aten, Stan W-1 "*This project is not funded at this time. This toll road will not pay for itself since [t]here is insufficient traffic volume to pay for the bonds required to build the project. The city of Dallas has no money to fund this project. The Texas Department of Transportation has no money to build any new roads in the State of Texas and the U.S. Department of Transportation trust fund will run out of money in August 2014."

*Statement 9 Aten, Stan V-2:* "There are better uses for taxpayer dollars and NTTA doesn't have the money to build this tollroad, TxDOT has no money, City of Dallas has no money, the Federal Government hasn't any money."

*Statement 12 Baker, Daryl E-2:* "Last but never least, there is simply no money nor reason to take on the exorbitant debt involved, the loss of local tax revenues from converting land to parkway right-of-ways and the displacement of residences, jobs and businesses. Stop squandering a second or a dime more on this road. Change marches on, Dallas. The aim should be to get ahead of the curve, not behind it."

*Statement 74 Greyson, Sandy (Dallas City Council) V-1:* "Let's talk money. Where is NTTA going to get the money to build this road? Even when they begin to emerge from their currently heavy debt load, this road won't generate enough tolls to pay back investors. If investors are told that the roadway will be built in a floodway where the Corps of Engineers have primacy and can close the road whenever they want, will NTTA have to pay a premium to account for that risk? NTTA operates as a system. Their toll rates already rise on a regularly scheduled basis. Will the tolls have to go up a lot more than scheduled on all

of their roads in order to pay for a Trinity tollroad that can't pay for itself? I use the DNT almost every day. I don't want my tolls raised to pay for a road that shouldn't even be built in the first place. TxDOT doesn't have any money, either does the Federal Government, their highway funds will be bankrupt in a few months. Dallas taxpayers shouldn't have to carry of the load. Local voters were told any number of times that their commitment was limited to $84 million, which is just a drop in the bucket compared to the current estimated price tag of 1.3 billion for 9 miles of road."

*Statement 89 Henderson, Garrett E-1:* "Is this project funded?"

*Statements 97/98 Homan, Katherine E-1/W-2:* "Last but never least, there is simply no money nor reason to take on the exorbitant debt involved, the loss of local tax revenues from converting land to parkway right-of-ways and the displacement of residences, jobs and businesses. Stop squandering a second or a dime more on this road. Change marches on, Dallas. The aim should be to get ahead of the curve, not behind it."

*Statement 140 Lyons, Alendra W-1*: "I understand how our tax dollars paid for the improvement with bond money. But there are I'm sure other monies that could support these road projects."

*Statement 148 McCord, Marc E-1:* "And, after everything else is considered there is the matter of funding. NTTA cannot afford this project, and the taxpaying citizens should not be saddled with the financial burden of building or maintaining the toll road."

*Statement 155 Melton III, Warren E-1*: "Right after the vote, our County Judge asked the Regional Transportation Council to approve of higher speed limits for the "parkway" so that it could be built with toll road revenues. They did – and the promised park road vanished from view. Replaced by a large swath of concrete bordered by massive concrete barriers protecting an enormous intrusion of high speed roadway along one or both sides of the river. NTTA's toll revenue projections were hard pressed to identify more than 30 percent of cost recovery from tolling. Leaving the remaining costs to be borne by citizens of Dallas. The companion economic development projections hinged on large sites with big-box retailers – with no nod to national trends in urban design. "Why would Dallas residents want to pay up to 70-percent of the costs to build a high speed toll road in the river floodplain that would serve mostly to get traffic through Dallas faster?"

*Statement 159 Morgan, Eddie W-1*: "Where is the money coming from?"

**Response 5-1:** Subject to environmental clearance and other agency considerations, the Trinity Parkway implementing agency would expect to provide a substantial share of the initial cost of the project through toll revenue bonds and related project financing instruments. In the event Alternative 3C is selected and if NTTA is the implementing agency for the project, NTTA will commission an Investment Grade Traffic and Revenue Analysis for the project. As a result of these analyses and actions of the NTTA Board of Directors, revenue bonds may be issued for the Trinity Parkway in a final amount to be determined. The NTTA contribution may include "System Financing," a funding mechanism wherein NTTA collateralizes all or part of their overall system, to achieve better financial terms and contributions for a particular expansion project. It is also NTTA standard practice to pay for on-going operations and maintenance costs from toll receipts. Additional transportation funding sources that may be utilized to fund the initial portion of Trinity Parkway include:

- TxDOT (which includes allocation of federal funding, revenue bonds, and other sources)
- Dallas County
- City of Dallas – General Transportation Improvements
- Other state and federal funding sources, such as loans through the Transportation Infrastructure Finance and Innovation Act of 1998.

The 1999 Interlocal Agreement between TxDOT, the City of Dallas, and NTTA concerning the development of the Trinity Parkway identified certain focus areas for cost sharing. In concept, TxDOT would contribute funds

to provide connections from the toll facility to the state highway system. The City of Dallas would contribute money for the roadway preliminary engineering, roadway right-of-way acquisition, utility services to the toll gantries and other construction. The NTTA would fund the construction of the tollway, connections to state facilities, and maintenance for the entire facility. This Agreement may be modified or expanded at some future date, subject to environmental clearance of the project, additional financing studies, and other agency considerations.
Federal statutes governing FHWA mandate specific procedures for major projects regarding cost estimating, financial planning, and project management practices. A major project is defined as a project with a total cost of $500 million or more that receives federal funding. If a Build Alternative is selected by the FHWA, a project management plan and project financial plan must be developed within 90 days of issuance of the ROD.

**FEIS Chapter 6** presents cost estimates of the Trinity Parkway and a discussion of the various funding sources and cost sharing opportunities to construct the project.

**Project Funding and Other Costs 5-2. The cost of the proposed project is too high.**

*Statement 15 Barabas, Vijay V-1: "*The idea of building a tollroad inside the levees fundamentally seems to be a bad idea, and that seems to be borne out by all the engineering challenges that continue to be identified. Who knows what we'll find next year. As a result, the current cost estimate of this road, a 9-mile segment of road, is 1.5 billion, 1.4 billion. Either way, it's over, by my calculation, about $144 million per mile of road for a 9-mile stretch of road. Do you think there's something wrong with our priorities when we can't get our streets paved and schools and libraries funded at the level that they should be, but we're willing to spend over $100 million per mile for a road that'll save you maybe two or three minutes?"

*Statement 16 Bartos, Lorlee E-1: "*I have been opposed to this toll road since 1997 when I helped lead the opposition to this boondoggle. To jeopardize our floodway with an unnecessary and ill-conceived toll road is ludicrous. It negatively impacts air pollution, does not ease congestion and wastes scarce transportation dollars. To build it requires moving the river. As I sit back, I have to wonder, who thinks up these ideas. Bad idea, air polluting, horrendously expensive and does nothing to improve transportation."

*Statement 54 Dalbey, Tim W-1:* "Don't build the tollroad. It's too costly at $1.5 billion plus $0.6 billion maintenance for 50 years. Cost Appendix D $1.5 billion Level "E" schematic phase. What is that? Just put 3C. With a $12 million a year maintenance cost estimate for 50 years to the tune of $600 million."

*Statement 73 Gosselee, Susybelle, V-1: "*I'm concerned about the funding because this City is $1.2 billion behind in its deferred maintenance. . . . What is the estimated cost of the road water diversion into underground channels that are necessary in order to avoid violations of the Clean Water Act?"

*Statement 110 Karnowski, Michael W-1:* "It (the project) would even further burden our over-burdened budget."

*Statement 191 Schweitzer, Carrie E-1*: "The cost will be outrageous and the damage to the environment will be irreparable. I urge the Army Corps and NTTA to abandon this plan that will cost billions with completion projected into a distance barely known."

**Response 5-2:** The cost estimates presented to the public have been based on industry cost information available at the time. Updated cost estimates, along with information regarding factors that have played a significant role in the delay and costs of the Trinity Parkway, are presented in the FEIS. Funding and the final implementing agency will be determined later as more specific project information is available. Project management and financial plans describing the proposed implementation of the project, in accordance with Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), would be prepared after an anticipated ROD, unless the recommended alternative is the No-Build Alternative. In the event that a Build Alternative is selected, a provision in SAFETEA-LU requires the FHWA to designate any highway projects with a total cost in excess of $500 million as "Major

Projects." For these projects, the FHWA guidelines call for preparation of a Project Management Plan describing the proposed implementation of the project, plus a Cost Estimate Review and a Financial Plan.

The SAFETEA-LU provisions for Major Projects were carried forward in the Moving Ahead for Progress in the 21st Century Act (MAP-21). In addition, MAP-21 includes a requirement to provide an assessment of the appropriateness of a public-private partnership to deliver the project, and also provides some flexibility by allowing for a phasing plan, if applicable, when there are insufficient financial resources to complete the entire project. As the estimate of probable cost for Trinity Parkway Alternative 3C exceeds $500 million, the proposed project would be classified as a Major Project under the FHWA guidelines and would require preparation of a Project Management Plan and a Financial Plan.

Regarding the estimated cost of the road water diversion into underground channels, the estimated total cost for project drainage work is $14,512,300. Please see **FEIS Appendix D** for a breakdown of drainage cost.

**Project Funding and Other Costs 5-3. Cost associated with a flood event.**

*Statements 144/145 Mazzei, Matt E-1/W-2*: "There have been no announcements if the Corps of Engineers will be responsible for constantly shutting down the road, which could be extremely costly to the Corps budget."

*Statement 148 McCord, Marc E-1:* "Floods often carry large trees and other debris that could potentially cause a failure of an overhead roadway leading to deaths and destruction of the parkland below, again at great financial cost to taxpayers."

*Statement 215 Weiss, Nigel E-1*: "It has already been shown that the capital investment required to protect such a project from being topped by flood waters would be enormous."

**Response 5-3: FEIS Section 6.6** and **FEIS Appendix D** present updated cost estimates from the associated with Dallas Floodway Alternative 3C, including flood damage restoration costs and estimated toll revenue losses for a flood event exceeding the 100-year flood event (sufficient to cause overtopping the roadway). These estimated costs as presented in the FEIS account for aesthetic treatment replacement, debris and sediment removal/disposal, administration, environmental coordination, and miscellaneous repairs. It is important to note that the Alternative 3C will be protected against the 100-year flood event.

For Alternative 3C, the estimated number of down-time days and toll revenue loss resulting from those down-time days in the case of a SPF level event were determined based on the following: (1) data compiled for the Commerce Street Gage (located approximately midpoint of the Trinity Parkway project) using hydrographs for the SPF and 100-year flood on the Trinity River; and (2) the duration of inundation estimates from the USACE SPF hydrograph (HEC-1) for the Trinity River. Using these data, inundation and cleanup is predicted to last 5 days, but could last up to 15 days in the event there is physical damage to the road itself due to unforeseen flow concentrations and velocities during the inundation and recession periods. This 15-day estimate represents a likely "worst-case scenario"; that is, the number of down-time days would be less than 15 if there is no physical damage to the roadway.

Alternative 3C will be subject to USACE review and approval in accordance with the Section 408 permit process (33 USC 408) as to ensure no adverse impact to the Dallas Floodway levees. Also, the draft Emergency Action Plan (EAP) (see **FEIS Appendix H-3**) will need to be reviewed and approved by the City of Dallas, NTTA, TxDOT, the FHWA, and USACE prior to final approval of construction by the USACE. The EAP establishes procedures to evaluate and react to hazardous river flooding events along the Trinity Parkway, both as the event is being forecast and as the event occurs. In the event of a hazardous river flooding event, the Trinity Parkway implementing agency will work with the City of Dallas and USACE in emergency action plan efforts (as outlined in the EAP), and focus on the repair, clean-up, and restoration of the tollway to operating conditions. If selected as the implementing agency, and subject to environmental clearance and other agency considerations, it is NTTA's standard practice to

pay for on-going operations and routine maintenance costs from toll receipts. The developer of the Trinity Parkway would assume all costs associated with flooding (i.e., greater than 100-year flood event); however, the financial risk of a levee break is a multi-jurisdictional issue. The estimate of probable flood damage recovery cost for Alternative 3C in 2013 dollars is approximately $3.2 million (see **FEIS Table 6-6**).

**Project Funding and Other Costs 5-4. Cost/risk of the project outweighs the benefits.**

*Statement 10 August, Jordan E-1: "*Just imagine for a second the impact $1.5 billion, the cost of the Trinity Parkway, would have if we invested this money into developing the long awaited Trinity River Project. Dallas would be catapulted into the next century and would legitimately be in contention as a "world-class city" that so many of us like to write and talk about. If so needed, build a boulevard type street in place of the toll road to improve traffic while maintaining the natural integrity of the Trinity. Additionally, there is also the concern of flood waters impacting the safety of the toll road and the fact that this $1.5 billion project is unfunded. The City of Dallas would benefit from the funds paid to use the toll road and potentially improved traffic but there are just far too many negatives that outweigh these insignificant positives."

*Statement 12 Baker, Daryl E-2:* "The last decade has been devoted to a Trinity Corridor plan with an MO of moving cars through the heart of the City. I have followed this plan through all its challenges and incarnations, continuously amazed by the City's steadfast resolve for a 20th century plan in the 21st century. In reviewing the 'Measures of Effectiveness' between a No-Build and Build Plan, I do not consider the relatively modest positive impacts sufficient to justify the mammoth undertaking that would be involved. Mass transit-oriented development is where we need to be investing and expanding. That is our future, not cars."

*Statement 69 Garrison, Catherine V-1:* "I don't believe this tollroad is worth $1.5 billion in 2013 to go 2 miles faster for 8 miles."

*Statements 97/98 Homan, Katherine E-1/W-2:* "The last decade has been devoted to a Trinity Corridor plan with an MO of moving cars through the heart of the City. I have followed this plan through all its challenges and incarnations, continuously amazed by the City's steadfast resolve for a 20th century plan in the 21st century. In reviewing the 'Measures of Effectiveness' between a No-Build and Build Plan, I do not consider the relatively modest positive impacts sufficient to justify the mammoth undertaking that would be involved. Mass transit-oriented development is where we need to be investing and expanding. That is our future, not cars."

*Statement 148 McCord, Marc E-1:* "And, after everything else is considered there is the matter of funding. NTTA cannot afford this project, and the taxpaying citizens should not be saddled with the financial burden of building or maintaining the toll road. . . . Only a complete fool would think that the toll road is a good idea, especially when it has already been determined that it would not alleviate traffic around downtown and that it will hamper access to downtown resulting in another negative economic impact."

*Statement 213 Weinberg, Cachet V-1*: "While the benefits of the tollroad are small, the costs are very significant. One way to measure the cost is money. According to the EIS, the estimated cost to build the tollroad is over $1.3 billion. That is a very large amount to spend to achieve a very small improvement to the traffic congestion. Some people have the opinion that if we can receive money from the State or Federal Government, then it is essentially free money and we should claim it before some other region gets their hands on it. I believe that we need to be good stewards of all public funds and we should not spend public funds in Dallas unless it will result in a clear public benefit."

*Statement 214 Weinberg, William W-1*: "1.3 billion dollars is not a prudent use of taxpayer funds for a new highway that will have minuscule benefits."

**Response 5-4:** Please see the response to **Subtopic 1-1.** In summary, implementation of the No-Build Alternative would jeopardize the balance and efficiency of the local and regional transportation system by

not addressing any of the stated project need and purpose of the proposed project**.** After considering public comments and applying all regulatory requirements for evaluating practicability, Dallas Floodway Alternative 3C has been recommended by the FHWA for the Trinity Parkway project. Alternative 3C would be subject to USACE review and approval in accordance with the Section 408 permit process (33 USC 408) as to ensure no adverse impact to the Dallas Floodway levees. **Subtopic 5-5** further describes potential repair/remediation costs associated with a flood event that exceeds the 100-year flood event. Note that although Alternative 3C has been recommended by the FHWA, a Final Alternative will not be selected until FHWA issues a ROD.

**Project Funding and Other Costs 5-5. Waste of limited transportation dollars.**

*Statement 1 (No Last Name), Cameron E-1*: "After reviewing the proposal documents, it has become apparent that this project is unnecessary, unaffordable and will: . . . - waste limited transportation funds better spent elsewhere . . ."

*Statement 6 Amonett, Michael (City of Dallas Land Commissioner) V-2: "*This is largely paid for by the citizens of Dallas and this compromises one of our greatest natural resources, which is the Trinity River Bottoms. I've paid attention to it for years and years and years now. And we spent millions of dollars, we paid -- we voted to do all these things and we've done nothing. We've done basically nothing because of this road."

*Statement 29 Bornhorst, Becky E-1: "*I oppose the Trinity Tollroad, and I support the No-Build Option. The Trinity Tollroad is unnecessary, unaffordable and will: . . . - waste limited transportation funds . . . "

*Statement 7 Anderle, Katherine W-1; Statement 17 Bartos, Lorlee W-2; Statement 24 Bisbee, Penelope W-1; Statement 25 Black, Jack W-1; Statement 30 Bradley, Ginger W-1; Statement 31 Bradley, Virginia W-1; Statement 39 Bush, Helen W-1; Statement 49 Coffee, Ben W-1; Statement 57 Davis, Heather W-1; Statement 56 Davis, Daryl W-1; Statement 61 De Los Reyes, K. W-1; Statement 65 Fusinato, Bob E-1; Statement 66 Fusinato, Robert W-2; Statement 68 Garia, Sarahi W-1; Statement 75 Griggs, David W-1; Statement 79 Guldi, Christine, W-1; Statement 81 Guldi, Dick W-1; Statement 82 Haesly, Jack W-1; Statement 83 Haight, Dorthy W-1; Statement 85 Hancock, Chantele W-1; Statement 87 Hart C. W-1; Statement 91 Henger, Peggy, W-1; Statement 94 Hilliard, Keena W-1; Statement 99 Hope, Eduardo, Jr. W-1; Statement 103 Hurst, Max W-1; Statement 109 Juhl, Josh W-1;Statement 114 Kelton, Lee W-1;Statement 117 Kille, James W-1;Statement 118 Kimberling, Kerrie W-1;Statement 126 Lee, Jessica W-1; Statement 127 Levy, Janis W-1; Statement 128 Liles, Laura W-1; Statement 130 Lingenfelder, John W-1; Statement 131 Lloyd, Geoffrey W-1; Statement 139 Luna, Alejandra W-1; Statement 148 McCord, Marc E-1; Statement 149 McIntyre, Mallory W-1; Statement 150 McKinley, Suzanne W-1; Statement 153 Meier, Betty Claire W-1; Statement 154 Mein, Joen W-1; Statement 162 Morton, Brandon W-1; Statement 165 Ohlsson, Lars W-1; Statement 177 Ratley, Ashley W-1; Statement 178 Reese, Rusty Ray W-1; Statement 179 Reist, Jason W-1; Statement 180 Renfro, Amanda W-1; Statement 182 Robben, Gary W-1; Statement 183 Robben, Shirley W-1; Statement 184 Rooke, Becky W-1; Statement 185 Rooke, Molly W-1; Statement 187 Sanders, Jan W-1; Statement 192 Seay, Michael W-1; Statement 198 Snyder, Cheryl W-1; Statement 199 Snyder, Daniel W-1; Statement 200 Steakley, Majorie E. W-1; Statement 201 Steakley, Majorie H. W-1; Statement 202 Steakley, Sr., Marvin C. W-1; Statement 203 Svedeman, Lee W-1; Statement 207 Trahan, Zac W-1; Statement 217 Wierl, Lynne W-1; Statement 218 Williams, Christy W-1; Statement 219 Williams, Kenneth W-1; Statement 221 Withrow, Wendel W-1; Statement 222 Wolf, John W-1:* "The Trinity Tollroad will waste limited transportation dollars."

*Statement 54 Dalbey, Tim W-1:* "How much money has been spent so far on these studies, reports, and meetings since 1998? My modest estimate is in the $50+ million range. These are public funds and accounting needs to be done for sixteen years of this boondoggle."

*Statement 64 Escalante, Kirsty V-1: "*I think that it is truly illogical to insist in spending millions more of taxpayer money in order to build a tollroad that we will have to pay to drive. This highway is severely underfunded and within one of the few green areas that Dallas has left."

*Statement 76 Griggs, Mariana W-1:* "This project is a waste of time and money."

*Statement 84 Hamaker, Maralyn E-1*: "It's (the project) incredibly expensive, and will waste transportation dollars that could be put to better use building mass transit with enough lines that it really does become convenient for residents to use."

*Statement 112 Keller, Karen E-1:* "The Trinity Tollroad is unnecessary, unaffordable and will: - waste limited transportation funds."

*Statement 164 Nash, Carol E-2*: "This road would be a waste of money and would harm flood protection efforts."

*Statement 190 Schmidt, Rene W-1*: "In addition, we should not be building in a flood plain. I don't understand why NTTA and TxDOT are wasting taxpayer money proposing a tollroad in a flood-prone river basin."

*Statement 211 Vaughan, Pat (President – League of Women Voters of Dallas) V-1*: "The availability of federal transportation funds, which could be leveraged for recreational trail enhancement and levee building, should not been the main consideration where deciding where a high-speed highway should be located."

**Response 5-5:** See **Subtopics 5-1** and **5-2** in relation to project cost and potential funding sources; and **Subtopic 5-3** in relation to future revenue and funding studies. See **Subtopics 1-1** and **1-2** for discussion about how the Trinity Parkway would help manage traffic congestion, a stated need and purpose of the proposed project. See **Subtopics 2-1**, **2-22**, and **2-23** for discussion of improving other corridors and other transportation modes (mass transit, bicycle/pedestrian), respectively, in relation to the Trinity Parkway. See **Subtopic 5-3** for a discussion of costs associated with a flood event and **Subtopic 5-4** for a discussion of project costs/risks versus project benefits.

**Project Funding and Other Costs 5-6. Costs and benefits of banning trucks versus the costs and benefits of the project.**

*Statement 42 Campbell, Bryan E-1:* "Major trucking traffic appears to be a major source of the congestion. Dallas could eliminate this traffic with a simple vote. Has any study been done to compare and contrast the costs and benefits of banning large trucks in this area, versus the costs and benefits of building the Trinity Parkway? If not, why not?"

**Response 5-6:** A study of banning truck traffic from the area has not been conducted. If large trucks were banned from the area, the delivery of goods and services would be hindered. Should the City of Dallas pursue a heavy truck restriction to the area by adopting an ordinance, federal and state approval would be required and would likely involve submitting a description of the proposed restriction with supporting rationale and analyses justifying such restriction. A heavy truck restriction would also involve additional public involvement by the city to inform the public, agencies, and industry groups and to provide an opportunity for comment. Furthermore, IH 35E is designated as a North American Free Trade Agreement corridor and would present and has additional implications and challenges if trucks are banned.

## 6. CONSIDERATION OF EXISTING LOGISTICS

**Consideration of Existing Logistics 6-1. Identify the project timeline.**

*Statement 89 Henderson, Garrett E-1:* "When does the project plan to let? . . . "Where is this project in terms of environmental clearance? . . . "What is timeline on FONSI?"

**Response 6-1:** The estimated operational date for the Trinity Parkway listed in *Mobility 2035 – 2013 Update* is 2020. A Finding of No Significant Impact (FONSI) is one action available for an Environmental

Assessment, the other is the development of an Environmental Impact Statement (EIS). For an EIS, the action taken is a Record of Decision (ROD). Alternative 3C has been recommended by the FHWA; however, a final decision will not be selected until FHWA issues a ROD in accordance with 23 USC Section 109(h), which directs that final project decisions be made in the best overall public interest. This anticipated ROD by the FHWA will be made at the end of the environmental review and impact documentation process. The construction schedule after the anticipated ROD, should a Build Alternative be selected, ultimately depends on the alternative selected and will be subject to continued agency coordination/approvals and final funding availability. Completion of the ROD for the Trinity Parkway is anticipated by December 2014.

## 7. REGULATORY PROCESS AND AGENCY COORDINATION

**Regulatory Process and Agency Coordination 7-1. Coordination with USEPA.**

*Statement 197 Smith, Rhonda (Chief, Office of Planning and Coordination, USEPA) W-1: "*In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas has reviewed the Federal Highway Administration, the Texas Department of Transportation and the North Texas Tollway Authority, Final Environmental Impact Statement (FEIS) prepared for the proposed Trinity Parkway from lH-35 E/SH-183 to US-175/SH-310 located in Dallas County, Texas.

EPA commented on the Limited Scope Supplemental Draft EIS (LSSDEIS) on May 18, 2012, in which the EIS was rated as, "EC-2", i.e. EPA has "environmental concerns and requests additional information. EPA is pleased that the FEIS includes additional analysis of the proposed action to address our concerns. However further discussion on compliance with the Section 404(b)(1) Guidelines is necessary. We believe such discussion is beyond that which is required by NEPA. EPA will make its final review and comment on Section 404 once the applicant has submitted its final design and mitigation plan to the Army Corps of Engineers. Pre-application consultation with the appropriate Federal and state resource agencies is recommended to expedite the permit review process."

**Response 7-1:** Comments noted and considered. Coordination with the USEPA will continue throughout project development. Documentation to assist with Section 404 compliance is included in the Preliminary Section 404(b)(1) Guidelines Analysis of **FEIS Appendix G-1**.

**Regulatory Process and Agency Coordination 7-2. Coordination with TCEQ.**

*Statement 67 Galindo, David W. (Director, Water Quality Division – TCEQ) W-1: "*This letter is in response to the final environmental impact statement (FEIS) for the Trinity Parkway. In response to the FEIS and NOA, the Texas Commission on Environmental Quality (TCEQ) has no objection at this time to the proposed project. A water quality certification decision for this permit application cannot be made until all relevant comments submitted in response to the FEIS and NOA are received and evaluated. If new concerns are identified from comments, the TCEQ will submit a comment letter to identify those concerns."

**Response 7-2:** Comments noted and considered. Coordination with the TCEQ will continue throughout project development.

**Regulatory Process and Agency Coordination 7-3. Coordination with DART.**

*Statement 62 Edwards, Chad (Assistant Vice President, Capital Planning, DART) W-1: "*Thank you for the opportunity to review the Trinity Parkway Project Final Environmental Impact Statement (FEIS). We did not see any major concern relative to the process or documentation, . . ." Mr. Edwards provided information regarding two proposed DART projects that are currently undergoing design and environmental review and suggested that the project be considered in connection with the cumulative impacts analysis for the Trinity Parkway. The first project involves the Downtown Dallas (D2) Line, which

would make capacity improvements to 2.5-miles of light rail transit. This project involves the consideration of several alternatives and is pending evaluation in an environmental impact statement. The second project would extend an existing line northward by two stops (0.50 mile of single track in existing roadway right-of-way) and southward by two stops (0.75 mile dual track alignment in existing roadway right-of-way that terminates at the Zang Boulevard and West 7th Street intersection). This project is also pending environmentally review as a categorical exclusion.

Mr. Edwards provided information relevant to potential impacts of the D2 Line, but indicated that the potential impacts from the second project had not yet been determined. With reference to the proposed D2 Line improvements, Mr. Edwards provided information regarding potential impacts to land use, community facilities, neighborhoods, socioeconomics, air quality, noise and vibration, cultural resources, and parkland (see **FEIS Appendix D** for details).

**Response 7-3:** The comments relating to proposed DART projects have been considered in light of the various resources and issues examined in the FEIS cumulative impacts assessment in **FEIS Section 4.26**. In this regard, information provided by Mr. Edwards regarding topics not meeting the criteria for inclusion in the FEIS cumulative impacts analysis is not addressed here, such as community facilities and noise and vibration. For purposes of this reexamination, and based on the information provided by Mr. Edwards, both proposed DART projects are compatible with the plans, policies, and regulations of the local jurisdictions and planning agencies. Although the D2 Line project would require additional ROW for completion, the context of both projects within the downtown area and compatibility with local and regional planning indicate these projects would not alter any of the discussion in the FEIS regarding cumulative impacts to land use. Information provided regarding impacts to neighborhood and socioeconomics from the proposed DART projects was compared with the qualitative discussion of community resources in the FEIS cumulative impacts analysis, but these additional projects would have negligible adverse effect on the anticipated cumulative impacts to community resources. More likely, it appears that the DART improvements would benefit sensitive populations in the downtown area by enhancing transit mobility. As Mr. Edwards indicated the D2 Line project (and presumably the second DART project as well) would not result in increased air emissions, these projects would not substantially alter any of the discussion in the FEIS relating to cumulative impacts on air quality. With regard to cultural resources and parklands, Mr. Edwards indicated that, depending on the various alternatives considered, the proposed D2 Line could affect one or more historic properties but no park impacts are expected. As with the 13 other potential NRHP-listed or eligible properties that could be affected by reasonably foreseeable projects, it is expected that any adverse impacts to such properties by the D2 Line project would require clearance with the SHPO before the project could be finally approved. Accordingly, the potential impacts of any of the proposed D2 Line alternatives would not alter the discussion or conclusion in the FEIS relating to cultural resources. In conclusion, the FHWA appreciates having received the information provided by Mr. Edwards about the two proposed DART projects, but it appears that the information provided about these projects would not alter the outcome of the FEIS cumulative impacts analysis and would have a negligible effect on the discussion therein.

