



# City of Austin

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P.O. Box 1088, Austin, TX 78767  
(512) 974-2200, Fax (512) 974-2833

**Gina Fiandaca, Assistant City Manager**

December 29, 2020

Tucker Ferguson  
Austin District Engineer  
Texas Department of Transportation  
7901 N. IH 35  
Austin, Texas 78753

Susan Fraser  
Mobility35 Project Manager  
Texas Department of Transportation  
7901 N. IH 35  
Austin, Texas 78753

**RE: I-35 Capital Express Central Project CSJ# 0015-13-388  
City of Austin Response to Scoping  
Statement of Purpose and Need, and Proposed Alternatives**

Dear Mr. Tucker and Ms. Fraser,

On behalf of the City of Austin, thank you and the staff at the Texas Department of Transportation (TxDOT) for your diligent work on the Interstate 35 (I-35) reconstruction project through Central Austin. This project is perhaps one of the most important and potentially beneficial projects to come to Central Texas in the past century.

The City of Austin understands the I-35 corridor is now identified by the Texas Transportation Institute (TTI) as the most congested segment of freeway in the entire state. Austin and Central Texas are known for many firsts, this number-one ranking however is not a ranking we seek to maintain.

While the I-35 Capital Express project holds the potential for great benefit, it also represents a major construction project cutting through the heart of our primary economic activity center. We understand that the promised improvements to mobility will create challenges, but we want to make sure that the proposed project is consistent with our adopted vision for mobility within the City of Austin; that unavoidable impacts from construction are minimized and mitigated appropriately; and that we can remain strong partners with TxDOT in deploying this most needed project. Please accept this letter, with its attachments, as the City of Austin's formal response to your scoping request for comment on the Statement of Purpose and Need and Range of Alternatives.

I also want to express our thanks for the extended comment period you provided. The City of Austin had requested a 90-day extension for the comment period due to the impacts of the current COVID crisis and the holiday season. You were not able to honor that request, but you

did extend the comment period through the end of December 2020. My staff greatly appreciate the additional time you were able to afford. You have also committed to additional and ongoing agency and public engagements as the project progresses. These engagements include further discussion on the alternatives and evaluation criteria in early 2021.

Our comments are divided into two sections related to 1) comments on the Statement of Purpose and Need; and 2) comments on the range of alternatives. Attached with this letter is a matrix of specific comments provided by city departments and several formal resolutions taken by relevant city boards and commissions. Please consider the specific comments from City Departments as part of our formal comment on the Purpose and Need and proposed Alternatives. Please consider the formal resolutions as independent comments presented by those boards and commissions. We have attached the resolutions so that you have a full communication from the City.

### **1) City of Austin Comments on TxDOT's Proposed Statement of Purpose and Need**

#### Policy Alignment on Demand Management

TxDOT states, "The proposed project is needed to improve I-35 between US 290 East and US 290 West/SH 71 to...meet current and future travel demand." The City of Austin has adopted clear priorities for mobility in our adopted [Austin Strategic Mobility Plan](#) (ASMP) with a primary strategy to meet the City's mobility goals by **addressing congestion by managing demand**. We understand that we cannot build ourselves out of congestion by expanding unmanaged capacity for single occupancy vehicles. Instead, we believe we must do everything possible to shift travel demand from driving alone to other forms of transportation. We must solve future congestion problems by building highways that prioritize person-carrying capacity<sup>1</sup> over adding unmanaged vehicle travel lanes; encouraging transit and carpooling/vanpooling; and enabling safe, active transportation modes along and across freeway barriers.

#### **<sup>1</sup> ASMP Roadway System Policy 3: Increase the person-carrying capacity of the highway system**

*Collaborate with TxDOT, CTRMA, CAMPO, Capital Metro, and other agencies in the region to increase the ability of the highway system to carry more people by managing new and existing capacity*

Today, 74% of Austinites drive alone to work. The ASMP forecasts that with a 50/50 mode share in 2039, where 50% of commuters in Austin drive alone and 50% use other modes of travel (including the option to not travel), that the region's roadway system will operate as well as if not better than it operates today. TxDOT's own traffic analyses developed as part of the I-35 Environmental Linkages study suggested that the region needs to significantly reduce the demand on the facility for any future alternative to be successful. Transportation Demand Management (TDM) concepts should be incorporated and funded by TxDOT as part of all alternatives.

