

**RESOLUTION NO. 20211014-047**

**WHEREAS**, the 2001 Seaholm District Plan calls for a bicycle/pedestrian crossing under the railroad tracks at 3rd and Bowie Streets as part of a multimodal transportation vision to provide a north-south link between the James D. Pfluger Pedestrian Bridge across Lady Bird Lake to Southwest Downtown; and

**WHEREAS**, the proposed underpass would tunnel beneath a rail line operated by Union Pacific Railroad, which is one of their most active railway lines; and

**WHEREAS**, on September 25, 2003, the City Council approved an agreement with HDR Engineering, Inc. to design an extension to the existing Pfluger Bridge to provide safe passage over César Chávez and under the Union Pacific line for pedestrians and cyclists; and

**WHEREAS**, the project was coordinated among entities and stakeholders with specific interests in this area, including community and technical advisory groups formed specifically for this project and various transportation authorities; and

**WHEREAS**, the project was fully designed in coordination with proposed and planned developments in the area and those developments determined locations for new utilities and other infrastructure; and

**WHEREAS**, the City's Economic Development Department began negotiations with Union Pacific for an easement under the railroad line; and

**WHEREAS**, in 2010, Union Pacific's terms for release of the easement to support the Seaholm District redevelopment required the creation of an at-grade

crossing west of Lamar and a security fence along 3rd Street from Seaholm Drive to Baylor Street to deter trespassers on railroad property; and

**WHEREAS**, in 2014 City Council approved amendments to the HDR engineering contract and authorized staff to negotiate and execute an agreement with Union Pacific for the Bowie Underpass Project with a spending cap of \$2.2 million; and

**WHEREAS**, the engineering plans for the Bowie Underpass Project were largely completed in 2016; and

**WHEREAS**, between 2015 and 2019, due to changes in personnel and new demands from Union Pacific, negotiations proceeded only intermittently; and

**WHEREAS**, by August 2021, city staff concluded that Union Pacific's final proposed terms for the agreement posed significant legal and financial obstacles, leading the negotiating team to terminate the pursuit of the Bowie Underpass Project; and

**WHEREAS**, this project was critical to providing safe and contiguous connectivity for all ages and abilities to access Downtown from the south of Lady Bird Lake via the Pfluger Bridge; and

**WHEREAS**, additional barriers to safe pedestrian and bicycle passage exist through the Seaholm District to Downtown; and

**WHEREAS**, the Cypress and Shoal Creek Public Space Strategy, developed by the Shoal Creek Conservancy in partnership with the Downtown Austin Alliance, the City of Austin, and Ten Eyck Landscape Architects, provides a compelling vision for making this area safer, more accessible, and better

connected, and the Bowie Underpass Project serves as a key pillar to this framework; and

**WHEREAS**, the Project Plan of the Seaholm Tax Increment Reinvestment Zone (TIRZ) approved in March 2009 included improvements to do the following:

- repurpose the historic Seaholm Power Plant;
- connect César Chávez and Third streets;
- create open space for pedestrians and a plaza at the center of the Seaholm District; and
- connect the Lance Armstrong Bikeway to the planned Pfluger Bridge Extension and Bowie Street Underpass; and

**WHEREAS**, the Cypress and Shoal Creek Public Space Strategy proposes projects consistent with this Project Plan as well as with the Seaholm District Plan; and

**WHEREAS**, Council Resolution No. 20190808-075 directed the City Manager to:

- review the Cypress and Shoal Creek Project and make a recommendation relative to the overall prioritized needs of the City;
- partner with the Shoal Creek Conservancy and the Downtown Austin Alliance to streamline City processes, wherever applicable;
- report on the progress of the Seaholm Intake Facility restoration project; and
- conduct a feasibility and financial analysis of the Cypress and Shoal Creek Project, Seaholm Intake Facility, and other appropriate bicycle and pedestrian projects within and proximate to the Seaholm Tax Increment Financing District; and



**WHEREAS**, an October 2019 staff memo indicated that the City Manager had formed an interdepartmental team with representation from the Public Works, Parks and Recreation, Financial Services, and Economic Development departments to respond to Resolution No. 20190808-075; and

**WHEREAS**, in January 2020, staff issued a memo reporting that they needed to conduct additional analysis, including about the Cypress and Shoal Creek Project's relative importance within the Urban Trails Comprehensive Plan update, as well as about the Seaholm TIRZ and other potential funding mechanisms; and

**WHEREAS**, the Seaholm TIRZ invests 100% of the tax increment of the Seaholm development to pay for more than \$20 million in infrastructure improvements; and

**WHEREAS**, the Seaholm TIRZ is scheduled to end September 30, 2043, or when all project costs and/or debt repayments have been paid; and