**Regulatory Process and Agency Coordination 7-4. Coordination with TPWD.**

*Statement 86 Hardin, Karen B. (Habitat Assessment Biologist, Wildlife Habitat Assessment Program – TPWD) W-1:* Ms. Hardin provided several recommendations on behalf of TPWD based on her review of the FEIS. "TPWD is the state agency with primary responsibility for protecting the state's fish and wildlife resources and has reviewed the FEIS in accordance with the authority granted by Parks and Wildlife Code § 12.0011. TPWD respectfully requests the following comments and recommendations be considered in final alternative decision-making and during design and construction of the proposed project in order to minimize potential adverse impacts to the state's fish and wildlife resources."

Rather than presenting all of the individual recommendations provided by Ms. Hardin as a group, each recommendation is stated separately below followed by a response.

With reference to the discussion of waters of the U.S., including wetlands, in **FEIS Section 3.4.3**, Ms. Hardin pointed out the following: FEIS "Table 3-16 presents quality ratings for project area Waters of the

U.S., including Wetlands that were created from Texas Rapid Assessment Method (TXRAM) condition index values placed into ranges of 0.00 to 56.99 = low, 57.00 to 64.99 = medium, and 65.00 to 100.00 = high. However, the discussion of functions and value methodologies on page 3-88 presents quality ratings using TXRAM scores in ranges of 0.00 to 53.99 = low, 54.00 to 58.99 = medium, and 59.00 to 100.00 = high. These value ranges are not consistent to those in Table 3-16. Recommendation: TPWD recommends that the discrepancy between the low, medium and high value ranges be resolved."

**Response 7-4A:** The TXRAM scores presented in **FEIS Table 3-16** are the correct figures, and are consistent with the discussions of TXRAM ratings in **FEIS Appendix G-1**. However, TXRAM score ranges in the text on FEIS page 3-88 were inadvertently not updated with the corrections made elsewhere in the FEIS. This acknowledgement of the error on FEIS page 3-88 and the locations in the FEIS of the correct information regarding the TXRAM score ranges were communicated to Ms. Hardin in a response letter from TxDOT dated August 25, 2014. In addition, the material in this appendix will be included in the ROD for the Trinity Parkway.

With reference to the discussion of habitat for wildlife in **FEIS Section 3.4.5**, Ms. Hardin made the following comment: "This chapter references a TxDOT - TPWD 2001 Memorandum of Agreement (MOA) and 1998 Memorandum of Understanding (MOU) that became obsolete as of September 1, 2013, with the signing of a new MOU between the agencies. The 2013 MOU indicates that projects will complete coordination under the procedures of the pre-existing MOU if coordination with TPWD had been initiated prior to September 1, 2013. Because TPWD was given the opportunity to review and comment on the Draft FEIS prior to September 1, 2013, coordination per the 1998 MOU and 2001 MOA is appropriate."

**Response 7-4B:** Comment noted and considered.

Ms. Hardin summarized information regarding the expected level of impacts to vegetation in **FEIS Table 4-30**, and noted that the discussion in **FEIS Section 4.9.1** indicates revegetation of disturbed areas would occur with native vegetation. She also pointed out the following regarding the FEIS: "Chapter 5 regarding mitigation commitments, indicates a re-vegetation plan would be developed in consultation with TPWD, as necessary, and would specify the use of plant species that are native to the project area and that would enhance the quality of the habitat in the ROW. Comment: TPWD looks forward to coordinating with the project sponsors regarding the re-vegetation plan and supports the use of native species to re-vegetate the borrow sites and disturbed areas that are not being converted to paved surfaces."

**Response 7-4C:** Further coordination with TPWD regarding revegetation planning will occur during final project design if a Build Alternative is selected.

The following comments and recommendations are related, and therefore have been addressed with a single response.

Regarding the discussion in **FEIS Section 4.9.2** about potential impacts to wildlife, Ms. Hardin made the following comment and recommendation: "This section primarily discusses potential impacts to terrestrial species and does not address potential impacts to aquatic wildlife such as native fish and mussels due to proposed disturbances within river and wetland habitats. Other sections within the FEIS address protections of river and wetland habitats through water quality best management practices, wetland mitigation, and mitigation actions proposed to avoid or minimize impacts to state-listed freshwater mussels. Recommendation: Because potential impacts to aquatic wildlife were not addressed specifically within Chapter 4.9.2 and to avoid or minimize potential adverse impacts to aquatic resources, TPWD recommends that impact avoidance measures for aquatic organisms, including all native freshwater fish and mussel species, regardless of state-listing status, be considered during project planning and construction activities."

Ms. Hardin provided a summary of state laws addressing the preservation of aquatic plants and animals that pertain to the expected impacts noted on FEIS page 4-107 regarding potential impacts within the Trinity River, and provided the following recommendation: "If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities such as

dredge or fill are involved, then TPWD may require relocating potentially impacted native aquatic resources in conjunction with a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters and an Aquatic Resource Relocation Plan." Ms. Hardin also provided contact information for coordinating Aquatic Resource Relocation Plans with TPWD's Kills and Spills Team (KAST).

Ms. Hardin pointed out the following regarding the discussion of potential impacts to threatened and endangered species in **FEIS Section 4.9.3**: FEIS "Page 4-123 addresses potential impacts to state-listed freshwater mussels and indicates that surveys and/or relocation activities would be completed prior to excavation or fill activities in the vicinity of the Trinity River and the historic Trinity River meanders to minimize and/or mitigate for potential adverse impacts to state listed freshwater mussels. Survey and relocation methodology for the proposed project would be designed and coordinated with TPWD. Chapter 5 regarding mitigation measures and commitments also highlights plans to avoid impacts to state listed species. Comment: To minimize or mitigate potential adverse impacts to state-listed threatened mussels, TPWD concurs with the FEIS that mussel surveys and potential relocation activities would be warranted. The Inland Fisheries KAST would be the appropriate TPWD staff to contact regarding plans and permits for aquatic resource surveys and/or relocation specific to the proposed project."

Ms. Hardin referenced **FEIS Section 4.22** which provides a listing of anticipated governmental permits and actions for the Trinity Parkway, and provided the following comment and recommendation: FEIS "Table 4-47 provides a summary of the required federal, state, and local actions and approvals anticipated for the proposed project, but does not include permits issued by TPWD for handling state-listed species or for anticipated aquatic resource relocation activities. Recommendation: As recommended under Chapter 4.9.2 above, TPWD may require obtaining a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters using a TPWD-approved Aquatic Resource Relocation Plan when project activities involve dewatering activities or other harmful construction activities such as fill or excavation in streams."

**Response 7-4D:** As a matter of practice, TxDOT and NTTA routinely take measures to avoid and minimize impacts to all state trust resources, listed species in particular. Both agencies would follow the mitigation requirements to this effect found in 43 TAC Part 1, Chapter 2, Subchapter A, Rule 2.13 – Mitigation. If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities such as dredge or fill are involved, TxDOT will coordinate with TPWD KAST regarding the relocation of potentially impacted native aquatic resources in conjunction with a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters and an Aquatic Resource Relocation Plan. Such coordination will be completed prior to excavation or fill activities in the vicinity of the Trinity River and the historic Trinity River meanders.

Ms. Hardin provided the following comment and recommendation: "For purposes of relocation, surveys, monitoring, and research, terrestrial state-listed species may only be handled by persons permitted through the TPWD Wildlife Permits Office. Recommendation: If handling terrestrial state-listed species is anticipated, TPWD recommends coordinating with Chris Maldonado of Wildlife Permits at Christopher.Maldonado@tpwd.texas.gov for obtaining a Scientific Research Permit."

**Response 7-4E:** TxDOT and NTTA will only use properly permitted biologists when conducting activities that require permitting.

Ms. Hardin provided the following comment and recommendation regarding the discussion of mitigation measures relating to wildlife and vegetation resources in **FEIS Section 5.3**: "The FEIS regarding mitigation measures for impacts to wildlife and vegetation resources indicates that in accordance with the TxDOT-TPWD MOU and MOA, the project impacts to riparian forests and aquatic habitats warrant compensatory mitigation. Such mitigation would be provided in the form of planting similar species to those lost within the Trinity River floodplain in accordance with the City of Dallas Vegetation Ordinance, through in-lieu fee payment to the City of Dallas, or through the acquisition of property with an existing stand of mature trees along the Trinity River Corridor. Compensatory mitigation for loss of aquatic resources would be addressed in accordance with a Section 404 Mitigation Plan. Recommendation: TPWD concurs that riparian forest and aquatic habitat compensatory mitigation is warranted for the

proposed project in accordance with the TxDOT-TPWD MOU and MOA. TPWD recommends that the method of mitigation and location of compensation be chosen where the greatest benefit to the resource can be attained. Please note that TPWD reviews 404 permit applications and provides comments directly to the USACE during the USACE permitting process; therefore this letter does not address compensation for impacts to waters of the U.S. or the adequacy of the preliminary mitigation plan."

**Response 7-4F:** If a Build Alternative is selected in the anticipated ROD, coordination with TPWD will occur prior to finalization of any mitigation addressing impacts to riparian forest and aquatic habitat.

A first draft version of the FEIS (June 2013) was also reviewed by TPWD in 2013 in response to early coordination efforts by TxDOT, and the following two comments were not included in TPWD's subsequent review comments on the March 2014 FEIS. The first comment referred to draft FEIS Section 3.4.7.3 which included conflicting information as to whether there is a record of occurrence in the Texas Natural Diversity Database (NDD) for the state-listed Texas pigtoe (*Fusconaia askewi*) within the project area. The second comment referenced the discussion of impacts to vegetation and wildlife habitat from reasonably foreseeable projects in Section 4.26.7.5 of the June 2013 draft of the FEIS. Ms. Hardin requested that greater emphasis be placed on the large acreage of "woodland plantings associated with the Balanced Vision Plan and the Dallas Floodway Extension" projects, and made the following recommendation: "TPWD recommends the FHWA consider the cumulative loss and fragmentation of habitat associated with reasonable foreseeable actions with the understanding that some of the enhancements of other projects may not provide habitat benefits to the extent they are presented in Chapter 4.26.7.5. The benefits provided through plantings of future projects are dependent on the acreage planted, species composition, strategic placement, protections, and maintenance inputs."

**Response 7-4G:** Ms. Hardin stated in her 2014 letter that "Many of the comments on the draft FEIS remain applicable to the FEIS and are repeated below. However, the following comments and recommendations reflect a more up-to-date review of the FEIS." Although this language implies the inapplicability of comments on the 2013 draft FEIS that were not repeated in the 2014 TPWD letter regarding the March 2014 FEIS, responses to these earlier comments have been provided to ensure all comments of record have been addressed. The first TPWD comment regarding the June 2013 draft FEIS was addressed in the March 2014 FEIS by removal of conflicting information regarding the NDD record of observations of the Texas pigtoe mollusk within the project area.

With regard to the second comment regarding cumulative loss and fragmentation of habitat, the Trinity Parkway project sponsors acknowledge that the benefits of future plantings to mitigate losses to riparian forest habitat caused by the Trinity Parkway, Balanced Vision Plan, and the Dallas Floodway Extension would depend upon the various factors pointed out in Ms. Hardin's comment. To ensure that the mitigation of losses to approximately 50 acres of riparian forest habitat caused by direct impacts of the Trinity Parkway, project sponsors have committed to the mitigation measures included in **FEIS Section 5.3.1** relating to wildlife habitat. An important component of these commitments is the preparation of a revegetation plan that would be coordinated with TPWD during final project design, if a Build Alternative is selected in the anticipated ROD. Reasonably foreseeable projects would affect 379 acres of woodland habitat, which represents a much larger share of cumulative impacts than the 50 acres of impacts attributable to the Trinity Parkway. Such impacts caused by other projects would be offset by 1,434 acres of new woodland plantings, as reported in **FEIS Section 4.26.7.9**. The Trinity Parkway project sponsors acknowledge that the effectiveness of these new woodlands to provide quality habitat for wildlife would not be immediate, but would take years for the trees to become established and develop into mature woodland habitat. In addition, the ability of such plantings to truly compensate for the loss of existing woodlands will depend on the selection of species, method of revegetation, and maintenance actions to ensure the development of the woodlands. Although it is anticipated that the City of Dallas and the USACE would coordinate with the TPWD in connection with revegetation plans for the Balanced Vision Plan and the Dallas Floodway Extension to ensure success, it is clear that the process to effectively mitigate for the loss of woodland habitat would be lengthy and would require substantial commitments of resources.

**Regulatory Process and Agency Coordination 7-5. USACE coordination and jurisdiction.**

*Statement 54 Dalbey, Tim W-1:* "Why is the CESWF coming out in two weeks with their own EIS on the Floodway? Why, after all these years can't the analyses be combined? NTTA assesses on their proposal without the CESWF input for permitting."

**Response 7-5A:** The Dallas Floodway and Trinity Parkway are separate projects and require separate environmental analyses. While portions of the two projects overlap, the floodway project is primarily concerned with the floodway while the Trinity Parkway FEIS is concerned with addressing transportation needs and with the potential impacts from the proposed roadway. The USACE is a cooperating agency for the Trinity Parkway EIS and the project sponsors have coordinated with the USACE throughout project development (particularly with regard to federal permitting requirements; see **FEIS Section 1.6.1.2**).

*Statement 171 Powell, Elmer W-1*: "The levees are designed for the sole purpose of flood control. How can the Corps of Engineers sacrifice even one inch of flood control to justify a toll road between the levees that would increase the chance for water to top the levees."

**Response 7-5B:** As described in **FEIS Section 1.6.1.2**, the WRDA of 2007 authorized the USACE to participate in investigations and analyses regarding remediation of the Dallas Floodway System. Such investigations by the USACE have led to the development of a Flood Risk Management Plan for the Dallas Floodway System. Based on the best available information at the time of preparation of the Trinity Parkway FEIS, the Flood Risk Management Plan (as part of the Dallas Floodway Project) includes two primary actions. First, the plan includes raising low points at various locations along the east and west levees of the Dallas Floodway System to contain the SPF, which is estimated to produce flow of 277,000 cubic feet per second with an annual probability of occurrence of 0.04 percent (i.e., about a 1/2,500 chance per year event). Second, the plan includes modification to the AT&SF Bridge (i.e., removal of bridge sections not integrated into the Santa Fe Trestle Trail design) to prevent the build-up of storm debris in its piers which cause floodwaters to back up into the system. Additionally, cut-off walls could be considered as part of the Dallas Floodway Project for their benefits to the Balanced Vision Plan (BVP) for river relocation features. It should be noted that plans for the Dallas Floodway Project are still under development and subject to change. Trinity Parkway Build Alternatives 3C and 4B are proposed to be constructed on embankments alongside the Dallas Floodway levees, with the embankments offset sufficiently from the existing levee face to allow for future raising of the levees by the City of Dallas/USACE. The Trinity Parkway schematic designs to date have assumed raising the levee to a height equivalent to Standard Project Flood (SPF) flood elevation plus 2 feet. The crown of the improved levee to date has been assumed to be 16-feet wide, and the riverside slopes have been assumed to be 4:1 (horizontal:vertical).

The City of Dallas and USACE work for the Locally Preferred Plan (LPP) and the USACE Dallas Floodway Project DEIS include a fresh look at the design of future levee improvements, using the extensive soil borings and geotechnical analysis done in 2009 - 2011. This new evaluation opened the possibility that the future levee height and slopes assumed for the Trinity Parkway Dallas Floodway Alternatives might change, possibly affecting the position of the roadway relative to the existing levees. On September 30, 2011, the Fort Worth District of the USACE issued a letter to the FHWA – Texas Division to provide an update on the levee remediation analyses done to date and to facilitate completion of this LSS. The letter (see **FEIS Appendix A-2**, Pages 62-63) made the following statement:

> *"Based on the analysis done to date, no riverside slope stability problems have been identified for the existing Dallas Floodway levees. Given that the current riverside slopes are no flatter than 4:1 (horizontal:vertical), the levee improvement template currently being utilized in the Trinity Parkway alternative evaluation process, which assumes a future 2-foot levee raise with 4:1 riverside slopes, appears to be a reasonable assumption for use in the Limited Scope Supplement document, based on the best available information."*

Based on the USACE letter, the proposed Trinity Parkway remains compatible with the anticipated future levee geometry. In the event that one of the Trinity Parkway alternatives in the floodway is selected in the anticipated ROD, additional coordination with the USACE and the City of Dallas would be required to ensure that the roadway design remains compatible with final remediation plans for the levees. Please note that although Alternative 3C has been recommended by the FHWA, the final selection of either a Build Alternative or the No-Build Alternative will not be made until the FHWA issues a ROD.

**Regulatory Process and Agency Coordination 7-6. FEMA coordination and jurisdiction.**

*Statement 134 Long, Janet V-3*: "Also, how will the Trinity Parkway impact FEMA's decisions regarding inclusion of said neighborhoods in the floodplains?"

*Statement 167 Parker, Steve (Floodplain and Drainage Program Manager, City of Dallas) E-1:* On behalf of the Federal Emergency Management Agency (FEMA), Region 6, Mitigation Division, Mr. Parker provided the following comments: "We would request that the local floodplain administrators be contacted for the review and possible permit requirements for this project. If federally funded, we would request the project to be in compliance with EO 11988 and EO 11990."

**Response 7-6:** Coordination with local floodplain administrators has occurred and will continue throughout the project development process. **Section 2.8** of the FEIS separately examines the Build Alternatives in light of a variety of factors used by federal agencies to evaluate the practicability of each alternative pursuant to EO 11990 (Protection of Wetlands) and EO 11988 (Floodplain Management). After considering public comments and applying all regulatory requirements for evaluating practicability, Alternative 3C has been recommended by the FHWA. The involvement of the FHWA in the proposed Trinity Parkway Project requires the FHWA to ensure that any Build Alternative recommended or selected complies with the above-referenced EOs.

**Regulatory Process and Agency Coordination 7-7. Compliance with CDC and coordination with NCTCOG.**

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* "Tremendous development in the Trinity River watershed has occurred during the past twenty years. The NCTCOG Corridor Development Certificate was designed to help regulate floodplain development in its member cities. It is not known when it was last updated to reflect current flood levels and watershed development."

**Response 7-7:** As described in **FEIS Section 3.5.6.4**, participating municipalities review applications for floodplain fill permits according to a common set of permit criteria. The CDC calls for the maximum allowable loss in valley storage for the 100-year flood and SPF discharges to be 0 percent and 5 percent, respectively. Participating municipalities keep track of watershed development and current flood levels. The USACE provides technical review of CDC applications, per letter of request by the participating CDC/Floodplain Administrator. The CDC process provides the participating cities and counties along the Trinity River the opportunity to review and comment on projects in neighboring jurisdictions. The CDC/Floodplain Administrator in the locality where the proposed action would take place approves and issues the CDC. Although each individual city and county makes the final development decisions, the CDC process reinforces the common regional criteria and procedures through a peer review process.

## 8. SOCIAL AND COMMUNITY IMPACTS

**Social and Community Impacts 8-1. Community cohesion.**
*Statement 1 (No Last Name), Cameron E-1*: "After reviewing the proposal documents, it has become apparent that this project is unnecessary, unaffordable and will: . . . - further divide North and South Dallas."

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* "Dallas, which is trying to claim it is a world class city, is doing its' best to build our own "Berlin Wall" that will permanently physically divide the

city into North and South sectors. . . . It is time for the North Texas Tollway Authority, Texas Department of Transportation, and the U.S. Army Corps of Engineers to move into the 21st century and use 21st century solutions to transit and flooding problems. Other metropolitan areas, like Seattle and Boston, are spending billions of dollars tearing down their concrete highway barriers dividing their communities. Seattle has spent billions tearing out its' highway and Boston's Big Dig is spending billions burying their highway system, and opening access to the Boston Harbor. Instead they are seeking to unite their cities and connect to their natural resources."

*Statement 3 Albers, Anna (Chair, Trinity River Action Coalition) V-2:* "Additionally, residences and businesses along at the southern tollroad terminus will not be given sufficient funds to relocate. We strongly oppose the construction of the Trinity tollroad within the existing levees. The tollroad is not needed, there are not direct connections, it will not relieve congestion and it will create a Berlin wall that will permanently divide the city into north and south sectors."

*Statement 6 Amonett, Michael (City of Dallas Land Commissioner) V-2:* "Other major cities all over the country; Manhattan, San Francisco, someone spoke about Seoul, Korea earlier, they are tearing down these freeways because they have realized that they are tearing apart neighborhoods, they divide neighborhoods. That's what freeways have largely done and people are learning that by doing away from them, they are reuniting neighborhoods. So I strongly, strongly oppose this."

*Statement 10 August, Jordan E-1: "*The existing highways surrounding downtown were put into place to lead people into Dallas and spur economic growth. They ended up isolating downtown and doing just the opposite. Now we are apparently discussing this asinine concept of how best to circumvent downtown by building a massive toll road in the one natural asset we have? This obtrusive behemoth would then surround The Cedars and the Design District on all four sides with highways like downtown. Instead we could potentially be beleaguered for generations to come by further cob-webbing our city with a toll-road so people can get around downtown a little faster."

*Statement 29 Bornhorst, Becky E-1; Statement 65 Fusinato, Robert E-1: "*The Trinity Toll road is unnecessary, unaffordable and will-further divide north and south Dallas."

*Statement 84 Hamaker, Maralyn E-1*: "A tollroad in that area would further divide north and south Dallas and increase the inequality of the two areas."

*Statement 92 Herod, Reagan E-1:* "The project will not improve life in the City of Dallas and will degrade the city's efforts to become more urban."

*Statement 93 Hickman, John E-1:* "Placing it on the west side of the bottoms is a slight to Oak Cliff and west Dallas."

*Statements 144/145 Mazzei, Matt E-1/W-2*: "We have learned that building high speed road corridors through city centers has caused irreversible damage to neighborhoods, and put up a psychological and physical barrier between neighborhoods. The federal government has been trying to move away from this design of roads, now understanding how much these high speed corridors in city centers destroy neighborhoods and cities."

*Statement 133 Long, Janet V-3*: "I also point out that this roadway will cut the areas west of Dallas, cut off the areas west of Dallas from the east end area. This is an issue that's already being discussed in regards to another highway in Dallas on the east side; Interstate 345."

*Statements 151/152 Meckfessel, Robert E-1/V-2*: "Finally, Dallas is a very different community than it was 15 years ago. We have learned much about creating a great city, and we have different priorities today than we did then. We have built fine parks, overcoming the barrier created by one freeway. We have built a great Arts District and a great transit system, and we are revitalizing neighborhoods throughout our city, including West Dallas, Oak Cliff and downtown. We are engaging each other in fascinating conversations about our collective future, including public discussions about I-345 and the Connected

City Challenge. . . . And we now have an ever-growing track record of doing the right thing - the smart thing - when it comes to building a livable, sustainable, vibrant city. Let's keep that record of accomplishment going by not placing an ill designed, ill-conceived tollway alongside one of our most precious assets, a revitalized Trinity River."

*Statement 212 Ward, Kyle W-1*: "Barriers created. It will add, yet again, one more, huge barrier between North and South Dallas/Oak Cliff. At a time when we are desperately trying to erode these barriers, this would be a fresh assault on the reemerging Oak Cliff area. This area has changed in the 40 years since this idea was dreamed up. No longer is the Trinity River considered just a dumping ground. No longer is the Riverfront area considered just an Industrial area, appropriate for all the unseemly uses for the city such as topless bars, bail bondsmen, liquor stores, and tollroads. This area is recovering and is becoming a vibrant contributing part of the city; its progress should not be disrespected by the placement of an unnecessary tollroad here."

**Response 8-1:** The overall impact of the Trinity Parkway can be expected to have some negative and positive impacts to community cohesion. The construction of a limited access toll facility may make it more difficult for some community members to interact because they would have to walk or drive longer distances to see one another. Overall, no communities would be divided to an extent that would prohibit access or make it extremely inconvenient for community members to continue present relationships. To ensure community cohesion is not substantially affected, possible mitigation includes sidewalks and other pedestrian features to be considered on a case-by-case basis. These potential mitigation measures are discussed further in **FEIS Chapter 5**.

Residents within the Trinity Parkway project area generally identify with communities (e.g., South Dallas and West Dallas) and neighborhoods, such as Rochester Park, Ideal, Oak Cliff, and La Bajada (see **FEIS Section 3.1.6**). The core of each of these communities and neighborhoods would remain intact with only minor physical disruption, if any at all, should the Build Alternative be selected by the FHWA in the anticipated ROD. While some community and neighborhood members of the project area may have to travel slightly longer distances to their destinations, the long-term impact of such inconveniences on community cohesion would be minor.

Neighborhoods and communities located on both sides of the Dallas Floodway were developed independently of each other. Historically, these communities have been divided by the presence of the Trinity River (see **FEIS Plate 3-10**). Neither of these communities depends on its counterpart for social interaction or access to a localized community facility, and although the recommended Alternative 3C is aligned between them, travel from one community to its counterpart would not be restricted. The construction of the Alternative 3C would not result in the removal or interruption of the existing arterial roadways that cross the Dallas Floodway and provide access between communities on both sides.

Regarding the statement that residences and businesses along at the southern tollroad terminus will not be given sufficient funds to relocate, relocation assistance would be available to all those displaced as a result of the construction of the proposed project. Relocation assistance would be conducted in accordance with PL 96-146, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources would be made available to all individuals without discrimination and in accordance with the requirements of Title VI and the Department of Housing and Urban Development Amendment Act of 1974. Special relocation considerations would be made to accommodate residents in need of additional assistance. Last Resort Housing would also be available in the event of a housing shortage or for residents who cannot find comparable housing within their means. This may involve the use of replacement housing payments that exceed the Uniform Relocation Assistance Act maximum amounts or the use of other methods of providing comparable decent, safe, and sanitary housing within a person's financial means. Similar provisions in the Uniform Relocation Assistance Act apply to all businesses displaced by the proposed action. Please refer to **FEIS Chapter 5** and **FEIS Appendix C** for a more detailed discussion of the relocation assistance process.

## 9. ENVIRONMENTAL JUSTICE

**Environmental Justice 9-1. Tolling is an unfair burden.**

*Statement 42 Campbell, Bryan E-1:* "The new parkway is proposed to be a toll road, requiring additional expense for our South Dallas neighbors in order to benefit from this project. . . . The 3 solutions cited above (i.e. widening of US 75, I-635, and I-35E) did not mandate that drivers pay tolls in order to benefit from them. But the Trinity Parkway will require a toll to be paid by anyone wishing to use it. This is another contradiction to Dallas' past successes. This will be an unfair burden on our neighbors who currently commute north from South Dallas. Please address why you believe this to be fair for South Dallas residents."

*Statement 63 Elliott, Kit E-1:* "You have stolen enough money from the working class. Time to stop charging for new roads! Dallas is so corrupt and elitist. How dare they charge the poor people to drive to work to feed their families. They have lost touch with reality because they have had it so well for so long. Send them back to an hourly wage and see if they start charging for roads! Can you imagine – charging for roads that poor people use to get to work??? And then, paying their NTTA execs millions to do so…That's corrupt and low as it gets!!! Vote no more tolls in the DFW area!!! You have had enough!!!!!"

*Statement 73 Gosselee, Susybelle V-1:* "I'm also concerned about the tolls. Will people that are in that area, for instance, in West Dallas really be able to pay this toll? You're saying that it's going to be a toll that will compare to other toll roads, but what would the long-term payout be when we consider how much this costs per mile?"