The Texas Transportation Institute (TTI), sponsored by TxDOT, issued the [Mobility Investment Priorities Project](#) final report for the I-35 Corridor in 2013. It calls for a 25-40% reduction in local travel demand plus critical managed capacity expansion. These changes would be the only means of significantly improving I-35's levels of congestion and the resulting gridlock on City streets, according to TTI. To achieve this level of reduction, it is critical for I-35 to support robust design elements that encourage alternative modal choice, removing barriers from individuals choosing alternative ways to travel. Most critically, to achieve the 50% level of mode shift it is necessary for I-35 to provide time-competitive transit service, largely through a park-and-ride model with direct and exclusive or prioritized transit access to managed lanes. As the region continues to grow, and Austin's transportation network continues to mature with supporting high-capacity transit and all ages and abilities bicycle systems, it is critical that we recognize achieving this mode shift is absolutely necessary for the health, safety and prosperity of the entire region.

### Safety

According to TxDOT's crash statistics, over 5,900 crashes were reported on I-35 mainlanes and frontage roads within the extent of this project between October 2015 and October 2020. These crashes resulted in the loss of at least 30 lives and over 140 serious injuries.

The draft Purpose and Need makes only brief mention of the need to improve safety. This is in stark contrast to the detailed description and analysis of congestion, travel times, and other issues of driver convenience on the corridor. The statement should explicitly describe the need to improve safety, including at the very least, inclusion of crash statistics on the corridor. For context, the Texas Transportation Commission set the goal of zero traffic fatalities on Texas roads by 2050, and to cut fatal crashes in half by 2035. Similarly, the CAMPO 2045 RTP sets the following goals 1) Reduce severity and number of crashes for all modes, and 2) Support local government and transit agencies reaching vision zero metrics.

In March 2017, the Federal Highway Administration (FHWA) Resource Center led a pedestrian-focused Road Safety Audit (RSA) of I-35 between 51st Street and St. Johns Avenue to help identify strategies that might reduce the occurrence of pedestrian-involved crashes. The RSA team, which included staff from FHWA, TxDOT Austin District, Austin Transportation Department and others, developed a number of short- and long-term recommendations to improve the pedestrian environment and discourage unsafe crossings. A pedestrian/bicycle bridge between 51<sup>st</sup> Street and US 290 could be accommodated by elevating managed lanes slightly higher at the location of the bridge to allow sufficient vertical clearance. Another alternative would have the elevated managed lanes meet ground level farther north and match the cross section to the south, allowing the pedestrian/bicycle bridge to pass over all vehicular lanes.

Pedestrian fatalities are not a behavioral issue that can be addressed through education and enforcement. It is a design issue that data indicate is a uniquely Texan problem: according to an [analysis](#) of pedestrian fatalities on interstate highways conducted by the AAA Foundation, Texas has the highest total number of pedestrian fatalities on interstate highways, highest percentage of total interstate highway fatalities that are pedestrians, highest pedestrian fatality

crash rate per 100 fatal interstate crashes, and highest pedestrian fatality crash rate per 10 billion interstate vehicle miles traveled of all 50 states.

The City of Austin requests that safety, especially the reduction in fatalities and serious injuries, be at the top of the State's agenda when developing this project and comparing alternatives in the Environmental Impact Statement (EIS). Furthermore, to assure maximally safe design, we request that TxDOT utilize context-sensitive urban design standards as authorized by TxDOT policy to design a roadway that reflects the surrounding community and better addresses the needs of vulnerable roadway users along the corridor. We request that the recommendations from the March 2017 FHWA RSA be incorporated into the design of all alternatives, acknowledging the need to address safety within the corridor.

In addition, including air quality and noise impacts as a public health need is critical to the success of this project. Greenspace and trees can provide beneficial air quality impacts that could mitigate adverse impacts from increased vehicular traffic as well as help mitigate the urban heat island effects.