**WHEREAS**, Council Resolution No. 20180614-066 directed the City Manager to review and consider dedicating supplemental funding derived from Tax Increment Reinvestment Zones for addressing homelessness and other housing initiatives; and

**WHEREAS**, a December 6, 2018, memo indicated that staff would first review the Waller Creek TIRZ as a possible source of homelessness funding and would then explore the possibility of additional TIRZ revenues for this purpose; and

**WHEREAS**, that additional TIRZ exploration may not have occurred; and

**WHEREAS**, upon termination of negotiations with Union Pacific for the Bowie Street Underpass Project, City staff stated that they would develop recommendations for TIF18 Board consideration to reallocate the remaining \$6.6 million in project funding for this project; and

**WHEREAS**, removing the Bowie Street Underpass Project from the spending plan requires a TIRZ Plan amendment approved by the TIRZ Board, which is composed of the members of Austin City Council; and

**WHEREAS**, prior to the Bowie Street Underpass Project being identified as the preferred strategy to accomplishing safe connectivity from the Pfluger Bridge, other strategies were considered and may remain viable options for achieving the same objective; and

**WHEREAS**, as Project Connect and IH-35 begin construction, alternate forms of safe mobility will be critical to relieving anticipated Downtown and regional congestion, and the dire need for new arterials and multimodal pathways must be implemented in a timely manner to provide meaningful mobility alternatives; and

**WHEREAS**, in 2013, members of the Dutch Cycling Embassy visited the City of Austin during SXSW to share political and technical inspiration regarding sustainable transport, especially cycling, and Dutch solutions for shared spaces, bicycle traffic and parking; and

**WHEREAS**, the Netherlands provides a timely case study for the US and for the City of Austin, as the progressive network of an advanced cycling infrastructure evolved from a confluence of challenges arising in the mid- to late-1970s: a high number of traffic casualties (particularly among children), an oil

crisis that made automobile traffic cost prohibitive, and several grassroots movements calling for change; and

**WHEREAS**, traffic congestion, rapid growth, advancing major construction projects, and a looming climate crisis underscore the need for Austin to begin valuing and funding alternative forms of mobility that are robust, interconnected, and safe for all Austinites; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Manager shall immediately identify any previous alternatives proposed that would achieve the objective envisioned by the Bowie Street Underpass Project and make a recommendation relative to the overall prioritized bicycle and pedestrian mobility needs of the City.

**BE IT FURTHER RESOLVED:**

The City Manager shall coordinate, in a manner mindful of COVID protocols, with relevant stakeholders in a timely manner, including but not limited to the Shoal Creek Conservancy, the Downtown Austin Alliance, the Bicycle and Pedestrian Advisory Councils, the Downtown Austin Neighborhood Association, the Old Austin Neighborhood Association, the local chapter of the American Institute of Architects, and other relevant stakeholders to review any past alternatives as well as propose any new alternatives for achieving the purpose of the Bowie Street Underpass Project in the Seaholm District Plan. Any new proposed projects shall comply with the Council-approved tax increment financing policies to document the ‘but-for’ in relation to the improvements and shall also be brought forward in a manner set forth in State law for amending tax increment reinvestment zones.



**BE IT FURTHER RESOLVED:**

The City Manager is directed to identify any existing and future funding from the Seaholm TIF, unallocated programmatic funds associated with previous mobility bonds, or other sources that could be used to complete a recommended alternative to the underpass and other recommended improvements proposed in the Cypress and Shoal Creek Public Space Strategy's plan to create a complete and connected multi-modal project of the quality of the Pfluger Bicycle and Pedestrian Bridge and the Lady Bird Lake Boardwalk.

**BE IT FURTHER RESOLVED:**

The City Manager shall inform Council about whether any available funding identified through this process would be eligible for use toward other projects, including homelessness services or housing and make a recommendation relative to the overall needs of the City.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to report back to City Council no later than December 18<sup>th</sup>, 2021.

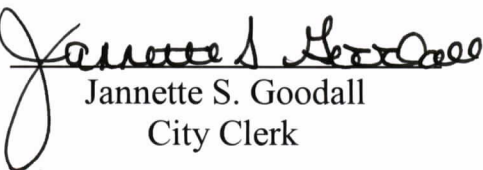
**BE IT FURTHER RESOLVED:**

The City Manager shall review the Dutch Cycling Vision to ensure that all future bicycle and pedestrian projects embrace this vision of a robust, interconnected, and integrated network, with special focus on improving bicycle

and pedestrian “highways” as well as amenities such as bicycle lockers and racks at train stations to facilitate the first and last parts of longer journeys.

**ADOPTED:** October 25, 2021

**ATTEST:**

  
Jannette S. Goodall  
City Clerk