**Response 9-1:** As funding mechanisms for improving area roadways evolve, the trend towards tolling of facilities in this region may, through time, create "user impacts" as access to highway systems becomes an issue to the economically disadvantaged. As discussed in **FEIS Section 4.3.2.2**, origin-destination (O&D) data secured from the NCTCOG was used for analysis of "user impacts" of the proposed Trinity Parkway on low-income and minority populations. Studying O&D data can determine travel patterns of traffic along a transportation facility during a typical day. This form of analysis is useful in assessing "user impacts" as the number of trips associated with specific population characteristics can be studied to provide general travel assumptions of those specific populations. Trips are defined as a one-way movement from where a person starts (origin) to where the person is going (destination). Assessing "user impacts" in the form of an O&D analysis is an integral component of the environmental justice analysis for the tolling aspects of the Trinity Parkway. The information associated with the O&D analysis is organized by traffic survey zones (TSZs) which are small geographic units of area that are developed as a basis for estimate of travel. The EJ TSZs predicted to utilize the Trinity Parkway facility were color-coded and mapped based on the number of trips per A.M. peak period from each EJ TSZ (**FEIS Plate 4-2B**).

The O&D analysis indicates that EJ TSZs would contribute over one-half of the A.M. peak period trips on the Trinity Parkway. There would be an economic impact to any motorist who uses the Trinity Parkway; however, the economic impact would be higher for low-income populations because the cost of paying tolls would represent a higher percentage of household income than for non-low-income users. Additionally, the requirement to prepay for a toll tag, keep money in a deductible account, and replenish that account may be too great of a financial burden for low-income populations. However, NTTA recently introduced a $20 Starter TollTag program with all the benefits of a regular TollTag at a lower start-up cost that may be a more feasible prepayment amount for low-income users.

Due to the greater economic burden of paying a toll, low-income motorists would likely be more reluctant to utilize the Trinity Parkway and instead use other non-tolled alternative routes. If motorists do not utilize the Trinity Parkway tollroad, they can use the extensive network of toll-free roadways in the area (see **FEIS Section 3.2**). As shown in **FEIS Figure 4-1**, there are two primary alternative non-tolled routes that could be used in lieu of the Trinity Parkway. These major roadways (IH-35E, IH-30, IH-45, and US-175) connect to the same general endpoints as the proposed Trinity Parkway in the northwest and southeast portions of the project area. Motorists would not be required to venture onto frontage roads or side streets within neighboring residential and commercial areas. These alternative non-tolled routes are

similar, but diverge within the Dallas CBD, where traffic flow is at a consistent congested state. An analysis performed in 2000 compared travel times along the Trinity Parkway and the two non-tolled alternative routes. The analysis cited an additional travel time expenditure of 7 minutes for Non-Toll Route 1 during peak A.M. and P.M. travel times in the peak travel direction. The study also showed an additional time expenditure of 7 minutes during the A.M. and 17 minutes during the P.M. for Non-Toll Route 2 in the peak travel direction.

For motorists who utilize the non-tolled alternative routes, the difference in travel times would likely be highest during peak hours of travel when traffic congestion would be the greatest. As described in **FEIS Chapter 1**, the Trinity Parkway is intended to provide one component of a transportation solution to better manage traffic congestion and improve safety in the area of the Dallas CBD, particularly congestion in the IH-30/IH-35E (Mixmaster) interchange on the west edge of downtown Dallas; the depressed segment of IH-30 (Canyon) south of the CBD; and the segment of IH-35E from the Mixmaster north to the DNT (Lower Stemmons). These major roadways make up critical segments of the non-tolled alternative routes likely to be utilized by low-income motorists traveling through the project area. These congestion management improvements would benefit all motorists, including low-income motorists.

**Environmental Justice 9-2. Compliance with environmental justice regulations.**

*Statements 144/145 Mazzei, Matt E-1/W-2*: "No materials or speakers were in Spanish and no translators were provided even though this highway will cut off West Dallas from Central Dallas. Dallas demographics are over 70% Spanish speakers in West Dallas, so not providing information in Spanish seems to be in violation of the Civil Rights Acts of 1964. Neighborhoods must be included when such a damaging project is cutting through their backyard."

**Response 9-2:** The NTTA, TxDOT, and the project team notified adjacent property owners of the Trinity Parkway public hearing in accordance with the Texas Administrative Code. In addition, NTTA and TxDOT published five notices in the Dallas Morning News, Al Dia (Spanish newspaper with notice in Spanish), and The Dallas Weekly (African American newspaper). Notices and copies of the FEIS were provided to agencies, libraries, and various community development corporations. Notices of the public hearing in both English and Spanish were mailed to adjacent property owners and interested parties March 19, 2014. Information regarding the hearing was also available on the NTTA, TxDOT, and City of Dallas websites. The NTTA and TxDOT team reviewed the list of locations in the commenter's area to ensure adequate distribution was provided throughout the project corridor. The public notice contained the following paragraph: "Persons interested in attending the Public Hearing who have special communication or accommodation needs should contact the NTTA at 214-224-3062 or by email at trinityparkway@ntta.org at least three (3) working days prior to the Public Hearing." Although no requests were received, Spanish interpreters were available during the public hearing and provided translation services to one person who requested language assistance.

**Environmental Justice 9-3. Disproportionate impacts to environmental justice populations**

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* "The tollroad will cause environmental injustice, as it will disproportionately affect communities of color along the river corridor in West and southern Dallas Six lanes of high speed traffic, including tractor trailer rigs, will cause air, noise and soil pollution along its' route. . . . Additionally, residences and businesses will be displaced at the southern Tollroad terminus; they will not be given sufficient funds to relocate."

*Statement 3 Albers, Anna (Chair, Trinity River Action Coalition) V-2:* "This road is a prime example of the environmental racism that we have seen throughout the City's history. It will disproportionately affect communities of color across -- along the river corridor and West and Southern Dallas. Six lanes of high-speed traffic including tractor trailer rigs will cause air, noise and soil pollution along its routes."

*Statement 73 Gosselee, Susybelle V-1:* "I'm also concerned about the citizens of West Dallas. They have been selling their homes and their land by the lot. The developers that are buying it are going to be selling it by the square foot. I'm afraid that it's going to be forcing out a good number of our citizens. . . .

The main thing that I want to say is some citizens will definitely benefit from this project. They will have great financial gain, but the citizens as a whole will definitely not."

*Statements 194/195 Sheridan, Richard P. W-1/W-2:* "The Trinity River Project is the 2nd Biggest Case of Environmental Racism is Dallas history. The RSR Lead Smelter Contaminating West Dallas is the 1st. It's the theft of our park to serve special interests."

*Statement 196 Sheridan, Richard P. V-3: "*My remarks tonight are addressed to the politicians. They came up with this tollway idea, not the great engineers who can pretty much design anything if they're not restricted by politics. The Trinity River Park tollway is a big lie and a theft of our park. The Trinity River Project is the second biggest case of environmental racism in Dallas history. The RSR lead smelter contaminating West Dallas is the first. This is a theft of our park to serve special interests. Dallas population is 70 percent minority. The special interests don't want to see too many of the minority population in their park."

**Response 9-3:** The proposed Trinity Parkway Build Alternatives were evaluated for compliance with EO EO 12898 (Environmental Justice) and FHWA Order 6640.23. A three-tiered approach was used to support FHWA's determination regarding compliance with these requirements:

- Identify whether minority or low-income populations exist in the project area. The terms "minority populations" and "low-income populations" were defined. Sources of data used included census data; anecdotal information from coordination with local officials; and public involvement.
- Identify adverse impacts that would potentially affect any minority and low-income communities of concern.
- Identify mitigation strategies for any identified adverse impacts.

As reported in the series of impact evaluations prepared for the FEIS (see **FEIS Section 4.3.2**) the project has the potential for disproportionate impacts, such as relocation/displacements, noise impacts, visual intrusion, and transportation impacts, on minority and low income populations within the project area. Regarding the statement that residences and businesses will be displaced at the southern tollroad terminus and will not be given sufficient funds to relocate, see **Subtopic 8-1.**

With the proposed mitigation (see **FEIS Chapter 5**) it is anticipated that impacts would be adequately mitigated and, therefore, would not be high or adverse. The proposed action is similarly consistent with Title VI in that there is no evidence of discriminatory intent or effect. The proposed action offers the possibility of long-term benefits to these areas and their residents. Based on appropriate and adequate mitigation resulting in no disproportionately high or adverse impacts, the analysis concludes that the Trinity Parkway can therefore be considered consistent with the policy established in EO 12898 (Environmental Justice) and FHWA Order 6640.23.

## 10. PUBLIC INVOLVEMENT

**Public Involvement 10-1. The format of meetings needs to be changed.**

*Statement 15 Barnabas, Vijay V-1:* "First, I'd like to make a couple of comments on a very quick scan of the FEIS. And scanning through that, it seemed like a lot of the comments that were made to the SDEIS actually were not addressed fully or at all. A case in point is just the format of this hearing today or tonight. Let me read to you what I wrote back in 2009. I said that the format of the public hearing was designed to limit public comment because the public basically didn't get to make their comments until 9 o'clock, after sitting through two hours of briefing slides. It's pretty much the same case today."

*Statement 54 Dalbey, Tim W-1:* "Why hold a public meeting with comments for an FEIS? It's all final anyway and won't be added to the text."

*Statement 59 Davis, Leamon V-2*: “I think that the format of some of these meetings should be changed, because when one is talking they're basically in a vacuum, and I think a meeting of this -- with this significance should be give-and take, call-and-response, question-and-answer. And I think that if we move toward a format like that, the people will be better represented. It's a half-and-half situation right now. I am for the road as it appears right now, but I have some misgivings because I think that a lot of things are abstract and left in the air. And I'm looking for more concreteness so I can make a true decision.”

**Response 10-1:** Due to the complexity of the project, the presentation did last approximately two hours. The public hearing was conducted in accordance with the format mandated by the TxDOT Public Involvement Environmental Handbook (March 2014). In this format, the agencies are required to address specific topics in the formal presentation such as the status of the project, project design, environmental impacts, and the ROW acquisition and relocation process. The formal elected officials and general public commenting session begins after the formal presentation has concluded. If a person was unable to make a verbal comment at the public hearing, he/she had the opportunity to submit written statements by mail or email during the official comment period. A two-hour long informal open house was conducted prior to the FEIS public hearing. During this open house period, the public had the opportunity to ask questions and discuss aspects of the project with the various members of the project team. All public hearing comments were considered by the FHWA and other project sponsors in the course of preparing anticipated the ROD, which is final agency action on the proposed project. The responses to each of the comments in this appendix will be included as an appendix to the ROD and will be available for public review.

**Public Involvement 10-2. General public opinion does not support the Trinity Parkway.**

*Statements 144/145 Mazzei, Matt E-1/W-2*: “A poll was on the Dallas Morning News website last week, in regards to the toll road, and over 90% of respondents encouraged the NO Build Option.”

**Response 10-2:** The City of Dallas has expressed their support for the Trinity Parkway project, specifically an alignment within the Dallas Floodway, within two city-wide elections. First, on May 2, 1998, Dallas voters approved the issuance of General Obligation Bonds including $84 million for the Trinity Parkway reliever route within the Dallas Floodway levee system. Then, a special election was ordered by the Dallas City Council (held on November 6, 2007) in response to a petition submitted by the “Trinity Vote Committee” calling for the prohibition of construction, maintenance, or improvement of certain roadways (i.e., Trinity Parkway) within the Trinity River levees from Westmoreland Road to IH-45. If supported by Dallas voters, the petition would have prohibited city adoption of several Trinity Parkway alternatives (i.e., the Dallas Floodway Alternatives). After extensive media coverage and public debate, the petition failed to gain voter approval, allowing continued consideration of Trinity Parkway alignment alternatives within the Trinity River levees.

While polls and comments provided through various forms of social media are a sample of public opinion, the evidence of voter preferences among the general populace resulting from city-wide elections (described above) is much more persuasive in terms of gaging overall support or opposition to the project. In addition, specific substantive comments received during public hearings and public comment periods are individually considered, and federal law requires the FHWA to provide responses to such comments prior to making a decision regarding the proposed project.

**Public Involvement 10-3. Comments relating to the previous election(s) on the project.**

*Statement 35 Brink, Richard E-1: “*We voted in the original bond election for a parkway, not a toll road – a parkway would have no vehicles with more than 6 wheels, or speed over 45 mph. We don’t need another road in the heart of our city.”

*Statement 102 Hurst, Alan E-1:* “I would prefer to see the Trinity River corridor as it was originally envisioned in the 1996 Dallas bond program without the road or tollway.”

*Statements 144/145 Mazzei, Matt E-1/W-2*: “When the City of Dallas bond was put before the voters to approve funding, it was marketed as a large urban park, with a thin strip of road. Based on the toll way authorities final EIS the road will be up to 500 feet wide and have large diamond interchanges and overpasses. . . . The toll road design has become much larger and intrusive to the ecosystem. The park amenities have been so pared down that the original design promised to voters in the bond voting materials is all but gone.”

*Statement 148 McCord, Marc E-1*: “The City of Dallas has committed $202 million in bond money to build a "World Class recreation venue" along the banks of the Trinity River adjacent to downtown Dallas. A toll road is completely incompatible with such a project - who wants to go to a park where the noise and pollution from high volume, high speed traffic ruins the serenity and enjoyment of going to a park?”

**Response 10-3:** For many years the City of Dallas has set forth to design a comprehensive plan for the development of the Trinity River Corridor. The Trinity River Corridor Master Implementation Plan – Lake Design and Recreational Amenities Report, and the supplementary City of Dallas BVP report both establish a long range vision of the corridor to be achieved with local, state, and federal partnerships. The objective of these plans was to balance potential conflicting goals associated with each element considered in the plan. The BVP established broad initiatives including flood protection to include the following elements: Dallas Floodway Extension (DFE) project; environmental restoration and management which includes river-related improvements, trails and nature areas; recreational and open space amenities; multiple transportation components which include the Trinity Parkway; and a community and economic development component which includes a Comprehensive Land Use Study.

Though many of the components of the BVP are interrelated with respect to function and funding, each component of the BVP is subject to its own regulatory approval process which calls for separate design, environmental documentation, agency coordination, and public involvement. Intergovernmental cooperation has been factored into the process in order to provide for concurrent reviews of documents and to streamline the constructability process. The timetable for the various projects contained within the BVP master plan has varied and will likely continue to fluctuate until such time as the complex issues associated with each potential development within the Dallas Floodway have been resolved, and regulatory agencies are assured that multiple alternatives have been fully considered. The timing of each BVP project is also a factor because analysis from one or more of the projects can provide data to project planners and engineers as they are designing aspects of each individual project. As was widely publicized, the USACE has prepared a Draft Environmental Impact Statement (DEIS) to evaluate and compare the BVP ecosystem restoration, flood risk management, and recreation alternatives within and along the Dallas Floodway in response to the authority contained in the United States Senate Committee on Environment and Public Works Resolution dated April 22, 1988, and Section 5141 of the WRDA of 2007.

Plans for a Trinity Parkway have been considered since the 1970s, when several city plans for the Trinity Lakes and park system designated a zone for a future transportation corridor parallel to the levees. By 1996 the Trinity Parkway Corridor required further study under a MTIS due to the cost and complexity associated with addressing transportation problems within the Trinity River Corridor. The proposed Trinity Parkway reliever route was one of seven multi-modal options recommended to address transportation issues within the Trinity River Corridor while integrating a transportation solution with community goals and objectives for the Dallas Floodway. The MTIS recommended a 45 mph 8-lane parkway; however, the operating speed of the facility was changed to 55 mph to support toll funding. All of these plans evolved with stakeholder participation and agency coordination. In 1998, Dallas voters approved a General Obligation Bond package which committed $84 million to the Trinity Parkway reliever route within the Dallas Floodway levee system and $34 million for other transportation improvements in the corridor. Other components of the bond package included $24.7 million for the DFE, $30 million for the Elm Fork Levee, $41.5 million to improve the Great Trinity Forest, and $31.5 million to create a Chain of Lakes. Each of the projects is at various stages of planning and engineering, and some of the items included in the package have been completed.

Projects such as the proposed Trinity Parkway and other elements contained in the proposed bond package have taken a substantial amount of time to reach completion because of the need to adequately address engineering and environmental concerns. The City of Dallas and partner agencies seek to have all proposed projects for the Trinity River Corridor appropriately planned and reviewed in a coordinated manner, while addressing unanticipated issues as they arise.

**Public Involvement 10-4. Information provided at the Public Hearing inaccurate.**

*Statements 144/145 Mazzei, Matt E-1/W-2*: "In the public hearing April 24th, 2014 the NTTA spokesperson announced "when the construction in approved." This was inappropriate, because public input is required, yet the toll way authority already announced the construction approval by the Corps, before the public input requirements have started."

**Response 10-4:** A search of the words "construction" and "approved" in the FEIS Public Hearing transcript did not reveal this phrase or use of the words in this context. An examination of the transcript indicates that the NTTA spokesperson clearly communicated the final design planning and eventual construction of the Trinity Parkway is contingent on "if a build alternative is selected."

**Public Involvement 10-5. Media coverage of the proposed project.**

*Statements 144/145 Mazzei, Matt E-1/W-2*: "The confusion continues as major news agencies continue to run stock photos of a thin road, with no interchanges, and large lakes and park land. I have attached the depiction as early as April 17th Dallas Morning News Article showing these false images (see exhibit A)."

**Response 10-5:** It is out of the control of NTTA and FHWA what the media outlets choose to publish pertaining to the proposed Trinity Parkway. News media outlets may acquire data from various sources, and may include information that is outdated or otherwise inaccurate. Additionally, the image referenced and depicted in the exhibit provided by the commenter does not provide the source or date of the rendered image. For these reasons, it is not possible to comment further on the choice of the Dallas Morning News to publish the image that was provided by the commenter.

**Public Involvement 10-6. Public involvement requests.**

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1: "*We have questions about the citizen participation process and the availability of the Final Environmental Impact Statement, and notified of today's public hearing. I am contacting our members to see if they were notified of the availability of the FEIS and their access to it, and about the public hearing. . . . We are asking for a free paper copy of the FEIS. . . . We are also asking our coalition about whether our members were offered to opportunity of private meetings with NTTA and other Trinity Toll road project members. So far, I have found that some were notified of the FEIS and public hearing, but that they were not offered a private meeting, which I am requesting today. Our coalition opposes the placement of the Toll road within the levee system, and we wonder if that is why we were not offered a private meeting. We are requesting under the Freedom of Information Act (FOIA) a listing of all of the private meetings conducted during the preparation and publication of the FEIS. We also want to know who received free copies of the FEIS. . . . TRAC is also concerned about the limited time period given for the review of the FEIS. Four weeks is not sufficient time to review a document that is over a foot thick. Therefore, we are asking that the comment period be extended until July 1, 2014

**Response 10-6:** Acting on behalf of the NTTA, Mr. Dan Chapman provided Ms. Albers with an email response on May 1, 2014, which responded to her regarding her requests for (1) a paper copy of the FEIS free of charge for use by two organizations she represents: Citizens for a Safe Environment, and Trinity River Action Coalition; (2) a private meeting between NTTA and TRAC; and (3) an extension of the public hearing comment period. Mr. Chapman informed Ms. Albers that she would be mailed a free paper copy of the FEIS. That copy was delivered to her address on May 2, 2014. In addition, the FHWA informed Ms. Albers that two CDs containing the FEIS would be mailed to her free of charge.

Mr. Chapman wrote the following response regarding Ms. Albers request for a private meeting and a FOIA request for a list of private meetings that have been held. "Finally, I don't understand your request for a private meeting. Meetings are documented in the FEIS. All other meetings are agency working meetings. If you are referring to a NTTA presentation to a civic or private organization, you can make that request through the NTTA's Project Communications Manager, Sam Lopez (copied on this email). Please note information presented would be the same as that presented at the April 24th public hearing. The public hearing presentation is available on the NTTA website (NTTA.org)."

Mr. Chapman also informed Ms. Albers that FHWA, TxDOT and NTTA unanimously concurred that the comment period would not be extended. He also stated the following: "At the conclusion of the advertised comment period, which has already been extended by 5-days, the document will have been available for review and comment for 50-days, exceeding federal requirements."

## 11. RIGHT-OF-WAY ACQUISITION

**Right-of-Way Acquisition 11-1. Right-of-way impacts.**

*Statement 166 Paris, James W-1*: Proposed development packet submittal. Mr. Paris submitted a 48-page informational packet detailing a concept residential midrise urban living development called 100 Parkhouse. The packet includes descriptions, maps, layouts, plans and profiles, and can be viewed in full in **Appendix D**.

**Response 11-1:** In the relocation/displacement portions of the DEIS, SDEIS, and FEIS, the existing building at 100 Parkhouse Street has been marked as a displacement. If Alternative 3C is implemented, right-of-way would be required and the existing commercial building at 100 Parkhouse Street would be displaced. If Alternative 4B is implemented, right-of-way would be required from the parcel, but it is unlikely that the building at 100 Parkhouse Street would require displacement. Potential displacement impacts for each of the Trinity Parkway Build Alternatives were determined from project mapping and aerial photography with alignment overlays. Impacts were confirmed through field inspections in the project area. Property owners would be compensated for right-of-way acquired based on the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. Property would be appraised at fair market value as determined by an independent appraiser and the property owner would be offered this compensation. Compensation could include not only the fair market value for the land acquired but also compensation for any improvements within the taking as well as damages, if any, to the remainder.

**Right-of-Way Acquisition 11-2. ROW acquisition schedule.**

*Statement 89 Henderson, Garrett E-1:* "When will ROW acquisition begin?"

**Response 11-2:** If a Build Alternative is selected in the ROD, then ROW acquisition could begin shortly thereafter. The actual time of purchase for a particular ROW parcel would be at the discretion of the implementing agency/developer.

## 12. ECONOMIC IMPACTS AND PROPERTY VALUES

**Economic Impacts and Property Values 12-1. Economic impacts to citizens paying toll.**

*Statement 140 Lyons, Alendra W-1*: "I am a native of Dallas, TX. I'm glad to see the change of our city. My concern is that does there always have to be a road project that requires money to be paid to enjoy the ride. . . . Dallas is changing (*its)* appearance (*and)* that is a good thing. Is there a way that the toll will not have to be enforce(*d*) at the start(*?*) This would allow people to ride who would not get a chance."

**Response 12-1:** The proposed action is being planned for implementation as a limited-access toll facility with NTTA as the local sponsor. The toll road designation for the Trinity Parkway is made for funding

purposes. Developing a highway as a toll road can typically save both time and money. The use of toll-financed revenue bonds, which are sold to private investors at competitive interest rates, would allow a project to be funded much more quickly than one that has to compete for limited tax dollars. Substantial cost savings can also be achieved by avoiding the inflationary effect resulting from years of deferred completion. In light of TxDOT funding constraints, implementing the proposed action as a toll road would provide a needed funding mechanism and would accelerate the project schedule. This would allow the project to satisfy the need and purpose (see **FEIS Chapter 1**) sooner than if implemented as a TxDOT project. Further, a portion of the revenues from tolls would be used to provide full maintenance and operation of the roadway, freeing TxDOT from this on-going funding obligation. If the proposed project is implemented, the implementing agency will determine the timing of toll collection and enforcement.

**Economic Impacts and Property Values 12-2. Economic growth and development potential.**

*Statement 40 Byars, Steve W-1:* "If we're going to expect millions of dollars of new construction to occur along the river, we must realize that a ridiculous toll road stuck inside the levy system is absurd. I know that NTTA exists to build toll roads everywhere, but this idea is not only onerous in its cost projections, but wrecks the river development potential – development which is sorely needed and will unite Dallas downtown and Oak Cliff."

*Statement 41 Callahan, Rick (Dallas City Council) V-1:* "This is also an economic development thing that's very critical for our area. You're going to see a lot of growth along that corridor (Trinity Parkway), Highway 175 will become like Interstate 30, 20 and also Highway 80 as a result of that. With the work that's being done at dead man's curve there going into 75, once we get that interchange and that 9-mile roadway, that changes everything."

**Response 12-2:** As transportation entities, NTTA, TxDOT, and the FHWA will not be involved in any present or future zoning decisions that would occur in the vicinity of the Trinity Parkway that are not already planned. The FEIS reflects discussions with City of Dallas planners about the probability of project-induced land use change as a result of the Trinity Parkway Alternative 3C, and it was determined that the project would not likely influence land use change not already planned for in the area by others. This alternative would not induce land use change because no new access would be introduced other than some limited access at cross streets. No planned transportation projects associated with Alternative 3C have been identified, and induced private development is not anticipated. This conclusion supports the overarching purpose of the Trinity Parkway as a reliever highway to allow many travelers to navigate past the downtown area. The Trinity Parkway would provide limited access to undeveloped properties, so the roadway would not serve as a major inducement for land use change plus the regulatory constraints and government ownership of land within the Dallas Floodway would prevent the Trinity Parkway from inducing private development of land within the floodway. However, the City of Dallas and the public at-large would have a direct impact on the likely outcome of the location, type, and amount of anticipated land development in the corridor. In 2005, the City of Dallas published the Trinity River Comprehensive Land Use Plan. The plan was a result of public involvement process and represents a long-term vision of the Trinity Corridor up to the year 2050. Though the document established a policy direction for the Trinity Corridor, specific design and zoning details would require detailed plans and studies for each sub-area of the corridor. The City of Dallas has begun some detailed public involvement and planning efforts in the neighborhoods surrounding the Trinity Corridor. The City of Dallas will likely continue to work with the communities surrounding the Trinity Corridor until all sub-areas have completed updated zoning maps that both reflect community goals and respond to future market forces.

**Economic Impacts and Property Values 12-3. Impacts to personal expenses and property values.**

*Statements 132/133 Long, Janet E-1/W-2*: "Without this analysis, the residents and business owners southeast and southwest of the proposed six lane toll road have no information regarding how the flooding risks will impact their property values, insurance costs, and property access during a significant flooding event."

*Statement 134 Long, Janet V-1*: "If these neighborhoods are included (*in the floodplains*) many homeowners and businesses, if not all, will incur flood insurance costs for the first time. Also, inclusion in the floodplain will reduce property values and discourage development in a high potential close-in area. What compensation is available for these owners?"

*Statement 148 McCord, Marc E-1*: "Displacing water that is meant to be contained within the levees risks a New Orleans-type of flooding that will result in condemnation of downtown real estate leading to property devaluation and a federal requirement to purchase high cost flood insurance. The negative economic (*impact*) on Dallas would be phenomenal."

**Response 12-3:** The term "developed areas" is used to describe the levee protected areas surrounding the Dallas Floodway in the project area. Based on the FEMA mapping, this is predominantly Zone X (levee protected) with scattered areas of Zone AE (Floodway) in drainage sumps, and Zone AE (100-year) in areas subject to local flooding. Based on NTTA usual design standards, the proposed roadway would be designed to be protected from the 100-year storm event. The Zone X levee protected area exceeds 100-year event protection. Therefore, the roadway would not require additional elevation or other special treatment to protect it in Zone X. Zone AE (Floodway) includes the drainage sumps found within the developed areas. Avoidance of flooding impacts is proposed by bridging over these sumps. Any potential impacts to storage (such as displacements by columns or abutments) would be offset by providing additional excavated areas to ensure no net loss of floodwater storage capacity. Zone AE (100-year) in the developed areas comprises minor areas of local ponding from rainfall events. These areas would either be bridged over or filled by embankments to assure 100-year flood protection.

As discussed in **FEIS Section 4.14.2**, the potential extent of floodplain encroachment for Alternative 3C was estimated to be 305 acres for Zone AE (Floodway). Although this encroachment is significant and could potentially raise the base flood elevation, the project has been designed to avoid such impacts by excavating roadway embankment from within the floodway. Considering the mitigation reflected in the overall design of Alternative 3C, the resulting effects would either meet USACE design criteria or be sufficiently minor to warrant a waiver that would be required by the USACE prior to implementation. In accordance with the FHWA hydraulic design standards, bridge structures would be designed to avoid the base floodplain, where practicable. As currently proposed, bridge structures in developed areas would be supported with concrete piers and the decks elevated above 100-year flood levels to avoid interference with flood flows. Using this design approach, the proposed structures would have no substantial effect on the base floodwater surface elevation, and there would be a low risk of water overtopping the roadway or causing additional damage to adjacent property. Since the proposed structures would displace only a small portion of Zone AE, the encroachment into the floodplain is considered minimal. In the event the final design requires any substantial encroachment of base flood zones, detailed analysis and design would be required in compliance with FEMA guidelines, local regulations, and the FHWA hydraulic design standards. Analysis of the proposed project design for Alternative 3C and recommended mitigation measures indicates this project would not constitute a significant encroachment into the base floodplain in developed areas (outside of the Dallas Floodway) and does not create a significant risk as defined by the FHWA design regulations (23 CFR Part 650, Subpart A) (see **FEIS Section 4.14.4**).

**Economic Impacts and Property Values 12-4. Economic impacts to businesses.**

*Statement 34 Bright, Sally and Tom W-1: "*Problems: (1) Elimination of service road removes access to south bound Irving Blvd (cannot turn left now from Commonwealth Dr. onto Irving Blvd.). Present access is via Lackawanna, and the access to it from Commonwealth will be eliminated. (2) Our business, 3151 Commonwealth Dr., requires access from the new Commonwealth Road, for large trucks. These trucks must then get back to Commonwealth to go back to I-35E. In the proposed, this cannot be done. By closing Iron Mountain Street and traffic light, the trucks and other vehicles cannot go that direction, so they must go towards Irving Blvd. on service road, but entrance to Commonwealth from service road is past the turnaround to turn back toward I-35. Also, the current highway configuration does not allow a left turn on Irving Blvd. to head south. (3) Drainage from Commonwealth will flow towards our building, but storm drain access is too high and water pools in property next door and flows over our property to (no

storm sewers) and flows into a low spot on our property and probably under our building which destabilized our factory floors."

**Response 12-4A:** If Alternative 3C is selected, it is anticipated that the process of final project design would commence. In the course of that process, all owners of properties directly affected by design plans would have opportunities to discuss their concerns with the implementing agency (e.g., NTTA or TxDOT) during final project design. One of the purposes of final project design is to avoid and minimize situations during construction that would disrupt the activities occurring on abutting properties.

*Statement 110 Karnowski, Michael W-1:* "It would decimate locally-owned business."

**Response 12-4B:** As discussed in **FEIS Section 4.5.2.2**, overall, economic impacts would be positive for this project. For example local businesses could initially supply much of the construction-related purchases. The proportion of economic benefit retained locally depends on capturing the sale or acquisition of local materials and labor during the construction process. Some negative aspects of the Trinity Parkway can also be expected. While the Trinity Parkway is likely to facilitate an increase in local and regional transportation along its route, diversion of traffic flow from traditionally used routes (i.e., IH-35E) could diminish local business exposure and revenue in and around the CBD. However, the recommended Build Alternative 3C would provide limited access to businesses where cross streets intersect the proposed project. Approximately 15 to 20 businesses would be displaced by the project. There is the potential that many of these businesses and associated jobs could be permanently lost if displaced businesses are unable to relocate within the same geographic area or decide for other reasons to cease operations and employees are unable to find similar work. Mitigation for job losses would be implemented through proactive use of services available from the Texas Workforce Commission (TWC) and Workforce Solutions Greater Dallas ("Workforce Solutions") for both business owners and employees. **FEIS Chapter 5** contains a detailed discussion of mitigation efforts for loss of employment opportunities.

**Economic Impacts and Property Values 12-5. Economic impacts to OxyChem property and business operations.**

*Statements 124/125 Lampert, Andy (Plant Manager – OxyChem Dallas Silicate Facility) E-1/W-2:* "Occidental Chemical Corporation ("OxyChem") owns and operates a sodium silicate chemical manufacturing facility located at 1100 Lenway Street, Dallas, Texas (the "OxyChem Facility"). The OxyChem Facility employs 34 full-time personnel and operates 24 hours per day, 7 days per week, and 365 days per year. . . . We were not aware of the potential combined impacts of the NTTA's proposed Trinity Parkway Project, and associated US Army Corps of Engineers ("ACOE") Dallas Floodway Project (collectively, the "Project"), until the NTTA's public meeting on April 24, 2014. This letter contains our comments on the Trinity Parkway Project's final Environmental Impact Statement ("EIS"). Please note that we will also be commenting on the draft EIS regarding the Dallas Floodway Project. . . . Based on the Trinity Parkway Project's final EIS, it appears that the Project may likely (1) adversely impact the OxyChem Facility's continuing safe and effective manufacturing operations, (2) diminish the value of the OxyChem Facility and adjacent OxyChem property by making a substantial portion of the OxyChem property inaccessible and unusable, and (3) affect portions of the property that constitute an intact but inactive industrial waste disposal site." . . . Due to these potentially severe impacts of the Project, as further described below, we respectfully request a meeting between OxyChem and the appropriate NTTA Project personnel to discuss the Project and its impact on the OxyChem Facility, including potential alternatives that would be consistent with the NTTA's objectives while preserving the viability of the OxyChem Facility. Below is a summary of the potential impacts of the Project on OxyChem.

Impact on OxyChem Property and Business Operations: The currently proposed route of Trinity Parkway in the NTTA's preferred Option 3, as shown below, would force modifications to existing long-standing supply chain, logistics and manufacturing operations that could significantly curtail the OxyChem Facility's production capacity and efficiency. . . . For example, the proposed locations of Trinity Parkway and the ACOE levee will render a portion of OxyChem's existing rail track unusable and, as discussed below, construction could affect overland shipments. In a typical month, approximately 100 separate railcar

shipments, and 300 separate truck shipments, enter or leave the OxyChem Facility, including raw materials, finished products, replacement parts and service personnel. Without appropriate levels of rail and truck service and railcar storage, OxyChem will be unable to conduct manufacturing operations at current capacities. Any closure of, or material reduction in truck shipments via, Lenway Street would significantly curtail manufacturing and customer deliveries and would invariably affect the viability of the OxyChem Facility. . . . The Project would render all portions of the OxyChem property underneath, and to the south of, Trinity Parkway and the ACOE levee inaccessible and unusable, significantly reducing the flexibility of the OxyChem site for future projects or expansions. There is little doubt that the Project will negatively impact the value of OxyChem's Facility and adjacent land. . . . It also appears that Trinity Parkway would be located within 50-100 feet of OxyChem's operations area. The proposed elevation of the roadway, coupled with its location, necessitates the use of screening on the elevated roadway in order to ensure security of the OxyChem Facility's operating area.

Impact During Construction: We are particularly concerned about the impacts of Project construction on OxyChem's ongoing operations. Specifically the construction phase of the Project could block or interfere with truck and rail access to the OxyChem Facility. As mentioned above, a closure, or curtailment of use, of Lenway Street would severely Impact manufacturing capacity. We specifically request, irrespective of the final location of Trinity River Parkway, that the construction areas be accessed via Martin Luther King Jr./Cedar Crest Blvd. Respectfully, we also request NTTA's commitment to involve OxyChem in the approval of detours, road closures and routing of construction traffic to minimize impacts on OxyChem's operations.

Environmental Impact: The proposed routes for Trinity Parkway and the ACOE levee cross an existing but inactive industrial waste disposal site. We seek clarification regarding (1} the Project's impact on the landfill and ongoing monitoring activities, and (2) responsibility for environmental liabilities that may be associated with the property in connection with the Project. . . . In conclusion, we respectfully request an in-person meeting with appropriate NTTA Project personnel, at a mutually convenient time, to discuss the Project and its impact on the OxyChem Facility. Please advise the undersigned at 214.421.7607 when a meeting can be scheduled, and in the meantime, please contact me with any questions or to discuss further."

**Response 12-5:** Since 1999, there have been six public meetings, 11 Community Action Work Group meetings open to the public, four public hearings, many briefings and presentations to local and regional business communities, and numerous articles in the media regarding the Trinity Parkway project. However, OxyChem's primary concerns regarding economic impacts relate to the construction of the Lamar Levee Extension by the USACE, which is part of the Dallas Floodway Extension (DFE) Project. The schematic design displayed at the public hearing included a depiction of the Lamar Levee Extension with the annotation "by others", indicating that the levee project is not part of the Trinity Parkway Project. The Lamar Levee Extension is also not part of the Dallas Floodway Project, a planned project focusing on implementing the City of Dallas' Balanced Vision Plan that was discussed at the public hearing. The DFE Project was approved in 1999 and portions of the project have been under construction since 2001. The Lamar Levee Extension has not yet been constructed and would result in substantial encroachment across the OxyChem property. The planned Lamar Levee Extension would cross an existing rail spur that is approximately 900 feet in length, thereby reducing its length by approximately 150 feet. This curtailment of the rail spur and adjacent access roads is the basis for OxyChem's concern about economic impacts. However, the Lamar Levee Extension would not affect industrial buildings on the property and would serve to remove the OxyChem facility from the 100-year floodplain and associated flood hazards.

In contrast to the impacts of the Lamar Levee Extension, the Trinity Parkway Alternative 3C would construct bridge structures crossing OxyChem's property to the south of the Lamar Levee Extension. In the absence of the planned levee construction, the Trinity Parkway would include approximately 10 to 20 feet of the end of the existing rail spur within its ROW, but would offer little if any structural conflict with OxyChem's facility. As a practical matter, by the time the Trinity Parkway would be constructed the levee would already be in place, which is why the proposed roadway is designed to bridge over the levee and the reason this component of the DFE is shown in the roadway's design plans. OxyChem expressed

concern that the Trinity Parkway would interfere with ongoing facility operations during construction of the road. This assumption is incorrect because the Lamar Levee Extension would most likely be constructed years before the Trinity Parkway bridges would be built to pass over the levee. With the levee in place, access to the bridge construction sites on existing OxyChem property would most likely occur on the river side of the levee. In the unlikely event that the roadway were to be constructed before the levee, construction activity would not materially interfere with the OxyChem facility because the ROW minimally overlaps with the rail spur and access to the construction areas by way of the OxyChem facility would not necessarily be required. In any event, coordination during final project design would occur between the implementing agency and OxyChem to minimize impacts to its industrial operations.

Regarding the project's impact on the landfill, **FEIS Section 4.18.2** states that Alternative 3C is located on structure (elevated bridge) where it would encounter four landfills including the above-mentioned inactive industrial waste disposal site. Should Alternative 3C be selected in the anticipated ROD, prior to ROW acquisition, it is anticipated that a Phase I Environmental Site Assessment (in accordance with 40 CFR Part 312 and the most current American Society for Testing and Materials [ASTM] Standard) would be performed for ROW acquisitions that have known or potential occurrences of hazardous materials. Based on the results of the Phase I Environmental Site Assessment, sampling and analysis activities and potential remedial activities can be evaluated for the selected alternative. As discussed in **FEIS Section 5.7**, site assessments would be carried out to the degree necessary to identify the levels of contamination and, if necessary, to evaluate the options to remediate, along with the associated costs. Resolution of any concerns associated with contamination would be coordinated with the appropriate regulatory agencies prior to ROW acquisition, and appropriate action would be taken. Any required mitigation of identified hazardous material concerns would include those for proper management and disposal of hazardous wastes encountered during construction and precautions for worker health and safety. Regarding responsibilities for environmental liabilities, these responsibilities would be addressed in connection with the site investigations (also see response to **Subtopic 22-1**).

Regarding a request for an in-person meeting with appropriate NTTA Project personnel, representatives of OxyChem may make that request through the NTTA's Project Communications Manager, Sam Lopez. Please note information presented would be the same as that presented at the April 24th public hearing. As indicated in the response to **Subtopic 12-4A**, OxyChem would similarly have the opportunity to provide input during the development of final design plans to minimize impacts to its operations.

## 13. CULTURAL RESOURCES

### Cultural Resources 13-1. Potential impacts to Continental Street Bridge.

*Statement 54 Dalbey, Tim W-1:* "In the Cultural Resources sections the THC requests (letter of June 7, 2011) nomination of Corinth Street bridge as mitigation for the Continental Viaduct being adversely impacted and made into a pedestrian bridge. Don't see that this was done, but will be addressed in the FEIS, but did not find that it was addressed."

**Response 13-1:** Alternative 3C would have an adverse effect on the NRHP-eligible Continental Avenue Viaduct; therefore, under Section 106 of the NHPA, the FHWA and TxDOT are required to explore potential mitigation measures. Measures may be on-site or off-site, depending on need and an analysis of how to best serve preservation and historical interests. On-site measures could include ensuring the replacement bridge section compliments the historic bridge, or providing an interpretive plaque discussing the historic viaduct. Off-site measures could include Historic American Engineering Record documentation of the viaduct. In the event Alternative 3C is selected in the anticipated ROD, an official course of action to mitigate adverse effects will be developed and included in a MOU produced from coordination between the FHWA, TxDOT, and the State Historic Preservation Officer (SHPO). In correspondence with the SHPO in 2011 (see **FEIS Appendix B**), the SHPO concurred with this approach of continued consultation to specify mitigation details for impacts to the Continental Bridge during final project design, if Alternative 3C is selected in the ROD.

**Cultural Resources 13-2. Archeological site 41DL320.**

*Statement 54 Dalbey, Tim W-1: "*In all cultural resources reports the historic site 41 DL320 was omitted."

**Response 13-2:** As discussed in **FEIS Section 3.3.1.3**, Archeological Site 41DL320 was recorded in 1990. This site was an old City of Dallas dump with two areas dated to the 1930s and one area dated to the 1900s. The dump has been looted by bottle collectors. As discussed in **FEIS Section 4.7.1**, based on the results of previous investigations and the amount of disturbances throughout the portion of the APE that was expanded in 2013 to address the merging/transition of the proposed project with IH-35E and SH-183 (see **FEIS Section 3.3.1.3**), there is a very low probability of encountering intact archeological historic properties in this area and no further work is warranted. Archeological investigations throughout the project area resulted in the conclusion that the project area does not contain archeological historic properties. The project-related archeological investigative plans and results were coordinated with the SHPO, who concurred with the conclusion that the proposed project would not affect archeologic historic resources (see **FEIS Appendix B**).

**Cultural Resources 13-3. Section 106.**

*Statement 54 Dalbey, Tim W-1: "*There was no public input or involvement in the Programmatic Agreement between TxDOT, FHWA, ACHP, and the THC concerning the Section 106 as per 36 CFR Part 800(d)(1)(2)(3). Involving the public all along as from the start this has been a political football between agencies and the public who pays for this be damned. The THC letter of 26 March 2013 considers the Dallas Floodway as eligible for listing in the NRHP and the issuance of CEWSF permits would be construed as no adverse effect of the integrity of the Floodway."

**Response 13-3:** Coordination with the public regarding properties potentially protected by Section 106 has been ongoing throughout the development of the Trinity Parkway Project. Extensive information was provided in the DEIS and SDEIS regarding historic properties and potential impacts, and the views of the public with regard to these properties were solicited in connection with public involvement (i.e., public hearings and public comment periods) and considered by the FHWA. With the publication of the LSS in 2012, information relating to historic properties and districts was provided to a greater level of detail and a substantial amount of agency correspondence with the THC was included in Appendix F of the LSS. Again, a public hearing was held and the views of the public were received during the public comment period. With the publication of the FEIS in March 2014, information about historic properties and districts potentially affected by Alternative 3C was updated and the most recent correspondence relating to cultural resources was included in **FEIS Appendix B**. Again, comments relating to historic cultural resources and other aspects of the FEIS were solicited from the public in a public hearing and during the public comment period that preceded and followed it. These actions were undertaken in compliance with the requirements of 36 CFR Section 800.2(d), which specifically authorizes agencies to "use the agency's procedures for public involvement under the National Environmental Policy Act" to satisfy Section 106 requirements.

**Cultural Resources 13-4. Notify THC if receive comments.**

*Statement 90 Henderson, Linda (Historian, Federal Programs – THC) E-1;* "Please let us know if you receive any public comments regarding cultural or historic resources so we can include them in our files."

**Response 13-4:** Public comments regarding cultural or historic resources will be sent to THC for inclusion in its files.

## 14. PARKLANDS AND RECREATIONAL AREAS

**Parklands and Recreational Areas 14-1. The proposed project would deter visitors from using the park.**

*Statement 36 Bristow, Annemarie W-1*: "The impact of the road inside a greenbelt would be a disaster. We have enough noise, dirt and lights to scare anyone out of the city."

*Statement 52 Cruz, Daniel V-2:* "Last month or a few months ago, I had the privilege for the first time ever to set foot in the Trinity River Basin at a camp fire. I was amazed. Why didn't I do this before? And to think that in near future, I'll be taking my son and there's going to be a six-lane highway or a tollroad. I can't picture that being safe with all the noise, the traffic. I wouldn't want my baby crawling over some wall and being hit by a car or truck."

*Statement 84 Hamaker, Maralyn E-1*: "The tollroad will not only destroy hundreds of acres of woodlands and open spaces that remove pollution from the smoggy downtown air, but the huge increase in traffic will add to downtown smog and air pollution. The same traffic would also add to the water and soil pollution of the area. Who wants to go to a park that's noisy and polluted? That doesn't sound very peaceful and restful."

*Statement 110 Karnowski, Michael W-1:* "This "parkway" would make it virtually impossible for us to enjoy this new park."

*Statement 163 Nash, Carol E-1*: "I am strongly opposed to a toll road within or along the levees along the Trinity River. Such a road would ruin the experience of future park visitors."

**Response 14-1:** The City of Dallas Parks and Recreation Department (PARD) has indicated that Alternative 3C would not have a negative impact on any of the existing/planned parks and recreational areas located in the project area. The PARD acknowledges that one of the goals for the Trinity Parkway as a whole is to improve access to existing and proposed recreational opportunities. In this regard, the Trinity Parkway would provide positive benefits for these resources (see **FEIS Appendix A-1**, pages 63-64). The local community has also established an "aesthetic intent" to place the Parkway in the Floodway as a means to promote visibility and access to the Trinity River Greenbelt Park, and to act as an aesthetic complement to proposed park improvements.

**FEIS Section 3.3.2.3** provides a description of planned parks/recreational areas in the project area that may be affected by Alternative 3C. Efforts to avoid potential impacts to planned park/recreational areas initially involved the development of an alignment that avoided or minimized impacts to these resources. No direct use of the planned resources listed in **FEIS Table 3-14** are anticipated as a result of Alternative 3C. Any park/recreational use that may be affected by potential noise or visual impacts associated with Alternative 3C can be planned and designed to avoid or minimize those impacts. For additional details, see **FEIS Section 5.1.2**.

The NTTA continues to participate in a cooperative multi-project planning effort with the City of Dallas, Dallas County, TxDOT, the FHWA, NCTCOG, and the USACE to implement various components of the City of Dallas' Trinity River Corridor Master Implementation Plan (MIP)/BVP. The Trinity Parkway has been identified as a key component of this plan. As detailed in **FEIS Appendix J-2**, the Trinity River Corridor MIP/BVP incorporates the proposals from these agencies into one cohesive concept plan. Such proposals include the Dallas County Trail Plan, Trinity Trails System, Regional Veloweb, and Great Trinity Forest Master Plan. As described in **FEIS Section 1.6.1.2**, proposed Trinity River Corridor MIP/BVP recreation measures are being further developed and evaluated as part of the Dallas Floodway Project by the USACE/City of Dallas. The Trinity Parkway has and will continue to be closely coordinated with the Dallas Floodway Project, as well as with the nearby DFE Project. The DFE Project adopted recommendations of the Great Trinity Forest Master Plan and includes such potentially coordinated elements as hike and bike trails located adjacent to neighborhoods and/or paralleling the Trinity River.

**Parklands and Recreational Areas 14-2. The project will separate the park from downtown.**

*Statement 10 August, Jordan E-1: "*The existing highways surrounding downtown were put into place to lead people into Dallas and spur economic growth. They ended up isolating downtown and doing just the opposite. Now we are apparently discussing this asinine concept of how best to circumvent downtown by building a massive toll road in the one natural asset we have? This obtrusive behemoth would then surround The Cedars and the Design District on all four sides with highways like downtown."

*Statement 42 Campbell, Bryan E-1:* "To increase pedestrian traffic, quality of life, and accessibility between Downtown and Uptown, Dallas created a park over Woodall Rogers, essentially creating a "tunnel". To increase pedestrian traffic, quality of life, and accessibility between Downtown and Deep Ellum, Dallas is considering demolishing I-345 to create more land for development and parks. Nonetheless, to increase pedestrian traffic, quality of life, and accessibility between Downtown and the Trinity River Park area, Dallas has decided to create a highway that will separate 100% of downtown from 100% of the park. This approach contradicts the successful urban planning strategies used by Dallas and other cities around the world. Please explain why this separation of urban area from park land caused by the Trinity Parkway is best for Dallas."

*Statement 45 Carroll, Jon E-1:* "It (the project) will ruin one of the last large green spaces near downtown and will further cut off downtown from the river. Major roads do not enhance parks. People want a park, not another highway, one that floods at that."

*Statement 111 Karnowski, Michael V-2:* "I noticed that this project, after I analyzed everything and went through all the numbers, I realized that it cut off 100 percent of the parks from 100 percent of downtown Dallas, which is kind of the opposite of what we had hoped to do when we citizens passed the Trinity River Parkway back when I was in high school."

*Statement 190 Schmidt, Rene W-1*: "The tollway will only increase traffic and pollution, and cut off downtown Dallas from one of its most potential assets, the Trinity River."

*Statements 194/195 Sheridan, Richard P. W-1/W-2; Statement 196 Sheridan, Richard P. V-3: "*Cities like Boston, San Francisco, Seattle, Seoul, South Korea, and Manhattan, N.Y. have removed highways that separated their urban communities from their waterfront park areas."

**Response 14-2:** The Trinity Parkway has been identified as a key component of the City of Dallas' Trinity River Corridor MIP/BVP. As detailed in **FEIS Appendix J-2**, the Trinity River Corridor MIP/BVP incorporates the proposals from these agencies into one cohesive concept plan. Such proposals include the Dallas County Trail Plan, Trinity Trails System, Regional Veloweb, and Great Trinity Forest Master Plan. See **Subtopic 14-1** for additional information.

**Parklands and Recreational Areas 14-3. Section 4(f).**

*Statement 54 Dalbey, Tim W-1:* "Where is the 4f parkland impact assessment? This should be summarized in the Final EIS."

**Response 14-3:** The FHWA is required to comply with all applicable federal, state, and local laws, and the FEIS documents these requirements and the plans for compliance with them. The proposed Trinity Parkway project is exempt from the requirements of Section 4(f); therefore, no Section 4(f) parkland assessment was included in the FEIS. As discussed in **FEIS 3.3.1.1**, subsequent to the publication of the SDEIS in 2009, which included a draft Section 4(f) evaluation, federal legislation (Public Law No. 111-212) was passed containing the following language pertinent for the Dallas Floodway and Trinity Parkway:

*SEC. 405. (b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.*

The legislation quoted above provides an exemption from the application of Section 4(f). Subsequent to this Congressional action, the FHWA determined that Section 4(f) requirements are not applicable to the proposed Trinity Parkway, and as such, no Section 4(f) evaluation for any public parks, recreation areas, wildlife or waterfowl refuges, or historic sites of national, state or local significance is required for this project. However, if a Build Alternative is selected, the development of final design plans would continue the FHWA's ongoing objective of avoiding and minimizing adverse effects to such resources to the extent practicable. Accordingly, the FEIS discusses potential impacts and mitigation relating to public parks, recreation areas, wildlife areas, and historic sites in the appropriate subsections of **FEIS Chapters 4** and **5**.

**Parklands and Recreational Areas 14-4. Park access.**

*Statement 41 Callahan, Rick (Dallas City Council) V-1:* "It's (*the project*) also an opportunity to access the Trinity River, and the parks and the various amenities that that has to offer."

**Response 14-4:** Comment noted and considered.

**Parklands and Recreational Areas 14-5. Project impacts to parkland, recreation, and open space.**

*Statement 6 Amonett, Michael (City of Dallas Land Commissioner) V-2: "*This is largely paid for by the citizens of Dallas and this compromises one of our greatest natural resources, which is the Trinity River Bottoms. Put this road to bed and to build the parks and the recreational facilities that the citizens and the voters want. Thank you."

*Statement 32 Brewer, Byron W-1: "*No other town, anywhere in world wants to build a big concrete ribbon down its biggest green space, next to its only water feature, that is designed to be a truck toll road, exempt from environmental laws, that cannot be paid for by tolls charged its traffic, that will pass under three architecturally significant bridges, that are being largely paid for by wealthy citizens of Dallas. No other town anywhere in the world."

*Statement 33 Brewer, Byron V-2: "*Dallas has long had an ambition, a vision to be more than just another town on the North Texas prairie . . . Dallas has imagined itself as a new world successor to the glamour and sophistication of Milan, Florence, Rome, Paris, and has applied itself energetically toward that end. It was going to be a high-class place. . . . In regards to the topic we are here tonight to discuss, I regret to tell you that you have failed this vision. A look at public works projects in these towns and others reveal these facts as I understand them. No other town is building or seeking to build such a road as is proposed in the Trinity Parkway. No other town anywhere in the world wants to be build a big concrete ribbon down its biggest green space, next to its only natural water feature, a road that is designated to be a truck toll road that is exempt from environmental laws, that cannot be paid for by toll fees reasonably expected to be generated by its use, that will pass under three architecturally significant bridges, that road supporters are doting wealthy citizens to pay for at the main entry point to the City and is to be built with a lot of taxpayer help. . . . If it is built as planned, . . . your children, your children, will rightfully themselves what in the world were they thinking?"

*Statement 37 Bristow, Annemarie V-2:* "And then no lights are shown on that road, so the lighting pollution that's going to be in our recreational area; it's horrific."

*Statement 42 Campbell, Bryan E-1:* "I stand in strong opposition to the building of the Trinity Parkway for several reasons: b) Mobility. It flies in the face of current positive urban trends to remove highways from urban areas and to free up park space."

*Statement 56 Davis, Daryl W-1*: “How would Central Park in Manhattan be looked upon today if a freeway ran through it?”

*Statement 58 Davis, III, Leamon W-1*: “Interestingly enough what was once championed as a pastoral setting is a concrete juggernaut. Interesting.”

*Statement 64 Escalante, Kirsty V-1:* “It is counter-productive to spend billions of dollars in beautifying the Trinity River as a recreational gem when a high-speed highway with 6-foot walls is proposed adjacent to it. Taking 222 acres of parkland in the Trinity Greenbelt and turning it into a highway is not conducive to an extensive revitalization of the River. The litter the road would produce and the visual impact of a large highway are not my idea of a leisurely afternoon by the Trinity.”

*Statement 101 Hunt, Angela W-1:* “There is no major city in the world that is building a major highway in an urban center, let alone in a major park within an urban center.”

*Statement 122 Lamberty, Jean E-1:* “I continue to be amazed that the city of Dallas continues to pursue this project that has repeatedly been proven an encroachment on the most valuable green space in the city, of little benefit for most citizens, and unaffordable. If all the money that has been spent on studies, plans, and diagrams had been spent on improving public transportation, there would be fewer cars on the road. Dallas needs to be forward thinking, not look for 20th century solutions for a 21st century world. Dallas needs fewer CO2 emissions, more green space, and better public transportation. The Trinity Parkway will accomplish none of these.”

*Statement 142 Martin, Mike E-1:* Mr. Martin submitted a photograph of the Trinity Greenbelt along with his email. “This photo looks like it could be on a Dallas tourist brochure, doesn’t it? There’s a cool new bridge made of strings off in the distance and a quiet field of green in front of you as far down the river as you can see. Who wouldn’t want to go fly a kite in such a unique and bucolic scene? Yet some people desperately want to destroy this greenbelt park, pave it over, obliterate it with four to six lanes of concrete and cars, with shoulders, ramps, retaining walls, more than 500 feet wide in places, places just like the one in the photo above.”

*Statements 144/145 Mazzei, Matt E-1/W-2*: “The fact is, residents DO NOT want this high speed highway cutting through our park land.”

*Statement 169 Pepe, Michael E-1*: “I do not support the toll road if it blocks access to the river or takes land set aside for the natural grassland.”

*Statement 174 Quintans, Alicia E-1*: “I live in Oak Cliff and cross the Trinity almost daily. Lately, I have been enjoying the Trinity Levee for recreation - entering at Moore Park and Santa Fe Trestle Trail. Recreation is how the River should be utilized to benefit our City and Community - not another congested tollroad!”

*Statement 181 Roach, Jason E-1*: “To build this (Trinity Parkway) you would destroy one of my favorite parts of the city, the Trinity can be something great like Town Lake in Austin. I live in Oak Cliff and use the bike trails to get to work in downtown. Dallas has enough roads, building more in a natural area will not help the residents of Dallas. We've made progress with more parkland in the city, that's what makes a city beautiful and enjoyable to live in.”

*Statement 190 Schmidt, Rene W-1*: “When I voted for the project years ago, my vote was for a park, not a tollroad.”

*Statement 193 Shelton, Greg E-1*: “If I am going to support anything in that space, it should be a park that can be enjoyed by all citizens.”

*Statement 204 Swenson-Roberts, Carroll W-1: “*After canoeing down the Trinity in the Great Trinity Forest, I now believe that any road inside the levee would not be a benefit to our city. Cleaning it up and

letting it flourish would benefit us and preserve this great treasure. It is our only water source and we should tread carefully."

*Statement 211 Vaughan, Pat (President, League of Women Voters of Dallas) V-1*: "The League of Women Voters supports transportation compatible with development of park and open space facilities, provision of convenient, safe and practical access to recreation areas from surrounding neighborhoods; insurance that solutions do not become safety and noise barriers to recreation and open space uses; preservation of natural areas such as forests, wetlands and wildlife habitats; insurance of air and water quality in the corridor and adjoining neighborhoods."

*Statement 212 Ward, Kyle W-1*: "Lost opportunity. It ruins Dallas' opportunity for a great, world-class park area. It's a misuse of our last opportunity to enhance an impressive natural resource. People don't move to cities or are enamored of cities because of their concrete, but because of interesting, unique quality-of-life features. If a tollway were built, its impact wouldn't be strictly limited to the square footage occupied by the roadway concrete; it would also ruin the adjacent square footage for recreation. Nobody wants to picnic or play in the 100-foot zone adjacent to any massive high-speed roadway. Playing next to a tollway exposes people to safety concerns, air quality concerns, and noise concerns. The noise pollution from loud hotrods with tweaked exhaust pipes to 18-wheelers, engine-braking through the traffic will kill any hopes for tranquil Sundays in the park. . . . It ignores our citizens' need for parks. Look at what other world-class cities are doing with their natural resources and providing their urban populace with natural recreational amenities: Austin's Barton Creek Greenbelt, Houston's Discovery Green, Boston's Emerald Necklace, San Francisco's Golden Gate Park, San Diego's Balboa Park, Vancouver's Stanley Park, Mexico City's Chapultepec Park, Paris' Pare des Buttes-Chaumont, Berlin's Tiergarten, Munich's Englischer Garten, Singapore's Bukit Timah Nature Reserve, London's Hyde Park, or Stockholm's Royal National City Park. I did a search on Google for great urban parks and Dallas wasn't on any of the lists. Yes, Klyde Warren Park is a step in the right direction, but compared to the magnitude of these other parks, Klyde Warren Park is still an extremely modest step for a city as large as ours".

*Statement 213 Weinberg, Cachet V-1*: "A third way to measure the cost is the harm to our unique environmental and recreational amenities. I've had the pleasure of being in the river basin many times and it's a wonderful place. The Trinity River will be a magnet that draws tourists, residents and economic development to our city. I'm thankful that our City leaders have already invested in many amenities to make this area more accessible to the public. Sadly, however, the tollroad would severely compromise the quality of this awesome outdoor experience."

*Statement 214 Weinberg, William W-1*: "The road will cause severe damage to our unique environmental and recreational amenities. The Trinity River can be a magnet that draws tourists, residents and economic developers to our city. The EIS cites a significant loss of wetlands, forests and grasslands, as well as negative water quality impacts, noise impacts, and visual impacts."

**Response 14-5:** The natural resources within the Dallas Floodway are valuable to the community and should be preserved and developed. The Dallas Floodway has achieved its original purpose so well that it is now viewed by many for its potential as a resource for recreation and habitat. The Dallas Floodway Build Alternatives (Alternatives 3C and 4B) would also use a portion of this area to achieve the public purpose of enhanced traffic mobility. The Trinity Parkway has been included and/or closely coordinated with various City of Dallas planning initiatives for decades. For example, the Trinity Parkway is one of several elements of the City of Dallas Trinity Corridor Project, which also include green space preservation, environmental restoration, floodplain management, and recreational amenity improvements to the Elm Fork Trinity River and the Great Trinity Forest. As discussed in **FEIS Section 1.6.1.2**, the proposed Trinity Parkway has been closely coordinated with recreation and ecosystem restoration proposals in the City of Dallas Balanced Vision Plan. If the decision is made to build the Trinity Parkway within the Dallas Floodway, the FHWA will continue to work cooperatively with the City of Dallas and USACE to ensure that environmental impacts are minimized. In addition, building a Dallas Floodway Alternative could assist the City of Dallas toward creating the lakes envisioned in the Balanced Vision Plan by excavating the soil necessary for the roadway from the areas identified for the lakes. This sort of

close coordination of Dallas Floodway projects would showcase the resources of the Dallas Floodway to people who travel along the Trinity Parkway and would facilitate greater access for recreational users.

Any park/recreational use that may be affected by potential noise or visual impacts associated with the Build Alternatives can be planned and designed to avoid or minimize those impacts. The NTTA is participating in a cooperative planning effort with all agencies involved with proposed recreational and non-recreational developments planned for the Dallas Floodway. The NTTA will work closely with these agencies in order to maximize these multi-project planning efforts and, thereby, work to minimize any potential adverse impacts that may result from the Trinity Parkway Build Alternatives. See **Subtopic 14-1** for additional information.

**Parklands and Recreational Areas 14-6. Impacts to planned/ potential park and recreation development.**

*Statement 1 (No Last Name), Cameron E-1*: "After reviewing the proposal documents, it has become apparent that this project is unnecessary, unaffordable and will: . . . ruin the desirability of the promised park along the floodway as a recreational destination . . ."

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* "The current design of nine miles of 6 lane roadbed that will extend 550 feet, to the river channel will completely ruin any chance of a promised park, and will finish making the Trinity River into a polluted sewage canal as storm water runoff will drain into the Trinity River, instead of the sanitary sewer system."

*Statement 3 Albers, Anna (Chair, Trinity River Action Coalition) V-2:* "It will finish making the Trinity River into a sewage canal, and it will completely ruin any hope of the promised park that we saw during the bond election and it has not happened."

*Statement 4 Allen, Charles W-1: "*I oppose the Trinity Toll Road because it will ruin any chance of our finally having a wonderful park in the Dallas Floodway."

*Statement 8 Aten, Stan W-1:* "In addition to not being funded, this project will significantly reduce the amount of proposed parkland in the flood way."

*Statement 16 Bartos, Lorlee E-1: "*We have a once in a millennium opportunity to create a park and recreation area for the citizens of Dallas. The toll road destroys that opportunity. To build it requires moving the river."

*Statement 18 Beasley, Arlene E-1:* "The cost to build a road in our otherwise beautiful greenway that will crowd out nature, increase the likelihood of flooding, and make the vast open space between the levees too noisy to enjoy nature. Where is our park? Go back, rethink, and give us what we were promised."

*Statement 29 Bornhorst, Becky E-1:* "I oppose the Trinity Toll road, and I support the No-Build Option. The Trinity Toll road is unnecessary, unaffordable and will: . . . - ruin any chance of promised park along the floodway being a desirable recreational destination . . ."

*Statement 7 Anderle, Katherine W-1; Statement 17 Bartos, Lorlee W-2; Statement 24 Bisbee, Penelope W-1; Statement 25 Black, Jack W-1; Statement 30 Bradley, Ginger W-1; Statement 31 Bradley, Virginia W-1; Statement 39 Bush, Helen W-1; Statement 49 Coffee, Ben W-1; Statement 57 Davis, Heather W-1; Statement 56 Davis, Daryl W-1; Statement 61 De Los Reyes, K. W-1; Statement 65 Fusinato, Bob E-1; Statement 66 Fusinato, Robert W-2; Statement 68 Garia, Sarahi W-1; Statement 75 Griggs, David W-1; Statement 79 Guldi, Christine, W-1; Statement 81 Guldi, Dick W-1; Statement 82 Haesly, Jack W-1; Statement 83 Haight, Dorthy W-1; Statement 85 Hancock, Chantele W-1; Statement 87 Hart, C. W-1; Statement 91,Henger, Peggy W-1;Statement 94 Hilliard, Keena W-1; Statement 99 Hope, Eduardo, Jr.W-1; Statement 103 Husrt, Max W-1; Statement 109 Juhl, Josh W-1;Statement 114 Kelton, Lee W-1;Statement 117 Kille, James W-1; Statement 118 Kimberling, Kerrie W-1;Statement 126 Lee, Jessica W-1; Statement 127 Levy, Janis W-1; Statement 128 Liles, Laura W-1; Statement 130 Lingenfelder, John W-*

*1; Statement 131 Lloyd, Geoffrey W-1; Statement 139 Luna, Alejandra W-1; Statement 148 McCord, Marc E-1; Statement 149 McIntyre, Mallory W-1; Statement 150 McKinley, Suzanne W-1; Statement 153 Meier, Betty Claire W-1; Statement 154 Mein, Joen W-1; Statement 162 Morton, Brandon W-1; Statement 165 Ohlsson, Lars W-1*; *Statement 177 Ratley, Ashley W-1; Statement 178 Reese, Rusty Ray W-1; Statement 179 Reist, Jason W-1; Statement 180 Renfro, Amanda W-1; Statement 182 Robben, Gary W-1; Statement 183 Robben, Shirley W-1; Statement 184 Rooke, Becky W-1; Statement 185 Rooke, Molly W-1; Statement 187 Sanders, Jan W-1; Statement 192 Seay, Michael W-1; Statement 198 Snyder, Cheryl W-1; Statement 199 Snyder, Daniel W-1; Statement 200 Steakley, Majorie E. W-1; Statement 201 Steakley, Majorie H. W-1; Statement 202 Steakley, Sr., Marvin C. W-1; Statement 203 Svedeman, Lee W-1; Statement 207 Trahan, Zac W-1; Statement 217 Wierl, Lynne W-1; Statement 218 Williams, Christy W-1; Statement 219 Williams, Kenneth W-1; Statement 221 Withrow, Wendel W-1; Statement 222 Wolf, John W-1:* "The Trinity Tollroad will ruin any chance of a promised park along the floodway."

*Statement 44 Carpenter, Curtis E-1:* "In my view, this project will severely impact the city's desire to implement any plan to reconnect itself to the Trinity River."

*Statement 112 Keller, Karen, E-1:* "The Trinity Tollroad is unnecessary, unaffordable and will: ruin any chance of promised park along the floodway being a desirable recreational destination."

*Statement 137 Lopez, R. E-1:* "Dallas has a unique opportunity to build a massive world class park in the center of the city, a park so grand that it could potentially compete with Central Park in NYC, so why in the hell would you want to put a tollway on it? It makes no sense whatsoever. Imagine if central park included a tollway, it just wouldn't be the same. Besides, how many damn highways, tollways etc. etc. does DFW need? Do the right thing!"

*Statement 164 Nash, Carol E-2*: "A tollroad would increase air pollution, destroy open space and wildlife habitat, as well as ruining any future for park and recreation development."

*Statement 168 Patel, Dharmesh E-1*: "I am a resident of Uptown and I just wanted to voice my opinion on the Trinity Toll road matter. I want to clearly state that I am fully against the Toll Road being built in an area that has the potential to be some great green space for the Dallas area."

*Statement 191 Schweitzer, Carrie E-1*: "Drop the amphitheater and all other development inside the levees. It is all hair-brained - like the white water rapids project that has been a bust."

**Response 14-6:** A proposed Trinity Parkway reliever route associated with the Dallas Floodway in various capacities has been part of the long-range transportation plan in the Dallas area since the mid-1960s and remains an integral component of current transportation plans and programs (see **FEIS Section 1.1.2**). Several local, regional, state, and federal government agencies are in the process of planning, implementing, or constructing various projects within the Trinity River Corridor. These projects include flood control, transportation (includes the proposed action), recreation, utilities, land use planning, and environmental restoration. Although many of the components of these plans are interrelated with respect to function and funding and would require close coordination with the Trinity Parkway, they have independent utility, meaning they do not depend on the other for their design implementation, in whole or part, and are not "connected actions" that are required to be considered in order to function in accordance with each project's need and purpose. Each project is subject to its own regulatory approval process which calls for separate design, environmental documentation, agency coordination, and public involvement. As such, the parks and recreational amenities planned as part of other agency initiatives within the Trinity River Corridor are not dependent on the Trinity Parkway for their implementation. Please see **Subtopics 14-1** and **14.5** for additional information.

**Parklands and Recreational Areas 14-7. Consistency and compatibility with regional and local plans.**

*Statement 104 Jackson, Lee V-1:* "Fourth, I believe that transportation and parks can coexist; perhaps my most controversial belief tonight."

*Statement 105 Jackson, Sarah (Director of Public Affairs – Dallas Citizens Council) E-1:* **"**Correspondingly, in 2003, the Dallas City Council approved the Balanced Vision Plan, which incorporates the five major components of the project - flood protection, recreation, transportation, environmental restoration, and economic development. We are duty-bound to honor that compromise."

*Statement 115 Kahn, Karen (Executive Director – ACEC Dallas) E-1:* "The Region supports development of the build option, subject to context sensitive design that is complimentary of the Balanced Vision Plan and provides future access to the environmental and recreation amenities."

**Response 14-7:** Comments noted and considered.

**Parklands and Recreational Areas 14-8. Park opportunities.**

*Statement 119 King, Michael W-1:* "What are the recreational opportunities for residents living south I-45/Lamar?"

**Response 14-8:** The locations of existing parks/recreational areas in and nearby the project area are shown on **FEIS Plate 3-16** (Plate ID Numbers 1 through 34). **FEIS Table 3-14** lists these existing parks/recreational areas along with a brief description of each. There are a number of other public and privately owned open space lands in the project area. The City of Dallas Parks and Recreation website at *http://www.dallasparks.org/* provides a list and details of all parks and recreation facilities in Dallas.

## 15. VEGETATION AND WILDLIFE RESOURCES

**Vegetation and Wildlife Resources 15-1. Potential impacts to wildlife and habitat.**

*Statement 1 (No Last Name), Cameron E-1*: "After reviewing the proposal documents, it has become apparent that this project is unnecessary, unaffordable and will: . . . - destroy hundreds of acres of woodlands and open spaces . . ."

*Statement 12 Baker, Daryl E-2; Statements 97/98 Homan, Katherine E-1/W-2:* "Of even greater concern is the wisdom of ruining our City's greatest natural resource with a six-lane parkway. . . . Of huge impact will be that on the wetlands, grassland areas and riparian forests. We should be treasuring the Trinity's pristine blessings with a warm gratitude, not pursuing deterministic thinking for a modicum of outcomes granted quasi-approval from the EPA and Army Corps of Engineers."

*Statement 23 Betzen, Bill V-1: "*I am here to strongly support the No-Build Alternative. These people living downtown on the weekends they can go to the best cultural activities in the world, or they can hop on a bicycle and go down a cement path along the Trinity River to a forest and back to where they live all within two hours. They won't go along a noisy freeway; they will go along a quiet river, wildlife. I live a half-mile from Highway 67 in South Oak Cliff and I've lived there for 40 years. It's a half-mile. It is noisy. I've listened to it a million times. There is no place where this toll road is going to be even 2,000 feet from that river. Please save our river. Thank you."

*Statement 29 Bornhorst, Becky E-1; Statement 65 Fusinato, Bob E-1; Statement 112 Keller, Karen E-1; Statement 148 McCord, Marc E-1: "*I oppose the Trinity Toll road, and I support the No-Build Option. The Trinity Toll road is unnecessary, unaffordable and will -destroy hundreds of acres of woodlands and open spaces."

*Statement 54 Dalbey, Tim W-1:* "Where are the up-front summaries of the environmental impacts to the river, wetlands, aquatic and terrestrial flora and fauna? Where will the impact be mitigated? This should all be summarized in the Final EIS."

*Statement 107 Johnson, Charles V-2"* "And if we're talking about damaging the Trinity River, basically, if you look between, let's say, Jefferson and Corinth Street all the trees are gone. They've been gone for years. And from my understanding of it when the Corps goes through and take out trees, they have to replace them at maybe 3 to 1."

*Statement 113 Kelley, Martha W-1:* "The Trinity River and Great Trinity Forest are natural resources that would be negatively impacted by the toll road."

*Statement 163 Nash, Carol E-1*: "I am strongly opposed to a toll road within or along the levees along the Trinity River. Such a road would ruin the experience of future park visitors. It would add to air pollution and destroy more habitat and open space."

*Statement 169 Pepe, Michael E-1*: "I do not support the toll road if it blocks access to the river or takes land set aside for the natural grassland."

**Response 15-1:** Please refer to **Subtopic 1-2** for a discussion regarding the project's need and purpose, **Topic 5** for a discussion of project funding and other costs, and **Subtopic 14-1** for a discussion of planned resources in the Dallas Floodway. The direct impacts to aquatic resources and other vegetation/habitat expected from constructing the proposed project are discussed in **FEIS Sections 4.8** and **4.9** and summarized in **FEIS Table 4-30**, and areas of impacts (i.e., ROW overlap) to aquatic habitats and riparian woodlands are shown in **FEIS Plates 4-7A-B**.

Throughout the process of developing transportation projects, one of the chief considerations is to reduce adverse impacts to the environment. Mitigation of impacts and enhancement of resources must be considered for all impacts, whether or not the impacts are significant. As detailed within **FEIS Section 5.3**, habitats given consideration for non-regulatory mitigation during project planning will occur in accordance with Provision (4)(A)(ii) of the TxDOT-TPWD MOU. Based on this MOU, NTTA will consider impacted bottomland hardwoods and riparian sites within the study area as habitats that will be given consideration for non-regulatory mitigation. In addition, **FEIS Section 5.4** provides discussion of measures to avoid, minimize or mitigate wetland impacts.

## 16. WETLANDS

**Wetlands 16-1. Missing information.**

*Statement 54 Dalbey, Tim W-1:* "The CESWF wetland cells A, B, C, and D are not on maps. Why?"

**Response 16-1:** The construction of wetland cells A, B, C, and D is a part of the USACE Dallas Floodway Extension Project and will operate in conjunction with the planned Lamar Levee located on the opposite side of the Trinity River. This project is independent of the Trinity Parkway project. The planned Lamar Levee will plug a 3-mile gap in the Dallas levee system by connecting the Rochester Park Levee with the end of the East Levee below downtown (at the Santa Fe Trestle Trail/DART Bridge). This new levee will protect business and residential neighborhoods near South Lamar Street. The new wetlands will provide additional flood conveyance capacity necessary to make up for what will be lost when the Lamar Levee is built. The USACE Dallas Floodway Extension Project is accounted for as a reasonably foreseeable action and was considered in the discussion of cumulative impacts in **FEIS Section 4.26**. The general location of the Floodway Extension Project is shown as **Map ID #12** in **FEIS Table 4-56** and depicted in the map in **FEIS Figure 4-7**.

## 17. WATER QUALITY/RESOURCES

**Water Quality/Resources 17-1. Water pollution.**

*Statement 1 (Last name not provided), Cameron E-1; Statement 29 Bornhorst, Becky E-1; Statement 65 Fusinato, Bob E-1; Statement 112 Keller, Karen E-1; Statement 148 McCord, Marc E-1*: These commenters voiced opposition to the Trinity Parkway in part because it "will: . . . – increase noise and pollution of air, water and soil in the floodway/park . . ."

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1; Statement 12 Baker, Daryl E-2; Statement 84 Hamaker, Maralyn E-1; Statements 97/98 Homan, Katherine E-1/W-2; Statement 211 Vaughan, Pat (President – League of Women Voters of Dallas) V-1*: These commenters expressed support for the No-Build Alternative in part because of concerns that the Trinity Parkway would result in environmental impacts that include water quality.

*Statement 214 Weinberg, William W-1*: This commenter stated that he supports the No-Build Alternative, noting that the FEIS "cites . . . negative water quality impacts . . ."

**Response 17-1:** If a Build Alternative is selected, the appropriate highway runoff abatement measures would be incorporated into the design of the Build Alternatives, and in accordance with National Pollutant Discharge Elimination System (NPDES)/Texas Pollutant Discharge Elimination System (TPDES) permit requirements, which require the use of storm water Best Management Practice (BMPs), would control negative impacts on water quality from the Trinity Parkway.

In consideration of the FHWA Executive Memorandum on Beneficial Landscaping, landscaping activities for each Build Alternative may utilize techniques to minimize the adverse effect that landscaping may have on the local environment. In particular, this means employing landscaping practices and technologies that conserve water and prevent pollution. By using effective landscape management practices, appropriate application of pesticides and fertilizers, and runoff reduction practices, potential impacts to water quality would be minimized.

The proposed action would not affect any public water supply, water treatment facilities, or water distribution systems; however, rainfall runoff rates would increase slightly due to the increase in impervious cover. This increased runoff could have adverse impacts over the long term, which would be magnified if the possibility of overland flow is not available and proper control measures are not implemented. To manage the possibility of contamination of surface water due to pollutant runoff, proper control measures would be implemented during construction and operation of the proposed action. Refer to **FEIS Section 4.13** for a discussion of the potential impacts to water quality and water use from the proposed Trinity Parkway, and **FEIS Section 5.2** regarding measures to minimize impacts to water quality.

## 18. FLOODPLAINS AND FLOOD CONTROL

**Floodplains and Flood Control 18-1. Hydraulic modeling questioned.**

*Statements 132/133 Long, Janet E-1/W-2*: "I attended the Public Hearing held on April 24, 2014 at the Kay Bailey Hutchison Convention Center Arena during which the Final Environmental Impact Statement for the Trinity Parkway was presented. I also made comments at the Public Hearing following the presentation. I provide these additional comments to emphasize the need to expand the analysis of the flooding impacts of the proposed Trinity Parkway on neighborhoods south of the current boundary of the Dallas Floodway, the AT&SF Bridge. While reviewing the flood elevation simulation for the Trinity Parkway, I was told by representatives of Halff Associates and the U.S. Army Corps of Engineers that the estimates of the 100 year flood levels for the preferred Alternative 3C assumed that the Lamar and

Cadillac levees are built. While the latter levees are approved additions to the current levee system for the Trinity River, neither the Lamar nor Cadillac levee is funded. I think the flooding risks of Alternative 3C have not been adequately evaluated because the modeling for flooding impacts includes two levees which do not exist. I strongly recommend that the modeling of flooding impacts be enhanced to include the flooding impacts of the Trinity Parkway built as Alternative 3C with no Lamar and Cadillac levees. Also the modeling of flooding impacts assumes a 100 year flood event as the worst case scenario. I assume that past events are used to develop projected 100 year flood levels. I ask that the evaluation team reconsider the 100 year flood levels given the recent rain and storm events in the region. Our weather is transitioning and the storms we are now experiencing are unprecedented in the volume and speed of the rainfall."

*Statement 134 Long, Janet V-3*: "The modeling for flood elevations for the proposed Trinity Parkway assumes that the Cadillac and Lamar levees are built. Neither levee is budgeted and scheduled for construction. A decision on the Trinity Parkway requires modeling of impacts which assumes the Cadillac and Lamar levees are not built."

**Response 18-1:** The hydraulic model used was obtained from the USACE, and applied as part of the Corridor Development Certificate (CDC) process. As discussed in **FEIS Sections 3.5.6.4** and **4.14.3**, a major purpose of the CDC process is to ensure that the combined effects of a proposed action and other planned actions do not substantially exceed the ability of the Dallas Floodway to convey flood waters. The USACE model contains the proposed (future) projects that it considered important to include when using the model to test the hydraulic effects of new proposed projects such as the Trinity Parkway. The primary purpose for the hydraulic modeling of the Trinity Parkway is to ensure that the effects of the proposed project on flood waters would be hydraulically neutral and compatible with other planned projects that could also have hydraulic effects. Using this approach provides results that are more meaningful to floodway managers in terms of understanding the hydraulic impacts of a proposed project within the context of expected future conditions (see also **FEIS Appendix F**).

**Floodplains and Flood Control 18-2. Damage to the roadway from flooding.**

*Statement 69 Garrison, Catherine V-1:* "Some pumps fail. I deal with this in my business after every flood, dealing with homeowners in 2 inches of water under their house, not millions and millions and gallons of water."

*Statement 10 August, Jordan E-1: "*There is also the concern of flood waters impacting the safety of the toll road and the fact that this $1.5 billion project is unfunded."

**Response 18-2**: In the general area of the sag points of the depressed segments, pump stations would be provided to drain out the sags. These pump stations would be sized to discharge stormwater under all normal operating conditions on the roadway. Additionally, the pumps would be submersible and their motor control centers suitably protected so that the pumps would remain operable, even in the event the 100-year flood was exceeded and the depressed segments flooded. After such an event, once the river has suitably receded, the pumps could be restarted to completely drain the depressed segments. **FEIS Plate 2-7** provides a conceptual layout of a pump station. It is expected that pump stations would be installed in recesses along the shoulder of the roadway, so maintenance vehicles could park over the tops of pump stations without interfering with traffic on the mainlanes.

In the event of a pump failure, the sags would fill with water after continual rainfall; however, this would be a gradually deepening condition and not a flash flood. In the event of a wall overtopping from the river levels (which would result in rapid inundation of the road), the Trinity Parkway would be closed well in advance of any anticipated overtopping under the directives of the Emergency Action Plan (see **FEIS Appendix H-3** for additional details regarding the draft Emergency Action Plan). Because of the design features of the proposed road and emergency measures, safety to motorists during floods is not expected to be a differentiating feature between floodplain and non-floodplain alternatives. All proposed flood protection features are reflected in the estimated costs for FHWA-recommended Alternative 3C. The final

Emergency Action Plan would be developed further during final design if Alternative 3C is selected in the anticipated ROD.

**Floodplains and Flood Control 18-3. City is at risk for a catastrophic flood.**

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* "Southern Dallas residents will be continue to be subjected to catastrophic flood risk; although the 1997 bond election included money for new levees, these have not been built. . . . Communities that suffered catastrophic flooding in the Mississippi and Missouri floods in the 1990s and 2000s have been bought out and moved to higher ground. This needs to happen for Dallas residents held hostage in the floodplain." This statement also includes the following question relating to flooding: "11. How frequently do you expect it to flood?"

*Statement 4 Allen, Charles W-1: "*The Dallas Floodway is the least appropriate location for any road project, dedicated as it is for the main protection of Central Dallas from catastrophic flooding."

*Statement 159 Morgan, Eddie W-1*: "How can you build a tollway when you know it is going to flood?"

**Response 18-3**: The proposed Alternative 3C would be built upon embankments that would elevate the roadway above the 100-year floodplain, so the roadway would not be inundated by a flooding event with a one percent risk of occurrence in any given year. Where the roadway passes under cross bridges, and therefore drops below the 100-year water surface elevation, it would be protected from inundation by flood separation walls. This design exceeds NTTA, TxDOT, and FHWA design standards for mainlane facilities. The design of this alternative affords approximately 2 feet of freeboard above this level of flooding, which would further decrease the likelihood of flooding to less than one percent in a given year. Hydraulic modeling indicates the roadway would be inundated by the 500-year flood, which has a probability of occurrence in any given year of 0.2 percent. Based on available information, the risk of roadway inundation in any given year is from 0.2 to 1 percent. Due to the nature of storm events, it is not possible to predict whether the proposed project would be inundated during its estimated 50-year design life.

The risks discussed in **Section 4.15.5** of the **FEIS** focus on levee stability issues. In this context, there is always some level of inherent geotechnical "risk" of a levee failure, based on the physical layout of the levee, the materials and care used in its construction, the degree of maintenance, the underlying soil strata, and the consequences of overtopping. This risk analysis for the levees should answer whether these conditions would be unchanged, made worse, or made better in segments where Alternative 3C comes in contact with a levee. The risk analysis for Alternative 3C focuses on the segment from approximately Hampton Road to the DART crossing where the roadway embankments and the levees would be conjoined.

The geotechnical design conditions related to Alternative 3C are discussed in **FEIS Section 2.8.1.1**. Generally, the roadway design includes features at critical crossing and adjacency points to at least maintain the current strength and stability of the levees. The Trinity Parkway design is proposed to be constructed on embankments alongside the Dallas Floodway levees. The embankments would be offset sufficiently from the existing levee face to allow for the future raising of the levees by the City of Dallas/USACE, as outlined in the Flood Risk Management Plan of the Dallas Floodway Project. These levee raises planned by the City of Dallas/USACE include raising the levees at various locations to contain the SPF, which is estimated to produce flow of 277,000 cubic feet per second with an annual probability of occurrence of 0.04 percent (i.e., 1/2,500 chance per year). The Trinity Parkway schematic designs to date have assumed raising the levees to a height equivalent to SPF flood elevation plus two feet. In addition, the crown of the improved levees to date has been assumed to be 16-feet wide, and the riverside slopes have been assumed to be 4:1 (horizontal: vertical). The USACE Fort Worth District determined these assumptions to be compatible with the anticipated future levee geometry (see **FEIS Appendix A-2**, **pages 62-63**). Additionally, in areas where roadway embankments are adjacent to a levee, the roadway embankment would be designed to incorporate a potential levee widening up to at least the level of the top of the embankment, should the USACE/City of Dallas final plans include such a measure.

Generally, the geotechnical work in the Levee Remediation Plan (see **FEIS Section 2.8.1.1**) is intended to prove that the City of Dallas can address all levee deficiencies cited by the USACE Periodic Inspection Report, and further to prove the Trinity Parkway embankment would do no harm to the adjacent levee segments. However, an incremental benefit to levee stability is expected to occur in segments with adjacent roadway embankments (which are shown in **Figure 2-22** of **FEIS Section 2.8.1.2**). This benefit would accrue for the following reasons: (1) for events up to the 100-year level, the flow path distance for seepage under the levee would be increased substantially due to the addition of the roadway embankment, resulting in lower seepage flows and more gradual transitions of pore pressure; (2) due to the buttressing effect of the embankment (see **Figure 2-22**) the effective height of the levee slope would be reduced, reducing the potential severity of surface slides; and (3) in the worst case scenario of an overtopping of the levee, the roadway embankment and paving would likely act to stop any erosion failure of the levee structure, leaving the 100-year level embankment to hold back at least some of the floodwater from entering the City of Dallas. The final point demonstrates the concept of "resilience" as a tool for mitigating the effects of natural and man-made disasters.

**Floodplains and Flood Control 18-4. Probability of a flood event.**

*Statements 144/145 Mazzei, Matt E-1/W-2*: "The tollway could flood and if there is a 100 year flood ranking, this does not determine when the flood will come. As such, the toll way will have to be manually shut down before every storm, as there is not a sure way of determining when a flood comes."

**Response 18-4**: As discussed in the response to **Subtopic 18.3**, the statistical probability of a flood event that would result in inundation of the Trinity Parkway is less than 1 percent in any given year. However, if a floodway alternative is selected by the FHWA in the anticipated ROD, the operating agency for the proposed project would monitor every major storm for indications of storm severity and storm water runoff conditions. As discussed in **FEIS Section 4.14.4.2**, the decision as to whether and when to close the Trinity Parkway within the Dallas Floodway would be made in accordance with protocols that would be established in an Emergency Action Plan (EAP). A draft EAP is included in **FEIS Appendix H-3**, which outlines the monitoring, notification, and roadway closure procedures that would be followed to ensure the roadway is timely and safely closed before inundation during exceptionally rare flood events. Although the draft EAP illustrates the roles of NTTA personnel in the event of implementation, the plan would be appropriately modified if another implementing agency is selected for the Trinity Parkway. Under the EAP, the NTTA Director of Maintenance has the responsibility to monitor weather and floodway conditions, and makes the decision to activate the EAP. The Director of Maintenance is assisted in this role by the NTTA Flood Event Monitor, who closely follows weather reports, river flood stage data, on-site sensors, and other information to assess flood threat levels. Once the EAP has been activated, the Texas Department of Public Safety would be notified and take command of the roadway facility, implementing road closure procedures and the evacuation of motorists and personnel.

**Floodplains and Flood Control 18-5. Location of Alternative 3C is in contradiction to the USACE designation of roadway placement within the levees.**

*Statement 54 Dalbey, Tim W-1:* "Plate 2.8c (of the FEIS) shows the tollroad up against the levee. CESWF already commented that you can't do that and the tollroad has to stand alone."

**Response 18-5**: In October 2006, the USACE Fort Worth District raised several concerns about Trinity Parkway Build Alternatives located in the Dallas Floodway. The USACE concerns were directed at Build Alternatives 3A (Combined Parkway - Original), 3B (Combined Parkway - Modified), and 4A (Split Parkway - Riverside) as published in the February 2005 DEIS, which have since been determined unreasonable for implementation. FHWA, TxDOT, and NTTA entered into consultation with the USACE in 2006 and 2007 to resolve these concerns. The USACE indicated in its consultation that it intends to reject any riverside alternative with walls on the levee side, effectively making Alternatives 3A, 3B, and 4A "un-approvable" from its perspective. In response to the USACE consultation, two new alternatives were added to the SDEIS, namely Alternative 3C (Combined Parkway - Further Modified) and Alternative 4B (Split Parkway - Riverside Modified). These alternatives avoid the need for levee-side retaining walls by moving the roadway away from the levee in the downtown segment. Additionally, Alternative 3C and 4B

include several other features, such as ramp modifications and diaphragm walls (see **Section 2.3.2 of the FEIS**), designed to address specific USACE operational and safety concerns.

As discussed in **FEIS Section 4.14.2**, the potential extent of floodplain encroachment for Alternative 3C was estimated to be 305 acres for Zone AE (Floodway). Although this encroachment is significant and could potentially raise the base flood elevation, the project has been designed to avoid such impacts by excavating roadway embankment from within the floodway. Considering the mitigation reflected in the overall design of Alternative 3C, the resulting effects would either meet USACE design criteria or be sufficiently minor to warrant a waiver. The Trinity Parkway project is subject to a determination that the proposed actions for the project would meet USACE engineering and safety standards, and would not have significant adverse effects on the functioning of the protective facilities for the Dallas Floodway Levee System which includes the Dallas Floodway levees, storage sumps, pump stations, and pressure sewers.

**Floodplains and Flood Control 18-6. Impacts to flood protection.**

*Statement 1 (No Last Name), Cameron E-1; Statement 29 Bornhorst, Becky E-1:* "After reviewing the proposal documents, it has become apparent that this project is unnecessary, unaffordable and will threaten our flood protection, leaving more residents at increased risk of flooding."

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* "According to the Corps of Engineers, the Dallas Floodway levees no longer provide the designed SPF flood protection, instead providing only…Although the City of Dallas Trinity River Citizens Committee recommended restoring this flood protection in 1991, there are only limited plans to raise Dallas floodway one to two feet in areas that have slumped. The COE has also stated that the levees around Rochester Park and the Central Waste Water Treatment Plant no longer provide their designed protection, and the TRCCC recommended raising these. They were built in the 1990s, after the catastrophic floods of 1988, 1989, and 1990, and were supposed to give protection for fifty years."

*Statement 16 Bartos, Lorlee E-1: "*To build it requires moving the river. As I sit back, I have to wonder, who thinks up these ideas. No one has ever jeopardized their floodway by putting in a toll road in the floodplain. We should not be the first. "

*Statement 18 Beasley, Arlene E-1:* "The cost to build a road in our otherwise beautiful greenway that will crowd out nature, increase the likelihood of flooding, and make the vast open space between the levees too noisy to enjoy nature. "

*Statement 7 Anderle, Katherine W-1; Statement 17 Bartos, Lorlee W-2; Statement 24 Bisbee, Penelope W-1; Statement 25 Black, Jack W-1; Statement 30 Bradley, Ginger W-1; Statement 31 Bradley, Virginia W-1; Statement 39 Bush, Helen W-1; Statement 49 Coffee, Ben W-1; Statement 57 Davis, Heather W-1; Statement 56 Davis, Daryl W-1; Statement 61 De Los Reyes, K. W-1; Statement 65 Fusinato, Robert E-1; Statement 66 Fusinato, Robert W-2; Statement 68 Garia, Sarahi W-1; Statement 75 Griggs, David W-1; Statement 79 Guldi, Christine, W-1; Statement 81 Guldi, Dick W-1; Statement 82 Haesly, Jack W-1; Statement 83 Haight, Dorthy W-1; Statement 85 Hancock, Chantele W-1; Statement 87 Hart C. W-1; Statement 91 Henger, Peggy W-1;Statement 94 Hilliard, Keena W-1; Statement 99 Hope, Eduardo, Jr. W-1;Statement 103 Hurst, Max W-1; Statement 109 Juhl, Josh W-1;Statement 114 Kelton, Lee W-1;Statement 117 Kille, James W-1; Statement 118 Kimberling, Kerri W-1;Statement 126 Lee, Jessica W-1; Statement 127 Levy, Janis W-1; Statement 128 Liles, Laura W-1; Statement 130 Lingenfelder, John W-1; Statement 131 Lloyd, Geoffrey W-1; Statement 139 Luna, Alejandra W-1; Statement 148 McCord, Marc E-1; Statement 149 McIntyre, Mallory W-1; Statement 150 McKinley, Suzanne W-1; Statement 153 Meier, Betty Claire W-1; Statement 154 Mein, Joen W-1; Statement 162 Morton, Brandon W-1; Statement 165 Ohlsson, Lars W-1; Statement 177 Ratley, Ashley W-1; Statement 178 Reese, Rusty Ray W-1; Statement 179 Reist, Jason W-1; Statement 180 Renfro, Amanda W-1; Statement 182 Robben, Gary W-1; Statement 183 Robben, Shirley W-1; Statement 184 Rooke, Becky W-1; Statement 185 Rooke, Molly W-1; Statement 187 Sanders, Jan W-1; Statement 192 Seay, Michael W-1; Statement 198 Snyder, Cheryl W-1; Statement 199 Snyder, Daniel W-1; Statement 200 Steakley, Majorie E. W-1; Statement 201*

*Steakley, Majorie H. W-1; Statement 202 Steakley, Sr., Marvin C. W-1; Statement 203 Svedeman, Lee W-1; Statement 207 Trahan, Zac W-1; Statement 217 Wierl, Lynne W-1; Statement 218 Williams, Christy W-1; Statement 219 Williams, Kenneth W-1; Statement 221 Withrow, Wendel W-1; Statement 222 Wolf, John W-1:* "The Trinity Tollroad will threaten our flood protection and leave residents at risk of flooding."

*Statement 84 Hamaker, Maralyn E-1*: "It (the project) will threaten flood protection, leaving residents and motorists at risk."

*Statement 112 Keller, Karen E-1:* "The Trinity Tollroad is unnecessary, unaffordable and will threaten our flood protection, leaving more residents at increased risk of flooding."

*Statements 132/133 Long, Janet E-1/W-2*: "Without this analysis, the residents and business owners southeast and southwest of the proposed six lane toll road have no information regarding how the flooding risks will impact their property values, insurance costs, and property access during a significant flooding event."

*Statement 134 Long, Janet V-3*: "The residents and business owners southeast and southwest of the proposed Trinity Parkway have no information about the impact of the roadway on flooding in their neighborhoods."

*Statement 148 McCord, Marc E-1*: "Displacing water that is meant to be contained within the levees risks a New Orleans-type of flooding that will result in condemnation of downtown real estate leading to property devaluation and a federal requirement to purchase high cost flood insurance. . . . But, the risk to residents along the river south of downtown would be wholly unacceptable."

*Statement 164 Nash, Carol E-2*: "This road would be a waste of money and would harm flood protection efforts."

*Statement 211 Vaughan, Pat (President – League of Women Voters of Dallas) V-1*: "The League of Women Voters supports the flood damage reduction including preference for nonstructural methods for future flood damage reduction."

**Response 18-6**: The evaluation of the Build Alternatives in the FEIS has determined that the FHWA-recommended alternative, Alternative 3C, does not constitute a substantial risk of increased flooding since any adverse impacts associated with the probability of flooding will be mitigated through compensating hydraulic design. As discussed in **FEIS Section 4.14.2**, the potential extent of floodplain encroachment for Alternative 3C was estimated to be 305 acres for Zone AE (Floodway). Although this encroachment is significant and could potentially raise the base flood elevation, the project has been designed to avoid such impacts by excavating roadway embankment from within the floodway. Considering the mitigation reflected in the overall design of Alternative 3C, the resulting effects would either meet USACE design criteria or be sufficiently minor to warrant a waiver.

The 1998 Trinity Regional Environmental Impact Statement (TREIS) ROD criteria, which limits the valley storage to no loss for the 100-year and minimal losses for the SPF flood events, were used as a basis for comparison of potential impacts caused by the Dallas Floodway Build Alternatives. In summary, the hydrologic and hydraulic criteria established by the USACE for the Dallas Floodway relating to flood elevations, valley storage, and maximum velocity have effectively been met for Alternative 3C, with the exception of water surface rises (i.e., flood elevations) for the 100-year event; however, this predicted water surface rise is not anticipated to pose an increased risk of flood damage to existing structures due to the location of the rise entirely within the Dallas Floodway levees.

Additional measures to reduce hydraulic impacts from Alternative 3C have been evaluated as part of the FEIS to better determine its effectiveness in meeting the specific standards as set in the TREIS ROD; and the associated engineering work will be subject to review and approval by the USACE. In addition, the City of Dallas has begun implementation of its 100-year levee remediation plan (approved by the USACE) in response to the USACE rating of the Dallas Levee System as "unacceptable" in its Periodic Inspection

Report No. 9 (March 2009). Alternative 3C will be compatible with the City of Dallas proposed Levee Remediation Plan (LRP) and be subject to additional coordination with the USACE and the City of Dallas to ensure the roadway design remains compatible with final remediation plans for the levees. Note that although Alternative 3C has been recommended by the FHWA, a Final Alternative will not be selected until the FHWA issues a ROD.

The USACE and the City of Dallas share the responsibility of public safety and both are committed to flood risk management. The USACE has oversight responsibility for all activities within Dallas Floodway System and set high standards for commitment to public safety as identified in the USACE's Levee Safety Program (*http://www.usace.army.mil/Missions/CivilWorks/LeveeSafetyProgram.aspx*).

**Floodplains and Flood Control 18-7. Impacts of flood on human safety.**

*Statement 42 Campbell, Bryan E-1:* "I stand in strong opposition to the building of the Trinity Parkway for several reasons: c) Safety. The proposal places the parkway in a flood zone. There is potential for the parkway to flood."

*Statements 144/145 Mazzei, Matt E-1/W-2*: "Driving in the flood way on a toll road could put the risk of being stuck in a flood very high and could cause death from drowning in the event of a quickly occurring storm, with a traffic jam. Approving this road construction could be approving the risk of drowning death for drivers."

**Response 18-7**: According to **Appendix F-2** of the **FEIS**, if Alternative 3C were subject to an SPF event the timing is such that overtopping of the road would not be a "flash" flood event but would have approximately 22 hours warning time from flood stage to the time of 100-year inundation. This period would be closely observed by NTTA and City of Dallas staff in accordance with the draft Emergency Action Plan (see **FEIS Appendix H-3**) and an orderly shutdown of the road would be implemented at the appropriate time. The inflow and outflow of water as a flood event rises and falls is a concern in the design of any road that may be inundated. Flow concentrations may cause high velocities in some areas, which, if not planned for, could result in localized failures and needed repairs. This issue would need to be addressed carefully in design of a Dallas Floodway Alternative to anticipate and appropriately address any potential problem areas through armoring or other means.

As presented in the FEIS, explanatory information was provided demonstrating that the Trinity Parkway will not be designed to threaten flood protection or any flood control projects, current and proposed, for the Dallas Floodway. Additionally, it was explained that cumulative impacts hydraulic modeling for the Dallas Floodway system will be completed as part of the USACE's comprehensive system analysis of the Dallas Floodway, which will in turn be incorporated into the FEIS along with updated hydraulic modeling of the FHWA-recommended alternative (i.e., Alternative 3C). It was also explained that, if a Build Alternative is selected when the FHWA issues a ROD, it will be subject to USACE review by the Chief of Engineers for any modifications to the Dallas Floodway prior to construction, and thereby subject to applicable regulatory standards.

The NTTA has consulted with City of Dallas - Street Services and Flood Control Division (Dallas Floodway Manager) in developing an agreed upon overall concept for the prevention of encroachments and penetrations that could impact integrity and performance of the levees, as well as hamper access for operations and maintenance, surveillance, and flood fighting purposes. As a part of this agreement, NTTA would continue to provide undiminished access to all levee segments and Dallas Floodway areas that are currently being maintained by the Dallas Flood Control Division for inspection, surveillance, and flood fighting purposes upon completion of the Trinity Parkway project. The same considerations for undiminished Dallas Flood Control Division access would also apply to the construction phase of the FHWA-recommended alternative (i.e., Alternative 3C) if selected for implementation as part of the FEIS ROD. As with the USACE and the City of Dallas, the NTTA is committed to the concept of flood risk management and the responsibility of public safety.

**Floodplains and Flood Control 18-8. Flood concerns: flood elevation and floodwater conveyance.**

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* "There are no direct connections to I-30 and I-35, only one access to the promised park, and limited connections, called diamond interchanges, to surface streets, which will also remove flood storage capability in the Dallas floodway and floodway extension. We believe that the FEIS understates the effect on flood levels, the length of time the tollroad will be flooded, how long the clean-up will take, and the frequency with which it will flood. The proposed tollroad will remove vitally needed valley storage - the capacity of the floodway to hold storm water runoff. The importance of the capacity of the Dallas Floodway to store floodwaters cannot be understated, and it is unacceptable for anything to be done that will raise flood levels and reduce valley storage. NTTA and the COE have stated that building the tollroad within the levees will raise flood levels, and the City of Dallas has asked for a waiver to the regional Corridor Development Certificate program to raise flood levels."

*Statements 19, 20, 21 Bennett, Larry (Chairman, Stemmons Corridor Business Association) E-1, E-2, W-3: "*The Trinity Parkway will withstand the 100 year flood plus 2 feet."

*Statement 171 Powell, Elmer W-1*: "1. Construction of the toll road and barrier walls protecting the toll road will restrict or slow down the overall flow rate by how much? 2. Construction of the toll road between the Trinity River levees will back up water up river by how much in feet and in percentage terms?"

*Statement 213 Weinberg, Cachet V-1:* "Another way to measure the cost is safety. According to the EIS, the proposed condition of the floodway with addition to the tollroad does not meet the Corps of Engineers criteria concerning the increase in flood elevation during a 100-year flood event. Because the flood estimates do not meet the government's criteria, a variance will be required before the Federal Government will issue a permit. . . . I want to know that the levees will keep us safe because they meet established safety criteria. Law being the Federal Government to reduce the safety criteria makes us less safe."

*Statement 214 Weinberg, William W-1*: "It is not prudent to seek a variance of federal flood safety standards to build this road."

**Response 18-8A:** As described in **FEIS Section 1.6.1.2**, the City of Dallas has proposed an extensive development of recreational facilities and lakes (i.e., Trinity Park) in the Dallas Floodway. Future park access roads originally planned by the City of Dallas could be affected by implementation of Alternative 3C in the Dallas Floodway. In order to ensure that access is provided to Trinity Park if Alternative 3C is constructed, structured ramps from the Trinity Parkway alignment into the floodplain at five access locations have been proposed. These five access locations include Hampton Road, Sylvan Avenue, the proposed Jefferson Memorial Bridge, Corinth Street/Riverfront Boulevard, and Cedar Crest/MLK, Jr. Boulevard. These access locations are shown in **FEIS Plates 2-4 and 2-5**. See **Subtopic 18-2** regarding flooding damage to the roadway; **Subtopic 18-3** for catastrophic flood risk; **Subtopic 18-4** for flood event probability; and **Subtopic 18-6** for impacts to flood protection. In accordance with the 1988 Trinity Regional EIS ROD criteria, the selection of a Build Alternative within the Dallas Floodway would be reviewed by FEMA, City of Dallas, NCTCOG, and USACE as part of the CDC process to ensure there would be no loss of valley storage of floodwater. Such review would rely on a detailed hydraulic analysis of the Dallas Floodway's ability to convey the 100-year and SPF floods as modeled with proposed design features in place and as measured against specific hydraulic criteria originally established by the 1988 ROD. Similarly, USACE implements its regulatory authority over construction and operations within the Dallas Floodway through national flood control regulations (33 CFR Section 208.10) as well as through local floodway guidance issued by the USACE Fort Worth District. USACE approval of any construction within the Dallas Floodway is conditioned on demonstrating design, construction phasing, and mitigation measures that meet specific USACE guidelines for ensuring continuous protection of flood conveyance capacity. If Alternative 3C is selected in the FEIS ROD, it is likely that a variance to the 1988 ROD criteria pertaining to rises in the water surface elevation for a 100-year flood event would be required from the Fort Worth USACE District Commander. If approved, the variance would be issued as part of the Section 408 authorization process.

Planning and design of all drainage structures would adhere to the FHWA design criteria to achieve compliance with EO 11988 (Floodplain Management) and would be coordinated with the Regulatory and Operation Branches of the USACE pursuant to Section 404 of the CWA. All conditions and requirements of Section 404 authorization for drainage crossings would be complied within their entirety during the final design phase of the project to ensure that floodplain capacity is not reduced and that floodplain management or development plans are not impaired.

A very large flood (such as a Standard Project Flood or "SPF") in the Dallas Floodway would rise and recede over several days. Based on available hydrologic and hydraulic modeling for the Floodway, it is estimated Alternative 3C would be under water 24-48 hours as the river crests during an SPF event. This would affect the entire segment of the Trinity Parkway within the Floodway (approximately 6 miles in length). As described in **FEIS Section 2.7**, the roadway would be protected by flood separation walls and pumps at low points under the cross bridges in the Floodway. Assuming these walls are overtopped, the pumps are estimated to take 3 to 6 hours to pump out the flooded segments of roadway after the river level falls below the 100-year level.

The out-of-service time due to a flood of SPF magnitude could be estimated at approximately 5 days as outlined below:

- Time of barricading up to time of actual flooding: ¼ day
- Duration of flooding: 2 days
- Duration of pump-out of sags: ¼ day
- Duration of cleanup/repair: 2 days

The duration of inundation of the road would be approximately 30 hours for an SPF event. Unless there was unexpected structural damage, the inundation and cleanup is estimated in **FEIS Chapter 6** as lasting 5 days before return to service.

Regarding flood safety standards, **FEIS Section 1.6.5** discusses that the construction of an alternative within a federal floodway would require authorization from the USACE under Section 408. Extensive coordination among the project partners has occurred especially in recent years to ensure that the proposed Trinity Parkway would not interrupt flood control operations or impact the existing Dallas Floodway levees. As a cooperating agency for this FEIS, this ongoing coordination has addressed anticipated construction phasing to ensure protection of the levee system, use of borrow material from the floodway for tollway embankment, and uninterrupted access for floodway operations and maintenance, flood fighting, and surveillance. The participation of the USACE in project development as evidenced in the SDEIS, LSS, and FEIS provide assurances that the Trinity Parkway is consistent with USACE interests relating to the Dallas Floodway.

Regarding the Corridor Development Certificate (CDC), the proposed action may require a CDC permit, which would be processed and issued by the City of Dallas. As described in **FEIS Section 3.5.6.4**, participating municipalities review applications for floodplain fill permits according to a common set of permit criteria. The CDC calls for the maximum allowable loss in valley storage for the 100-year flood and SPF discharges to be 0 percent and 5 percent, respectively.

Regarding flow and backup, **FEIS Tables 4-35A/B** and **4-36A/B** demonstrate that, in general, the channel and overbank velocities will slightly increase due to the constriction or encroachment caused by the Trinity Parkway Dallas Floodway Alternative 3C. A more detailed breakout of channel velocities can be found in **FEIS Appendix F-1**. All analyses were based on the available steady state (no change is discharge over time) hydraulics model developed by the USACE for ongoing studies on the Trinity River and its tributaries. All velocities are shown in feet per second.

*Statement 54 Dalbey, Tim W-1: "*On flood profiles the elevations seem in error. For example, the river bottom at Commerce Street is 375 feet. According to the USGS station at Commerce the flood level is 30 feet, or 405 feet at sea level. The top of river bank on graph is 401 feet. 417 feet is then 417 feet, 12 feet

above the USGS level. This is too low. Much of the levee design grade is too low and needs to be added on the existing levee."

**Response 18-8A:** The commenter's concern appears to stem from his interpretation of the flood profile poster exhibit at the public hearing, which was an enlarged version of **FEIS Plate 4-9**. That poster indicates the elevation of the river bottom at the Commerce Street cross section is approximately 375 feet, the elevation at the top of the river bank is 401 feet, and the elevation at the top of the East Levee is 432 feet. These elevations are based on a bathymetric survey of the Trinity River within the last 10 years and reflect the data used by the USACE for the purpose of hydraulic modeling of flooding events in the Dallas Floodway. Hydraulic modeling of the 100-year flood event estimates a water surface elevation at this location of 417 feet. Based on these data, the elevation difference between the top of the river bank and the 100-year flood stage is 16 feet, and the elevation difference between the 100-year flood stage and the top of the East Levee is an additional 15 feet.

The USGS gage height at USGS Gage 08057000 Trinity River is listed at 368 feet elevation. The commenter's reference to flood stage at 30 feet appears to relate to the distance above the gage elevation to the top of the river bank, at which point flood water would leave the river channel and begin moving laterally into the rest of the floodplain. Adding 30 feet to the gage elevation would place the top of bank at 398 feet. The 3-foot discrepancy between the top of bank for the USGS gage and the bathymetric survey is likely the result of measurements made at widely-separated points in them and most likely reflects changes in the characteristics of the Trinity River channel over time. In summary, the maximum water surface elevation of the 100-year flood is 16 feet (as reported in the FEIS) to 19 feet (using USGS top of bank) above the top of the river bank. In neither case, would the difference between the USGS top of bank and the 100-year flood water surface elevation be 12 feet.

**Floodplains and Flood Control 18-9. Non-disturbance of floodplains.**

*Statement 88 Hartmann, Edward W-1:* "Our floodplains are valuable infrastructures that should not be disturbed."

**Response 18-10:** The importance of floodplains is reflected in Executive policies contained in Executive Order 11988 (Floodplain Management), and the policies in this Executive Order and FHWA's implementing regulations were an important part of the evaluation of alternatives for the Trinity Parkway. Please see the discussion of the application of federal policies that are protective of floodplains in **FEIS Section 2.8**.

**Floodplains and Flood Control 18-10. Floodplain improvements.**

*Statement 104 Jackson, Lee V-1:* "Third, I think the motorists and the residents also want balance in the Trinity floodway itself. They voted for a balanced plan that had park and recreation improvements, flood improvements and transportation."

**Response 18-10**: Comment noted and considered.

## 19. AIR QUALITY

**Air Quality 19-1. Impacts to air quality.**

*Statement 100 Housewright, Mark V-1:* "The only one that made sense to solve the two key problems, and the two key problems are that we have five to five and a half hours of traffic jams a day in the Mixmaster concrete canyon area. Also they contribute heavily to our air quality issues and air pollution in our city. The forecast we were given in the '90s said that if we do no-build, that the traffic jam would expand to nine to nine and a half hours a day and the air quality would go down even further."

*Statement 107 Johnson, Charles V-2:* "And if you want to talk about environmental justice, one of the problems we have is VOC, Volatile Organic Compounds; where our cars are stuck on the road, our children breathe these, we breathe these, causing asthma and other things. These are poisonous chemicals that are there and we sit in them for hours."

*Statement 115 Kahn, Karen Executive Director – ACEC Dallas) E-1:* "The Trinity parkway is needed to relieve traffic congestion, combat air quality issues and further safe travel."

*Statements 144/145 Mazzei, Matt E-1/W-2*: "The City of Dallas was ranked as the 8th most Ozone polluted cities. Ranking of "F" "State of the Air" American Lung Association. Continuing to encourage sprawl exacerbates this problem, and encourages people to live further from their places of employment, further increasing pollution."

**Response 19-1:** The FEIS provides details concerning air quality regulatory requirements (see **FEIS Section 3.6.1**) and existing project area air quality (see **FEIS Section 3.6.2**). An air quality analysis was performed for the FEIS in accordance with all applicable regulations and guidance (see **Section 4.15** of the **FEIS**).

Criteria Air Pollutants: Six pollutants are of primary concern with regards to air quality in urban areas. These include: ozone, carbon monoxide (CO), sulfur dioxide, nitrogen dioxide, particulate matter, and lead. The USEPA establishes National Ambient Air Quality Standards (NAAQS) for these identified air pollutants. These standards represent exposure levels where potential threats to human health may occur. The health risk from air pollutants is generally determined on a regional basis, with the USEPA designating areas where the potential for threat to human health exists as a non-attainment area for specific air pollutants. The USEPA-designated ten-county DFW area (including Dallas County) is in "moderate" nonattainment only for ozone.

The primary pollutants from motor vehicles are volatile organic compounds (VOCs), CO, and nitrogen oxides (NOx). VOCs and NOx can combine under the right conditions in a series of photochemical reactions to form ozone. Because these reactions take place over a period of several hours, maximum concentrations of ozone are often found far downwind of the precursor sources. Thus, ozone is a regional problem and not a localized condition.

The modeling procedures for ozone require long term meteorological data and detailed area wide emission rates for all potential sources (industry, business, and transportation) and are normally too complex to be performed within the scope of an environmental analysis for an individual highway project. Accordingly, concentrations of ozone for this purpose of comparing the results of the NAAQS are modeled by the regional air quality planning agency for the State Implementation Plan (SIP). The proposed project is consistent with the area's financially constrained *Mobility 2035 – 2013 Update* and the 2015-2018 TIP, which were initially found to conform to the TCEQ SIP by the FHWA on July 19, 2013 and December 2, 2014, respectively. Conformity with 40 CFR Sections 51 and 93 (i.e., conformity rule) must be demonstrated as part of the project approval process.

The Trinity Parkway would benefit residents and non-residents, as part of a regional plan, due to improved air quality. Unlike ozone, concentrations for CO are readily modeled for highway projects and are required by federal regulations. A carbon monoxide analysis for the proposed project determined that local concentrations of carbon monoxide are not expected to exceed federal standards at any time (see **Table 4-38** of the **FEIS**). In addition, the Trinity Parkway is one of many congestion management measures regional planners are pursuing to manage congestion and reduce levels of ozone.

Mobile Source Air Toxics (MSAT): In addition to the criteria air pollutants discussed above for which there are NAAQS, the USEPA also regulates air toxics. An analysis of MSAT within the Trinity Parkway study area considered the on-road sources for the seven priority MSAT (acrolein, benzene, 1,3 butadiene, diesel particulate matter [DPM], formaldehyde, naphthalene, polycyclic organic matter [POM]). The quantitative MSAT analysis showed a substantial decrease in annual MSAT emissions for the Trinity Parkway for both the Build (Alternative 3C has been recommended by the FHWA ) and No-Build

scenarios in year 2028 and year 2035 compared to the base year 2013 (**Figure 4-4** of the **FEIS**). Compared with 2013 levels, annual emissions of total MSAT are projected to decrease by approximately 80 percent in 2028 No-Build scenario, 78 percent in 2028 Build scenario, 81 percent in 2035 No-Build scenario, and 79 percent in 2035 Build scenario. If emissions are plotted over time, a substantially decreasing level of MSAT emissions can be seen, even though the overall amount of vehicle miles traveled in the affected transportation network continues to rise (**Figure 4-5** of the **FEIS**). This is due in large part to the implementation of USEPA's motor vehicle emission control standards, described in **Section 4.26.5.8** of the **FEIS**.

The methodologies for forecasting health impacts include emissions modeling; dispersion modeling; exposure modeling; and then final determination of health impacts – each step in the process building on the model predictions obtained in the previous step. All are encumbered by technical shortcomings or uncertain science that prevents a more complete differentiation of the MSAT health impacts among a set of project alternatives. These difficulties are magnified for lifetime (i.e., 70-year) assessments, particularly because unsupportable assumptions would have to be made regarding changes in travel patterns and vehicle technology (which affects emissions rates) over that timeframe, since such information is unavailable. It is particularly difficult to reliably forecast 70-year lifetime MSAT concentrations and exposure near roadways; to determine the portion of time that people are actually exposed at a specific location; and to establish the extent attributable to a proposed action, especially given that some of the information needed is unavailable.

Air Quality During Construction: During the construction phase of this project, temporary increases in air pollutant emissions may occur from construction activities; however, considering the temporary and transient nature of construction related emissions, as well as the mitigation actions to be utilized, it is not anticipated that emissions from construction of this project will have any significant impact on air quality in the area. The potential impacts will be minimized by using fugitive dust control measures such as covering or treating disturbed areas with dust suppression techniques, sprinkling, covering loaded trucks, and other dust abatement controls, as appropriate.

**Air Quality 19-2. Carbon dioxide.**

*Statement 122 Lamberty, Jean E-1:* "If all the money that has been spent on studies, plans, and diagrams had been spent on improving public transportation, there would be fewer cars on the road. Dallas needs to be forward thinking, not look for 20th century solutions for a 21st century world. Dallas needs fewer $CO_2$ emissions, more green space, and better public transportation. The Trinity Parkway will accomplish none of these."

*Statement 171 Powell, Elmer W-1*: "4. How much $CO_2$ emissions increase with the addition of a six lane toll road between the Trinity River lanes?"

*Statement 172 Powell, Elmer W-2*: "1. How much additional $CO_2$ will be emitted on the Trinity Parkway toll road?"

**Response 19-2:** See **Subtopic 19-1** for general impacts to air quality. To date, no national standards have been established regarding greenhouse gases, nor has the USEPA established criteria or thresholds for greenhouse gas emissions. On April 2, 2007, the Supreme Court issued a decision in Massachusetts et al v. Environmental Protection Agency et. al. that the USEPA does have authority under the CAA to establish motor vehicle emissions standards for carbon dioxide emissions. The USEPA is currently determining the implications to national policies and programs as a result of the Supreme Court decision. However, the Court's decision did not have any direct implications on requirements for developing transportation projects. The FHWA does not believe it is informative at this point to consider greenhouse gas emissions in an EIS. The climate impacts of carbon dioxide emissions are global in nature. Analyzing how alternatives evaluated in an EIS might vary in their relatively small contribution to a global problem will not better inform decisions. Further, due to the interactions between elements of the transportation system as a whole, emissions analyses would be less informative than ones conducted at regional, state, or national levels. Because of these concerns, the FHWA concludes that it cannot

usefully evaluate carbon dioxide emissions in this EIS in the same way that we address other vehicle emissions. The FHWA is actively engaged in many other activities with the USDOT Center for Climate Change to develop strategies to reduce transportation's contribution to greenhouse gases, particularly carbon dioxide emissions, and to assess the risks to transportation systems and services from climate change. The FHWA will continue to pursue these efforts as productive steps to address this important issue. The FHWA will review and update its approach to climate change at both the project and policy level as more information emerges and as policies and legal requirements evolve.

**Air Quality 19-3. Construction impacts.**

*Statements 124/125 Lampert, Andy (Plant Manager – OxyChem Dallas Silicate Facility) E-1/W-2:* "Has NTTA considered the health and environmental impact of fine particulate matter generated during construction activities? We would like to understand NTTA's dust and particulate mitigation plans."

**Response 19-3:** Impacts to ambient air quality would occur as a result of construction activities. Fugitive dust and particulate matter, including emissions, would be generated during project excavation and filling. Construction equipment and off-site vehicles used for hauling debris and supplies would also produce emissions during construction. The pollutants of primary concern include fugitive dust, PM10, reactive organic gases, NOx, CO, and to a lesser extent, sulfur dioxides. The degree of air quality impact due to construction emissions is difficult to predict and depends on many variables such as the type of weather, construction vehicles, and the timing and phasing of construction activities. However, project construction would be conducted in accordance with all federal, state, and local regulations that govern construction activities and emissions. Specific mitigation measures that can be utilized would be identified in a dust control plan prepared prior to project construction.

The implementing agency would develop a construction oversight and environmental monitoring program specific to the Trinity Parkway, which is similar to the environmental oversight program implemented for the President George Bush Turnpike (Segment IV). The purpose of the oversight and monitoring program would be to outline the activities to be implemented by the NTTA during design and construction to ensure that environmental commitments are met and mitigation measures are properly implemented.

## 20. NOISE

**Noise 20-1. Noise impacts.**

*Statement 23 Betzen, Bill V-1: "*These people living downtown on the weekends they can go to the best cultural activities in the world, or they can hop on a bicycle and go down a cement path along the Trinity River to a forest and back to where they live all within two hours. They won't go along a noisy freeway; they will go along a quiet river, wildlife. I live a half-mile from Highway 67 in South Oak Cliff and I've lived there for 40 years. It's a half-mile. It is noisy. I've listened to it a million times. There is no place where this toll road is going to be even 2,000 feet from that river. So if you're canoeing the river you're going to hear it, all 9 miles. We don't need that."

*Statement 37 Bristow, Annemarie V-2:* "The other thing is the rendering that I saw; it made me think of something. It said noise impact, yes. What a horrible statement. Well, are there no noise walls in there?"

**Response 20-1:** The noise analysis for Trinity Parkway recommended Alternative 3C was performed in accordance with TxDOT's (FHWA approved) Guidelines for Analysis and Abatement of Highway Traffic Noise. The FHWA traffic noise modeling software was used to calculate existing and predicted traffic noise levels at receiver locations that represent the land use activity areas adjacent to the proposed project that might be impacted by traffic noise and potentially benefit from feasible and reasonable noise abatement. The locations of noise receivers modeled are shown in **FEIS Plate 4-10** and the results of the modeling analysis for Alternative 3C are shown in **FEIS Table 4-42**.

The modeled noise levels at noise receivers located within or near the Dallas Floodway would generally not result in a noise impact based on FHWA guidelines. In two instances, however, a noise impact would occur but it was determined that noise abatement measures at those two locations (Noise Receivers R10 and R16) would not be not be feasible and reasonable as explained in **FEIS Section 4.16**. Outside the floodway, four noise abatement barriers were determined to be feasible and reasonable to address traffic noise impacts to eight receivers located at the southern terminus of the proposed project. These noise barriers are proposed for incorporation in the proposed project (refer to **Section 5.1.2.3** of the **FEIS**). Additional public involvement would occur through future noise workshops to determine if the noise barriers are wanted and if so, to assist in their aesthetic design. Note that although Alternative 3C has been recommended by the FHWA, a Final Alternative will not be selected until the FHWA issues a ROD.

Future recreational facilities are proposed to be constructed by the City of Dallas within the Trinity River Greenbelt Park in the project area. These future facilities are being planned by others concurrently with the roadway project. The noise analysis included specific areas within the park where amenities are proposed, considered reasonable and feasible noise mitigation, and included noise impact contour data for undeveloped areas in the park. These efforts would guide local officials responsible for land use control programs to ensure, to the maximum extent possible, that new recreational activity areas within the park are planned or constructed with the predicted future noise environment in mind.

## 21. VISUAL IMPACTS

**Visual 21-1. Visual impact assessment in the FEIS.**

*Statement 74 Greyson, Sandy (Dallas City Council) V-1:* "I did want to mention in reading the report, I saw several things that seemed inconsistent. I'll just mention one. In the report, Page S-11 says visual impacts will be low under the no-build scenario. I would think the visual impact would be none. That page also says that the 3C road alternative would have medium visual impact. I would think that would be high. Page 15 of your own report contradicts Page 11. It says the road will create strong visual impacts. I noticed other inconsistencies and obviously, I could go on."

**Response 21-1: FEIS Section 4.17.2** states that there would be no visual change and, therefore, no visual impacts to the views or other aesthetic conditions within the project area as a result of the No-Build Alternative. Categories used in the Visual Impact Assessment discussed in this section include: no visual change, minimal visual change, moderate visual change, and strong visual change. To simplify the summarization of results from visual impacts assessment in **FEIS Table 4-62** and **Table S-1**, these five categories were further reduced to the following three categories: low, medium and high. In this instance, the choice of "low" most comparably represents no visual change for the No-Build Alternative. The same logic applies with the summarized impact of "medium" for Alternative 3C in these summary tables. In both instances where these summary tables are used, the reader of the FEIS is directed to review the detailed discussion of impacts contained in **FEIS Chapter 4** for each of the topics summarized. Lastly, the "medium" visual impact is further explained in **FEIS Table S-2** which indicates that "Alternative 3C would have a strong visual impact on the Dallas Floodway. However, other foreseeable projects (e.g., BVP and DFE Projects) would focus on enhancing the visual quality of natural resources in the Dallas Floodway. Consequently, such projects would serve to substantially offset the visual intrusion of Alternative 3C."

## 22. HAZARDOUS MATERIALS

**Hazardous Materials 22.1. Impacts from hazardous material sites.**

*Statements 124/125 Lampert, Andy (Plant Manager – OxyChem Dallas Silicate Facility) E-1/W-2: "*The proposed routes for Trinity Parkway and the ACOE levee cross an existing but inactive industrial waste disposal site. We seek clarification regarding (1) the Project's impact on the landfill and ongoing monitoring activities, and (2) responsibility for environmental liabilities that may be associated with the property in connection with the Project."

**Response 22-1:** According to **Section 4.18.2** of the **FEIS**, the site in question was identified as a landfill and as an industrial site with known on-site disposal areas. Should Alternative 3C (FHWA-recommended alternative) move forward, it would be located on structure (elevated bridge) where it would encounter the site in question. Please note that although Alternative 3C has been recommended by the FHWA, a final selection decision will not be made until FHWA issues a ROD for the proposed project.

Should Alternative 3C be selected in the anticipated ROD, prior to ROW acquisition, it is anticipated that a Phase I Environmental Site Assessment (in accordance with 40 CFR Part 312 and the most current American Society for Testing and Materials [ASTM] Standard) would be performed for ROW acquisitions that have known or potential occurrences of hazardous materials. Based on the results of the Phase I Environmental Site Assessment, sampling and analysis activities and potential remedial activities can be evaluated for the selected alternative.

The construction of the proposed action poses little risk of hazardous waste contamination of the environment. Hazardous waste impacts associated with the proposed action are more likely to be associated with present and past sites and facilities that have already impacted the environment or have the potential to impact the existing environment if contaminants are mobilized (e.g., through airborne dust or water runoff from construction sites). Such facilities that are located within the ROW of the Build Alternative 3C would be acquired by NTTA and secured in accordance with the FHWA policies and applicable state and federal laws to minimize the risk of a contaminant release to the environment. Environmental liabilities may be associated with the acquisition of contaminated properties; however, CERCLIS can hold past and present owners and/or operators of real property liable for the costs of site investigations and remediation. CERCLIS as amended by the Small Business Liability Relief and Brownfields Revitalization Act (the “Brownfields Amendments”) of 2002 provides liability protection if the owner or operator complies with specific provisions outlined in the statute, which include conducting all appropriate inquiries (40 CFR Part 312) into the condition of the property prior to acquisition.

## 23. MISCELLANEOUS COMMENTS

### Miscellaneous 23-1. Deception and lack of transparency.

*Statement 2 Albers, Anna (Chair, Trinity River Action Coalition) W-1:* “Additionally, we are concerned that the study for the Tollroad has been divided up into separate segments, and believe that all aspects of the Tollroad study should be done together. Specifically, we want the proposed "Jefferson Memorial Bridge" and the southern terminus at Lamar and Hwy 175 included in the analysis and planning of the Tollroad, as they are contiguous parts of the project. Instead, it appears that the NTTA is trying to sneak these projects through without proper public scrutiny and participation.”

*Statement 3 Albers, Anna (Chair, Trinity River Action Coalition) V-2:* “We're concerned that the study for the tollroad has been divided up into separate segments and believe that all aspects of the tollroad study should be done together. We've just learned that there's the Jefferson Memorial Bridge that is proposed, and it's not funded. It won't be -- who knows what it's going to be about. And it is just one more example of how Dallas is wasting its time on this project.”

**Response 23-1A:** The FHWA has developed general criteria that must be met in the selection of logical termini for a transportation project and in the documentation of its independent utility (23 Code of Federal Regulations (CFR) Section 771.111(f)). These criteria include the following: (1) connect logical termini (major crossroads, population centers, major traffic generators, or major highway control elements) and be of sufficient length to address environmental matters on a broad scope (ensure a meaningful analysis); (2) have independent utility or independent significance (be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made); and (3) not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. As presented in this FEIS, the Trinity Parkway’s logical termini for the purpose of evaluating alternatives and impacts of the proposed improvements are the junctions at IH-35E/SH-183 and US-175/SH-310. The proposed action

has independent utility and would not preclude other foreseeable transportation improvements. In this instance, the other projects mentioned by the commenter also have different sponsorship and funding sources, as these are projects that would not be funded by the NTTA and each project may be constructed regardless of whether a Build Alternative is selected for the Trinity Parkway.

*Statement 5 Amonett, Michael (City of Dallas Land Commissioner) W-1: "*I feel this project has been overly marketed and ill-informed. Information has been withheld and changed since we voted for a parkway in the late 90s. We haven't gotten what we voted for and the cost has only increased. At what point will supporters say enough and stop demanding this ridiculous expensive, real estate driven idea? Enough!"

*Statement 8 Aten, Stan W-1:* "Since the Trinity River Project was first put before Dallas voters, I have had strong concerns that facts and reality have been ignored when discussing this project. From the very first bond election, the voters were given false information and outright lied to by campaign flyers and elected officials. . . . In the original election, the Trinity Roadway was called a Parkway not a Toll Road. It was not until years later, that a toll road became part of this project's discussion. Any road project inside a floodway is subject to being closed due to flooding. Over the years, a number of lies were told about this project. #1 that the toll road was necessary to provide relief to I-35 while the Mixmaster was rebuilt. That was not true and this road project is currently being built. #2 there was buckets of money to fund this project. This statement was made during the last public campaign to gather support for the project. That statement was not true either. #3 the project is necessary to relieve congestion. That is not true either. The maximum capacity as designed is 6,600 cars per hour at rush hour in either direction from Irving to the Central Business District or 4,400 cars per hour south of the Central Business District. It is a drop in the bucket which could be handled with other methods of transportation. The cost is currently estimated at $1,400,000,000 or roughly $108,000 per car at rush hour to save approximately 3 minutes in commuting time. . . . Why is the Lamar/175 terminus be studied separately? Should be studied together as it is a contiguous part of the tollroad. It seems like you are trying to sneak through various pieces of the project under the radar."

*Statement 18 Beasley, Arlene E-1:* The biggest issue is it's not the road we were initially promised. The current plans don't even resemble the "balanced vision plan." The cost to build a road in our otherwise beautiful greenway that will crowd out nature, increase the likelihood of flooding, and make the vast open space between the levees too noisy to enjoy nature. Where is our park? Go back, rethink, and give us what we were promised.

*Statement 35 Brink, Richard E-1: "*We voted in the original bond election for a parkway, not a toll road – a parkway would have no vehicles with more than 6 wheels, or speed over 45 mph."

*Statement 69 Garrison, Catherine V-1:* "I'm opposed to this project, because I have a lot of concerns. The first one is the lack of transparency. I asked every group in this room tonight and no one can tell me how much we have spent on this project so far. . . . Again, back to the lack of transparency. In the original renderings that were mailed to our homes we got pictures of sailboats and parks and all of that. And when I looked at the renderings up on the screen tonight, I didn't see one sailboat."

*Statement 84 Hamaker, Maralyn E-1*: "When the parkway/park was first proposed during the bond election, a pretty picture of parks and lakes were portrayed as a major part of the plan. Since then, the lakes have shrunk in the plans, and it turns out the parks will be marred by 8 lanes of traffic roaring by. We've also learned more about the instability of the sub-strata, and the dangers of flooding."

*Statement 151/152 Meckfessel, Robert E-1/V-2*: "First, Alternative 3C is now a far cry from the Trinity Parkway described in the Balanced Vision Plan. It ignores the recommendations of the Balanced Vision Plan in several key aspects, including lane width, shoulder width, median width, shoulder materials, and location relative to the levees. As a result, the tollway shown in Alternative 3C is much wider and more intrusive than the parkway called for in the Balanced Vision Plan. As proposed today, the tollway is no longer "balanced" nor "visionary". . . . Second, many supporters of the Parkway within the levees only did so because we were informed repeatedly by elected officials that its construction was necessary to

accomplish other features of the Balanced Vision Plan such as the lakes and the SM Wright Boulevard conversion. We were also told that it was critical to rebuilding the Mixmaster. That has not proven to be the case. The Mixmaster is being rebuilt, SM Wright is being converted and the lakes are moving ahead. The environmental and financial challenges raised by the tollway have only impeded the accomplishment of the remainder of the Balanced Vision Plan, not facilitated it."

*Statement 189 Schmidt, Peter E-1*: "I'm a Dallas voter and I will remember and vote against all involved in trying to push this toll road through. I am old enough to remember what we were promised in the late 90s."

**Response 23-1B:** Please see **Subtopic 1-1** regarding the project's need and purpose, **Subtopic 5-2** regarding project costs, **Subtopic 10-2** regarding support in two city-wide elections for a Trinity Parkway alignment within the Dallas Floodway, **Topic 18** regarding floodplains and flood protection, **Topic 20** regarding noise, and **Subtopic 23-1A** regarding why the Lamar/175 terminus is to be studied separately.

*Statement 45 Carroll, Jon E-1*: "The prior vote on this issue in Dallas was intentionally set up in a confusing manner, and most of the claims in favor of the tollroad have proven to be untrue. I am a customer of NTTA and a voter in Dallas. I will not forget NTTA's involvement with this poorly conceived project and neither will the citizens of Dallas. The vast majority of Dallas citizens that I know agree with my perspective."

*Statement 54 Dalbey, Tim W-1: "*Even in title the word change from Toll Road in previous reports to Parkway is misleading and deceiving."

*Statement 58 Davis, III, Leamon W-1: "*It is interesting to note that even when you state that 3C is the preferred alternative, all of the other alternatives are still being mentioned."

*Statement 73 Gosselee, Susybelle V-1:* "The concern that I also have is it's reported tonight that we will have around 120 to 130,000 more cars on our roads; on that road, which really is not a parkway in spite of the fact that we're calling it a parkway. A parkway is a road that has two to four lanes and it has trees and greenery around it."

*Statement 76 Griggs, Mariana W-1:* "I believe that this road continues to be studied so that consultants can make money and so that land developers can flip their land and make money based on speculation."

*Statement 78 Griggs, Scott (Dallas City Councilmember) W-2:* "It was deja vu all over again when Michael Morris and Bill Hale sounded the alarm in their recent column about the Interstate 345 teardown proposal: "If there is going to be any hope of rethinking I-345, Trinity Parkway must be in place." Morris, director of the North Central Texas Council of Governments, and Hale, Dallas District engineer for the Texas Department of Transportation, were invoking the same refrain used by Trinity toll road supporters for the last decade and a half: If there is going to be any hope of (insert project), the Trinity toll road must first be in place. But now that these supposedly endangered projects are underway- no Trinity toll road in sight- how is it that toll road supporters continue to command any credibility?

Toll road advocates employed this tactic most aggressively during the 2007 Trinity toll road referendum, when they realized they could not garner enough support from voters by arguing for the road on its own merits. So instead, they took as hostage other worthy and necessary projects: the removal of S.M. Wright Freeway, the reconstruction of the Mixmaster, the creation of the urban lakes and Trinity park. They convinced voters that none of these other projects could see the light of day without the toll road being built first. As one of the leading toll road advocates, Morris repeatedly warned voters, "Nearly $5 billion of much-needed transportation projects will be in jeopardy if voters pull the plug on the Trinity Parkway." "It will be impossible," Morris proclaimed, to make improvements to the downtown Mixmaster or S.M. Wright's Dead Man's Curve "without the planned toll road."

Seven years later, the Trinity toll road remains unapproved and unfunded. Yet TxDOT has begun construction on the four-year, $798 million downtown Mixmaster project. Likewise, this fall, TxDOT will

begin reconstructing S.M. Wright Freeway. And the city will soon begin excavating smaller versions of the long-promised Trinity lakes. All without the Trinity toll road. With their scare tactics debunked, one would expect toll road supporters to be chastened. Instead, as projects once held hostage by the toll road are completed one by one, toll road supporters realize that their leverage- and their supporters - are dwindling. They must create a new raison d'etre for the toll road, and they now have their sights on I-345. This will be a tough sell, however, since toll road supporters acknowledged in 2007 that this portion of Central Expressway is not "directly impacted" by the toll road. If that ploy proves ineffective, toll road supporters will try to tie flood control improvements to the road. That, too, will be a difficult feat, since the U.S. Army Corps of Engineers issued a report on Friday stating that the recreational and flood control improvements within the Trinity levees can occur without the toll road, at less cost.

So why should we believe toll road supporters? These are the same individuals who swore that Dallas taxpayers would never pay another dime for the toll road, aside from the $84 million in bond funds voters approved in 1998. "Dallas taxpayers' cost is capped at $84 million," wrote Mayor Tom Leppert in 2007. Yet the corps' report explains that if the city wants to build the toll road within the levees, it will have to move a portion of the Trinity River itself. By the corps' estimation, this will take at least nine years to complete, at a cost of tens of millions of dollars - a large portion of which must be paid for by Dallas residents in new taxes."

*Statement 143 May, Dallas V-1*: "I don't know when it was, but somewhere around the way, somewhere along the way, this became just about pride. It's not about traffic anymore. It's not about flood protection anymore. I would be cynical enough to say it's about money, but I don't even think that's true. It's -- and I'll just -- no, it's just about pride at this point. There are careers built around this that can't -- these people can't imagine that their careers that they have worked on for so long for so many years will lead up to something that can't and shouldn't be built."

*Statement 148 McCord, Marc E-1:* "I strongly urge you to reconsider the sanity of this project. You saw what we did when citizens rose up against gas drilling in Dallas. The very election that passed the initiative for the toll road was intentionally worded to confuse and deceive people into voting for the project when they thought they were voting against it. Before proceeding, I encourage you to put the matter to another vote, and this time word the ballot so that a "NO" vote is in opposition to the toll road and a "YES" vote is in favor of it. I assure you that would result in the exact opposite outcome from the previous election. As a native born and raised Dallasite I most vigorously oppose the Trinity Parkway project and demand that it be cancelled."

*Statement 155 Melton III, Warren E-1*: "My family has been watching for literally decades as various visions for the Trinity River have been proposed and then fallen flat. Promises made have seemingly been broken time and time again. The initial vote for the "Trinity Parkway" was less than honest in our view. Then along came the "Balanced Vision Plan." Thankfully, many of Dallas' leaders recognized just how tragic this would be to allow that concept to go forward. Mayor Laura Miller commissioned that study to re-evaluate the viable options. Sadly – many of the outcomes of that process seemed to rely on flawed or missing information. Not once was any mention made of the planned expansion of DART or TRE. Only more pretty pictures of colorful sailboats, extensive bicycle trails through and around large public open park spaces brimming with families depicted as enjoying a peaceful day out in nature. Discontent continued to rise, until finally, a breaking point triggered by then Councilmember Angela Hunt. Many, many meetings were conducted with little in the way of answers. The actual voting materials were so confusing as to have Yes mean No and No mean Yes – which led to at best, a close call that no one seemed able to say was genuine support. Now NTTA is presenting its proposed plans – that frankly don't look anything like what was agreed upon in the 'Balanced Vision Plan'."

*Statements 194/195 Sheridan, Richard P. W-1/W2*: Why has there been virtually NO park-building work since the 1998 $248 million Bond referendum? Nothing, zip, zero, nada!!! Why is there still virtually no access to the Trinity River flood-zone? Did Dallas really spend $4 million building a river rapids that was shut-down because canoers will drown in it? Is the Calatrava Bridge about recreation? Was this near $200 million bridge built to enhance the Trinity park or is it part of the secret Gentrification of west Dallas?

Why are Dallas major engineering firms too afraid (to consider the tunnel alternative)? Because they know they would be banned from doing business with a government body in the Dallas area again."

*Statement 196 Sheridan, Richard P. V-3*: "Why hasn't there been virtually no park building work since 1998, a $248 million bond referendum, nothing, zip, zero, nada? Why is there still virtually no access to the Trinity River flood zone? Ten years ago we could've had bike paths, Frisbee golf, barbecue, soccer fields, for a modest amount of money, maybe the amount of money we spent on engineering documents and documents and documents and documents. . . . I've been told by a City Council Member and others that if an engineering company in this city came up with this other alternative, which is the same alignment of the existing surface tollway, they would be banned from working in this city. This is how vicious the politics are in this city.

**Response 23-1C:** Comments noted and considered.

# Appendix D

# Agency Coordination since Publication of the FEIS

## Table of Contents

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U.S. Department of Homeland Security

United States Coast Guard

Commander
Eighth Coast Guard District
Hale Boggs Federal Building

500 Poydras Street, Room 1313
New Orleans, LA 70130-3310
Staff Symbol: (DPB)
Phone: (504) 671-2128
Fax: (504) 671-2133
D8DPBALL@uscg.mil

16590
19 June 2014

# MEMORANDUM

From: David M. Frank
CGD EIGHT (dpb)

To: U.S. Department of Transportation
Federal Highway Administration

Subj: FINAL ENVIRONMENTAL IMPACT STATEMENT, TRINITY PARKWAY FROM IH-35E/SH-183 TO US-175/SH-310, DALLAS COUNTY, TEXAS

TXDOT CSJ: 0918-45-121

1. Our office has no comments on the Final Environmental Impact Statement for the crossing at Trinity River, in Dallas County, Texas.

2. Enclosed is a copy of the response dated 13 November 2008 to your previous letter dated 28 October 2008 concurring that the project meets the criteria of the Surface Transportation Assistance Act (STAA) and that this project does not require a Coast Guard Bridge Permit.

#

Encls: USCG Letter dated 13 November 2008
FHWA Letter dated 28 October 2008

Copy: Ms. Anita Wilson, Anita.Wilson@dot.gov

U.S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard
Hale Boggs Federal Building

500 Poydras Street, Room 1313
New Orleans, LA 70130-3310
Staff Symbol: dpb
Phone: (504) 671-2128
Fax: (504) 671-2133

16591C
13 November 2008

# MEMORANDUM

From: David M. Frank
CGD EIGHT (dpb)

To: Hector Garcia, Assistant Bridge Engineer
Federal Highway Administration

RECEIVED ON
NOV 2 0 2008
TEXAS DIVISION
FHWA

Subj: STA ACT CONCURRENCE

1) Please refer to your letter dated 28 October 2008, regarding the Texas Department of Transportation's proposed project to construct a limited-access toll facility between the IH-35E/SH-183 and the US-175/SH-310 interchanges. Three of the proposed alternatives have bridge crossings over the Trinity River in Dallas County, Texas. You have determined that this project meets the criteria for the Surface Transportation Authorization Act (STAA) and qualifies for exemption from Coast Guard bridge permit requirements.

2) Section 144(h) of Title 23 U.S. Code was enacted in 1978 to reduce paperwork and related cost in the executive of the Coast Guard's bridge permit programs. This section has been amended by the Act of April 2, 1987 (Public Law 100-17), to further reduce paperwork and related costs in the permitting of bridges funded by this Act. By reason of this provision, certain bridges – which are constructed, reconstructed, rehabilitated, or replace with federal assistance imposed under Title 23 U.S. Code – are no longer subject to the permitting requirements imposed under 33 U.S.C. 401 and 525(b). The bridges which fall into this excluded category are those that cross waterways:

   (1) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

   (2) which are: nontidal; or if tidal, used by vessels less than 21 feet in length.

3) Since FHWA has the responsibility for the STAA and based on the information provided by the Texas Department of Transportation, the Coast Guard accepts your determination that this bridge project meets the criteria for the STAA and is exempted from Coast Guard Bridge Administration purposes.

4) Based on your statement that no significant nighttime navigation occurs at these sites and pursuant to Title 33 of the Code of Federal Regulations, Part 118.40, the proposed project is hereby exempt from Coast Guard navigational lighting requirements. The later statute requires the establishment, maintenance, and operation of Coast Guard required lights and signals on fixed structures, including bridges. These exemptions are subject to review and revocation in the future provided conditions change or are found to differ significantly from those indicated in your request.

#

prj:D8Shares:dpb:\Surface Transportation Act\STAA-TX\Trinity River, Trinity Parkway, Dallas County, 11-13-08

U.S. Department
of Transportation
**Federal Highway Administration**

826 J. J. Pickle Federal Bldg.
300 E. 8th Street
Austin, Texas 78701

October 28, 2008

In Reply Refer To: HPP-TX

Navigability Determination and Lighting Exemption

Trinity Parkway over/along Trinity River
Dallas County, Texas
CSJ 0918-45-121



Mr. David M. Frank
Bridge Administrator
Eighth Coast Guard District
500 Poydras Street
New Orleans, LA 70130-3310

Dear Mr. Frank:

The Texas Department of Transportation (TxDOT) is proposing to construct a limited-access toll facility between the IH-35E/SH-183 and the US-175/SH-310 interchanges. Six build alternatives for the toll facility are being proposed. Alternatives 3A, 3B, and 3C have structures with overhangs extending over the Trinity River, while alternatives 4A, 4B, and 5 have bridge crossings over the Trinity River. Attached are the supporting documents which were reviewed by the Federal Highway Administration (FHWA) to determine the requirement of a United States Coast Guard (USCG) bridge permit for the six build alternatives in question.

Based on the provided supporting documents from TxDOT, the Trinity River is a) not susceptible to commercial navigation by reasonable improvement due to a feasibility study, b) not tidal, and c) not subject to nighttime use. Therefore it is concluded that, pursuant to 23 U.S.C. 144(h), the proposed bridges in the 6 build alternatives are exempt from the requirements imposed under 33 U.S.C. 401 and 525(b). Further, the bridges for the given alternatives qualify for an exemption from the lighting and signal requirements of 33 CFR 118.40(b).

Your concurrence and/or guidance on our "Non-Navigability Determination" and USCG bridge permit exemption for the location in question are required. Thank you for your prompt response.

Sincerely yours,

Hector Garcia
Assistant Bridge Engineer
Texas Division
Federal Highway Administration

MOVING THE
AMERICAN
ECONOMY

City of Dallas

July 23, 2014

Ms. Elizabeth Mow, P.E.
Assistant Executive Director of Infrastructure
North Texas Tollway Authority
5900 West Plano Parkway
Plano, Texas 75093

Subject: Trinity Parkway Coordination
City of Dallas, Texas

Dear Ms. Mow:

As you are aware, the proposed Trinity Parkway project cannot inhibit the City of Dallas' Flood Control Department from Operations and Maintenance (O&M) of the Dallas Floodway System (DFS), including our ability to inspect and flood fight. Over the past several years, extensive coordination has gone on between the City of Dallas, NTTA and project designers. Specifically, we have reviewed the schematic drawings for the Trinity Parkway and most recently, the Initial Section 408 Package for the project.

The accepted approach to vertical clearance for projects within the DFS and over the East and West Levees is as follows:

- Top of levee crest maintenance road to low bridge height should be a minimum of eight feet. This translates to the authorized levee height as defined by the US Army Corps of Engineers (USACE), plus 1.2 feet of aggregate (or paved) road bed, plus the eight feet of clearance; and
- The levee toe maintenance roads, as well as the maintenance road ramps traversing the levee slopes, require a minimum vertical clearance of 15 feet above the top of the aggregate (or paved) road bed.

Other requirements include the following:

- A 24 ft. wide continuous concrete maintenance road along the floodway side of the proposed Parkway alignment would be constructed to replace the existing maintenance road in conflict with the proposed roadway construction;
- Where existing pressure sewers would be extended under the Parkway, a 20 ft. wide berm adjacent to the maintenance road is required to facilitate maintenance of outfall channels; and

- Where there is sufficient space, a maintenance road between the Parkway and levee slope would also be constructed.

The Trinity Watershed Management Department has participated in the ongoing coordination and has reviewed the Trinity Parkway Schematics and Initial Section 408 Package. It is our opinion that our requests noted above have been adequately met and the proposed Trinity Parkway project as currently designed will not inhibit the Operations and Maintenance of the DFS.

Furthermore, it is anticipated that as design of the Trinity Parkway progresses, an update of the DFS O&M Manual(s), including development of a comprehensive emergency action plan, will be included in the designer's scope of work. These updates should be coordinated with the City of Dallas and submitted for our approval prior to project completion.

If you have questions or wish to discuss this topic further, please call.

Sincerely,

Elizabeth Fernandez, P.E., Director
Trinity Watershed Management

THE TRINITY
DALLAS

Cc: Sarah Standifer, Assistant Director, Trinity Watershed Management
Dhruv Pandya, Assistant Director, Trinity Watershed Management.
Stephen Endres, P.E., TxDOT
Arnold (Rob) Newman, Director, Trinity River Corridor Project, USACE
Dan Chapman, P.E., HNTB Corporation

Texas Department of Transportation
125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8588 | WWW.TXDOT.GOV

August 25, 2014

Ms. Karen B. Hardin
Texas Parks and Wildlife Department
Wildlife Division
Wildlife Habitat Assessment Program
4200 Smith School Road
Austin, Texas 78744

Re: Final Environmental Impact Statement
Trinity Parkway: From IH-35E/SH-183 to US-175/SH-310
Dallas County, CSJ 0918-45-121

Dear Ms. Hardin:

Thank you for providing comments on the Trinity Parkway FEIS on behalf of the Texas Parks and Wildlife Department (TPWD). Below, the Texas Department of Transportation (TxDOT) provides responses following each of your comments and recommendations.

**Comment:** With reference to the discussion of waters of the U.S., including wetlands, in **FEIS Section 3.4.3**, TPWD pointed out the following: FEIS "Table 3-16 presents quality ratings for project area Waters of the U.S., including Wetlands that were created from Texas Rapid Assessment Method (TXRAM) condition index values placed into ranges of 0.00 to 56.99 = low, 57.00 to 64.99 = medium, and 65.00 to 100.00 = high. However, the discussion of functions and value methodologies on page 3-88 presents quality ratings using TXRAM scores in ranges of 0.00 to 53.99 = low, 54.00 to 58.99 = medium, and 59.00 to 100.00 = high. These value ranges are not consistent to those in Table 3-16."

**Recommendation: "TPWD recommends that the discrepancy between the low, medium and high value ranges be resolved."**

**Response:** The TXRAM scores presented in **FEIS Table 3-16** are the correct figures, and are consistent with the discussions of TXRAM ratings in **FEIS Appendix G-1**. However, TXRAM score ranges in the text on FEIS page 3-88 were inadvertently not updated with the corrections made elsewhere in the FEIS. This error has been corrected and the comment will be noted in the ROD.

**Comment:** With reference to the discussion of habitat for wildlife in **FEIS Section 3.4.5**, TPWD made the following comment: "This chapter references a TxDOT - TPWD 2001 Memorandum of Agreement (MOA) and 1998 Memorandum of Understanding (MOU) that became obsolete as of September 1, 2013, with the signing of a new MOU between the agencies. The 2013 MOU indicates that projects will complete coordination under the procedures of the pre-existing MOU if coordination with TPWD had been initiated prior to September 1, 2013. Because TPWD was given the opportunity to review and comment on the Draft FEIS prior to September 1, 2013, coordination per the 1998 MOU and 2001 MOA is appropriate."

**Response:** Comment noted and considered.

**Comment:** TPWD summarized information regarding the expected level of impacts to vegetation in **FEIS Table 4-30**, and noted that the discussion in **FEIS Section 4.9.1** indicates revegetation of disturbed areas would occur with native vegetation. TPWD also pointed out the following regarding the FEIS: "Chapter 5 regarding mitigation commitments, indicates a re-vegetation plan would be developed in consultation with TPWD, as necessary, and would specify the use of plant species that are native to the project area and that would enhance the quality of the habitat in the ROW. TPWD looks forward to coordinating with the project sponsors regarding the re-vegetation plan and supports the use of native species to revegetate the borrow sites and disturbed areas that are not being converted to paved surfaces."

**Response:** Further coordination with TPWD regarding revegetation planning will occur during final project design if a Build Alternative is selected.

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The following comments and recommendations are related, and therefore have been addressed with a single response.

**Comment:** Regarding the discussion in **FEIS Section 4.9.2** about potential impacts to wildlife, TPWD made the following comment: "This section primarily discusses potential impacts to terrestrial species and does not address potential impacts to aquatic wildlife such as native fish and mussels due to proposed disturbances within river and wetland habitats. Other sections within the FEIS address protections of river and wetland habitats through water quality best management practices, wetland mitigation, and mitigation actions proposed to avoid or minimize impacts to state-listed freshwater mussels."

**Recommendation: "Because potential impacts to aquatic wildlife were not addressed specifically within Chapter 4.9.2 and to avoid or minimize potential adverse impacts to aquatic resources, TPWD recommends that impact avoidance measures for aquatic organisms, including all native freshwater fish and mussel species, regardless of state-listing status, be considered during project planning and construction activities."**

**Comment:** TPWD provided a summary of state laws addressing the preservation of aquatic plants and animals that pertain to the expected impacts noted on FEIS page 4-107 regarding potential impacts within the Trinity River. TPWD also provided contact information for coordinating Aquatic Resource Relocation Plans with TPWD's Kills and Spills Team (KAST).

**Recommendation: "If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities such as dredge or fill are involved, then TPWD may require relocating potentially impacted native aquatic resources in conjunction with a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters and an Aquatic Resource Relocation Plan."**

**Comment:** TPWD pointed out the following regarding the discussion of potential impacts to threatened and endangered species in **FEIS Section 4.9.3**: FEIS "Page 4-123 addresses potential impacts to state-listed freshwater mussels and indicates that surveys and/or relocation activities would be completed prior to excavation or fill activities in the vicinity of the Trinity River and the historic Trinity River meanders to minimize and/or mitigate for potential adverse impacts to state listed freshwater mussels. Survey and relocation

methodology for the proposed project would be designed and coordinated with TPWD. TPWD referenced Chapter 5 regarding mitigation measures and commitments, which also highlights plans to avoid impacts to state listed species and made the following comment: "To minimize or mitigate potential adverse impacts to state-listed threatened mussels, TPWD concurs with the FEIS that mussel surveys and potential relocation activities would be warranted. The Inland Fisheries KAST would be the appropriate TPWD staff to contact regarding plans and permits for aquatic resource surveys and/or relocation specific to the proposed project."

**Comment:** TPWD referenced **FEIS Section 4.22** which provides a listing of anticipated governmental permits and actions for the Trinity Parkway, and provided the following comment: FEIS "Table 4-47 provides a summary of the required federal, state, and local actions and approvals anticipated for the proposed project, but does not include permits issued by TPWD for handling state-listed species or for anticipated aquatic resource relocation activities."

**Recommendation: "As recommended under Chapter 4.9.2 above, TPWD may require obtaining a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters using a TPWD-approved Aquatic Resource Relocation Plan when project activities involve dewatering activities or other harmful construction activities such as fill or excavation in streams."**

**Response:** As a matter of practice, TxDOT and NTTA routinely take measures to avoid and minimize impacts to all state trust resources, listed species in particular. Both agencies would follow the mitigation requirements to this effect found in 43 TAC TxDOT Part 1, Chapter 2, Subchapter A, Rule 2.13 – Mitigation. If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities such as dredge or fill are involved, TxDOT will coordinate with TPWD KAST regarding the relocation of potentially impacted native aquatic resources in conjunction with a Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters and an Aquatic Resource Relocation Plan. Such coordination will be completed prior to excavation or fill activities in the vicinity of the Trinity River and the historic Trinity River meanders.

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**Comment:** "For purposes of relocation, surveys, monitoring, and research, terrestrial state-listed species may only be handled by persons permitted through the TPWD Wildlife Permits Office."

**Recommendation: "If handling terrestrial state-listed species is anticipated, TPWD recommends coordinating with Chris Maldonado of Wildlife Permits at Christopher.Maldonado@tpwd.texas.gov for obtaining a Scientific Research Permit."**

**Response:** TxDOT will only use properly permitted biologists when conducting activities that require permitting.

**Comment:** TPWD provided the following comment regarding the discussion of mitigation measures relating to wildlife and vegetation resources in **FEIS Section 5.3**: "The FEIS regarding mitigation measures for impacts to wildlife and vegetation resources indicates that in accordance with the TxDOT-TPWD MOU and MOA, the project impacts to riparian forests and aquatic habitats warrant compensatory mitigation. Such mitigation would be provided in the form of planting similar species to those lost within the Trinity River floodplain in accordance with the City of Dallas Vegetation Ordinance, through in-lieu fee payment to the City of Dallas, or through the acquisition of property with an existing stand of mature trees

along the Trinity River Corridor. Compensatory mitigation for loss of aquatic resources would be addressed in accordance with a Section 404 Mitigation Plan."

Recommendation: "TPWD concurs that riparian forest and aquatic habitat compensatory mitigation is warranted for the proposed project in accordance with the TxDOT-TPWD MOU and MOA. TPWD recommends that the method of mitigation and location of compensation be chosen where the greatest benefit to the resource can be attained. Please note that TPWD reviews 404 permit applications and provides comments directly to the USACE during the USACE permitting process; therefore this letter does not address compensation for impacts to waters of the U.S. or the adequacy of the preliminary mitigation plan."

Response: If a Build Alternative is selected in the anticipated ROD, coordination with TPWD will occur prior to finalization of any mitigation addressing impacts to riparian forest and aquatic habitat.

A first draft version of the FEIS (June 2013) was also reviewed by TPWD in 2013 in response to early coordination efforts by TxDOT, and the following two comments were not included in TPWD's subsequent review comments on the March 2014 FEIS.

Comment: Draft FEIS Section 3.4.7.3 included conflicting information as to whether there is a record of occurrence in the Texas Natural Diversity Database (NDD) for the state-listed Texas pigtoe (*Fusconaia askewi*) within the project area.

Comment: TPWD referenced the discussion of impacts to vegetation and wildlife habitat from reasonably foreseeable projects in Section 4.26.7.5 of the June 2013 draft of the FEIS, and requested that greater emphasis be placed on the large acreage of "woodland plantings associated with the Balanced Vision Plan and the Dallas Floodway Extension" projects.

Recommendation: "TPWD recommends the FHWA consider the cumulative loss and fragmentation of habitat associated with reasonable foreseeable actions with the understanding that some of the enhancements of other projects may not provide habitat benefits to the extent they are presented in Chapter 4.26.7.5. The benefits provided through plantings of future projects are dependent on the acreage planted, species composition, strategic placement, protections, and maintenance inputs."

Response: TPWD stated in its 2014 letter that "Many of the comments on the draft FEIS remain applicable to the FEIS and are repeated below. However, the following comments and recommendations reflect a more up-to-date review of the FEIS." Although this language implies the inapplicability of comments on the 2013 draft FEIS that were not repeated in the 2014 TPWD letter regarding the March 2014 FEIS, responses to these earlier comments have been provided to ensure all comments of record have been addressed. The first TPWD comment regarding the June 2013 draft FEIS was addressed in the March 2014 FEIS by removal of conflicting information regarding the NDD record of observations of the Texas pigtoe mollusk within the project area.

With regard to the second comment regarding cumulative loss and fragmentation of habitat, the Trinity Parkway project sponsors acknowledge that the benefits of future plantings to mitigate losses to riparian forest habitat caused by the Trinity Parkway, Balanced Vision Plan, and the Dallas Floodway Extension would depend upon the various factors pointed out in TPWD's comment. To ensure that the mitigation of losses to approximately 50 acres of riparian forest habitat caused by direct impacts of the Trinity Parkway, project sponsors have committed to the mitigation measures included in FEIS Section 5.3.1 relating to wildlife habitat. An important component of these commitments is the preparation of a revegetation

plan that would be coordinated with TPWD during final project design, if a Build Alternative is selected in the anticipated ROD. Reasonably foreseeable projects would affect 379 acres of woodland habitat, which represents a much larger share of cumulative impacts than the 50 acres of impacts attributable to the Trinity Parkway. Such impacts caused by other projects would be offset by 1,434 acres of new woodland plantings, as reported in **FEIS Section 4.26.7.9**. The Trinity Parkway project sponsors acknowledge that the effectiveness of these new woodlands to provide quality habitat for wildlife would not be immediate, but would take years for the trees to become established and develop into mature woodland habitat. In addition, the ability of such plantings to truly compensate for the loss of existing woodlands will depend on the selection of species, method of revegetation, and maintenance actions to ensure the development of the woodlands. Although it is anticipated that the City of Dallas and the USACE would coordinate with the TPWD in connection with revegetation plans for the Balanced Vision Plan and the Dallas Floodway Extension to ensure success, it is clear that the process to effectively mitigate for the loss of woodland habitat would be lengthy and would require substantial commitments of resources.

TxDOT appreciates TPWD's review and comments on this project. We look forward to continuing to work with TPWD as this project is developed.

Sincerely,

Stirling J. Robertson, Ph.D.
Environmental Affairs Division
Texas Department of Transportation

cc: Scott Ford, Environmental Affairs Division, TxDOT
Anita Wilson, Federal Highway Administration, Texas Division
Dan Perge, P.E., Dallas District, TxDOT
Elizabeth Mow, P.E., North Texas Tollway Authority
Daniel Chapman, P.E., HNTB Companies

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November 21, 2014

**SECTION 106 – DETERMINATION OF EFFECTS:**
**Preliminary Design -- North Approach Spans, Continental Avenue Viaduct**

Dallas County: CSJs # 0918-45-121
Trinity Parkway

Ms. Linda Henderson
History Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Ms. Henderson:

In accordance with 36 CFR 800 and the Programmatic Agreement (PA) between the Texas Department of Transportation (TxDOT), the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, and the Texas Historical Commission (THC), this letter *resumes* Section 106 consultation for the above referenced project. We hereby present for your review a preliminary design for the north approach spans of the historic Continental Avenue Viaduct. These spans are scheduled to be replaced as part of Alternative 3C, which is identified as the recommended alternative in the approved Final Environmental Impact Statement for the proposed Trinity Parkway. *To reaffirm our statement in previous correspondence, the design of Continental Avenue Viaduct's north approach spans as part of Alternative 3C remains as the only outstanding effects issue in the Trinity Parkway Project pertaining to historic resources.*

**Continental Avenue Viaduct -- Previous THC/TxDOT correspondence:**

In its July 12, 2011 correspondence addressed to THC, TxDOT determined that floodway Alternative 3C would have an **adverse effect** on the Continental Avenue Viaduct due to the removal of its north approach spans required to incorporate parkway connector ramps. Since replacement of the north approach spans would only be necessary if 3C were to be recommended as the preferred alternative, TxDOT deferred development of mitigation plans for this adverse effect until an alternative recommendation was made during the Final Environmental Impact Statement phase of the project.

TxDOT stated in its July 12, 2011 correspondence that if alternative 3C was recommended it would consult with THC regarding the design of the new approach spans and their compatibility with the existing historic structure. On July 21, 2011, THC concurred with TxDOT's **adverse effect**

determination and the continued consultation process pending recommendation of Alternative 3C. Since that time, Continental Avenue Viaduct has been converted by the City of Dallas into a pedestrian structure (see attached photos).

**Alternative 3C -- Required Removal of North Approach Spans, Continental Avenue Viaduct:**

As stated in previous correspondence, Alternative 3C will remove approximately 195 feet of the north approach spans of the 2,130 ft.-long Continental Avenue Viaduct. These spans constitute 9.2 percent of total structure length. The removal is necessary to insert code-compliant, at-grade connector ramps extending from Woodall Rogers Freeway to the Trinity Parkway. This design option was developed to reduce safety concerns, minimize displacements, and provide a balanced approach to the competing needs of multiple transportation and utility projects along the Dallas Floodway without design exceptions.

**North Approach Spans -- Preliminary Design:**

The attached preliminary design for the approach span replacement is composed of two arched segments atop the existing East Levee and three pre-stressed flat girder unit spans extending beyond the land side of the levee. Both the arched and pre-stressed girder spans would be constructed in concrete to reflect the material of the historic viaduct. Due to their visibility from the floodway, the two spans atop the levee are proposed as arched structures to better blend with the rest of the historic viaduct. The proposed C411open rail, while not identical to the historic rail, would still blend compatibly with the rest of the viaduct.

The three pre-stressed girder spans would not be viewed from the floodway, as the levee acts as an obstacle deterring a visual linkage with the floodway portion of the structure. A narrow girder span stands atop the land side slope of the levee, while the remaining two spans are wider to allow for the at-grade connector ramps and a levee operations and maintenance road (see attached bridge layout plan). The proposed T401 rail for these spans would reflect the contemporary appearance of this new segment of the viaduct.

We note the possibility of preserving a historic arch span on the floodway side of the levee. Such an option, however, would not be viable unless the US Army Corps of Engineers (USACE) determines that the proposed diaphragm wall within the river side of the levee is not required (see attached bridge layout elevation sheet). If FHWA selects Alternative 3C in the upcoming Record of Decision (ROD) for Trinity Parkway, the diaphragm wall issue will not be resolved until the final project design phase leading up to the anticipated Section 408 construction approval from the USACE. Given this lengthy time frame and our current request for your comment on the attached preliminary design, preservation of the historic arched span cannot be presented to your agency as a viable option at this time.

**Determination of Effects to Continental Avenue Viaduct:**

While the proposed Alternative 3C constitutes an **adverse effect** to the Continental Avenue Viaduct, the main lengthier portion of the historic bridge traversing the floodway between the levees will remain intact as a visual unit that will still be able to convey its historic and engineering significance. On the other hand, the north approach spans have historically remained as a separate segment of the viaduct from that of the floodway due to the visual obstacle presented by the earthen levee and the awkward, narrow dimensions of its arched spans (see attached photos).

The two replacement arched spans atop the levee along with their C411 rail will stand as visually compatible units with the historic floodway segments of the viaduct. The three concrete girder spans with their T401 rail will stand as a compatible yet distinct unit within the viaduct denoting their recent construction. The location of these spans on the land side of the levee ensures they will be viewed as a separate, less prominent segment of the viaduct when compared to the floodway portion of the historic structure.

Building the connector ramps *above* the viaduct in order to preserve its historic approaches is not a viable option. As the ramps would have to extend *over* the recently built Margaret Hunt Hill Suspension Bridge to the east, this option is not considered feasible. Insertion of the connector ramps within the narrow arched segments of the historic approach spans is also not a viable option. While a design exception was considered by FHWA, such a measure was deemed unsafe due to the narrow dimensions of the historic arched spans and the required curvature of the new connector ramps. Construction of the connector ramps beneath the north approach spans of the viaduct avoids 24 business displacements and impacts to 36 parcels in a commercial warehouse area that would result from a complete avoidance alternative that was considered in the planning process.

**Determination of Effects to the Dallas Floodway:**

In a letter dated March 26, 2013, THC concurred with FHWA's determination that the Dallas Floodway was **eligible** to the National Register of Historic Places under Criterion A, Community Planning and Development, at the local level of significance. Trinity Parkway traverses alongside various historic components of the Dallas Floodway, including levees, overbank, main diversion channel, and several culverts and sumps.

In the case of Continental Avenue Viaduct's north approach spans replacement, Trinity Parkway would have an effect on the East Levee, a contributing component of the engineered system comprising the historic Dallas Floodway. Work on the levee would include removal of the two historic viaduct arched segments at its top and removal of the top two feet of their piers. To construct the two segments of the new approach spans atop the levee, new piers would be drilled into the earthen levee. Considering that such work would not impair the visual appearance or the flood control function of the East Levee, the proposed work for the north approach spans replacement would have **no adverse effect** on this or any other **eligible** floodway system components (pump stations, sumps, sluices, outlet gates).

**Section 4(f) Applicability:**

In accordance with the Supplemental Appropriations Act of 2010 (Public Law No. 111-112), Section 405 (b), FHWA is exempt from the requirements of Section 4(f) of the US Department of Transportation Act of 1966 for any highway project to be constructed "in the vicinity of the Dallas Floodway." FHWA determined on January 12, 2012 that the exemption from the requirements of Section 4(f) established in Public Law No. 111-112 apply to all historic resources within the proposed Trinity Parkway Project's Area of Potential Effect (APE). As one of the historic resources in the project APE, Continental Avenue Viaduct is included in this Section 4(f) exemption, and the removal of its north approach spans does not require completion of a Section 4(f) evaluation.

**Conclusion:**

Floodway Alternative 3C impacts the north approach spans of the Continental Avenue Viaduct and will have an **adverse effect** upon this historic structure. Future coordination with your Agency regarding a final design for the approach spans will take place following the issuance of the ROD by FHWA. At that time, the compatible, visually acceptable design elements presented in this correspondence and concurred with by your agency will be included in a Memorandum of Agreement (MOA) as mitigation for the removal of the historic approach spans.

TxDOT hereby requests your concurrence that the proposed design treatments for the replacement of the north approach spans illustrated in the attached preliminary design are visually compatible with the historic Continental Avenue Viaduct and that the final design for the approaches should generally reflect such treatments. We request your written concurrence within 30 days of receiving this letter. If you have any questions or comments concerning these issues, please call me at (512) 416-2770.

Sincerely,

Mario L. Sanchez, Ph.D., R.A.
Historical Architect
Environmental Affairs Division

Attachments

**TRINITY PARKWAY**
**(CSJs -- 0918-45-121)**
**Alternative 3C:**

**CONCUR:**
**NO ADVERSE EFFECT TO DALLAS FLOODWAY WITH REPLACEMENT OF CONTINENTAL VIADUCT NORTH APPROACH SPANS**

**CONCUR:**
**ADVERSE EFFECT TO CONTINENTAL AVENUE VIADUCT WITH REPLACEMENT OF NORTH APPROACH SPANS**

**CONCUR:**
**PRELIMINARY DESIGN -- CONTINENTAL AVENUE VIADUCT NORTH APPROACH SPANS**

Name: Pat Henderson Date: 18 December 2014
State Historic Preservation Officer

cc. with attachments:
Preservation Dallas, David Preziosi
Dallas CLG, Mark Doty
Dallas Co. Historical Commission, Don Baynham
Historic Bridge Foundation, Kitty Henderson

cc. without attachments:
Halff Associates, Jason Diamond
NTTA, Elizabeth Mow
FHWA, Anita Wilson
USACE, Joseph Murphey
HNTB, Dan Chapman

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