#### North/South and East/West Trip Needs

As TxDOT considers mobility, the City of Austin requests the EIS address the need for improved mobility in both the North/South direction as well as the East/West direction across the facility. Since its construction, the central portion of I-35 has been a barrier between East and Central Austin. The facility is situated along what was formerly the racial dividing line of Austin, established by City Ordinance as part of our 1928 land use plan. The new I-35 Capital Express has a role to play in rectifying this historical inequity for Central Texas. Specifically, [U.S. Presidential Executive Order 12898 \(1994\)](#), requires agencies identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Because of the impacts I-35 continues to have on minority and low-income populations, the project needs to respect this history and mitigate through context-sensitive design, through inclusion of art in public places, and through contextualization of its role in establishing and maintaining this racial and equity divide. The project also needs to assure sufficient East/West connectivity is reestablished to correct for its historic role in dividing communities of color and other environmental justice communities from the employment opportunities in Central Austin, the State Capitol Complex, and other points west of the barrier. It cannot be designed in a way that perpetuates the barrier. Crossings need to be robust and provide wide margins for community activity to encourage safe and efficient pedestrian and bicycle connectivity. The program must also consider the potential impact on affordability and sustainability of neighborhoods on Austin's Eastside with the removal of the historic barrier. TxDOT should coordinate with the City of Austin to assure appropriate policies are developed to protect existing communities from potentially being priced out of their neighborhoods in the future.

#### Mitigate Unavoidable Impacts Within Footprint of Facility

The City of Austin requests that TxDOT mitigate unavoidable impacts from reconstruction of the Capital Express within the footprint of the facility to the maximum extent possible. The project needs to mitigate unavoidable impacts to parklands and sensitive noise receptors on-facility wherever possible in conjunction with the added East/West connectivity we have requested. This need suggests that sufficiently wide bridge structures or lids should be included

in the definition of the base alternatives to allow these mitigation options to be evaluated in the project's National Environmental Policy Act (NEPA) EIS. All mitigation needs to be designed to be context appropriate for the surrounding urban land uses.

#### Operational Objective to Move People, Goods and Services

The City of Austin requests that the operational objective of the study be to move the greatest number of people, goods and services along and across the corridor as opposed to the implied objective stated by TxDOT's Purpose and Need to reduce congestion. Specifically, we request that a variable tolled concept be evaluated alongside the HOV2+ scenario because we believe that the environmental impacts associated with variable tolled managed lanes as compared to an HOV2+ regime will be lessened. Moreover, the toll concept will better achieve the person-moving objective of the City. Prior traffic studies conducted during the TxDOT I-35 Environmental Linkages Study suggested that HOV2+ could result in lingering congestion on non-tolled managed lanes. This implies that, with an HOV2+ designation, either the transit service would be caught in that same carpool congestion or that a portion of the alternative might need to be designated as transit-only. Furthermore, transit access exits and entrances to the managed lanes would likely need to be separated from the HOV2+ to achieve operational efficiencies. That would increase the likelihood of added environmental and financial impacts. As has been demonstrated with the MoPac (Loop 1) North toll-managed lane, mixed transit and tolled use of ramping can be managed within the same envelope by increasing tolls to achieve the appropriate flow conditions. Under these conditions, separated transit lanes or independent ramps are not needed, thus reducing the footprint of the facility and potentially the environmental impacts.

#### Inclusion of Ramping as Part of EIS Analysis

The City of Austin requests that ramping into/out of the City's grid system be evaluated as part of the EIS. As stated by TxDOT's own studies, 85% of the traffic on I-35 is local to the Central Texas region. Alternatives, including ramping options, should be evaluated and included as part of the EIS to appropriately evaluate the potential impacts. The City has proposed a ramping system that would load critical downtown arterials directly from inline lowered ramps and a lowered circulation/distribution lane system in downtown as opposed to requiring access from a surface frontage road. We request that this concept be included in one or more of the alternatives for evaluation. Much of the existing congestion during the PM peak period in our downtown is directly caused by operational loading constraints of the I-35 frontage roads' ramps. Congestion from the freeway backs up onto surface streets, eventually causing circular congestion and gridlock. The City believes that this alternate ramping methodology proposed by the City could significantly reduce urban congestion within our grid.

### Proposed Restatement of Purpose and Need

Considering these comments, the City of Austin request that changes be made to the TxDOT Statement of Purpose and Need, replacing it in total with the following revised statement:

*The proposed project is needed to improve I-35 between US 290 East and US 290 West/SH 71 to manage current and future travel demand by maximizing the ability of the facility to move people, goods, and services. The existing roadway does not meet current federal, state, or urban context-sensitive design standards, contributing to unacceptable fatalities and serious injuries due to vehicle crashes. The current design leads to operational deficiencies and longer travel times for all users, including emergency response vehicles and transit, particularly during peak hours. The proposed project is also needed to improve both north-south travel on I-35 as well as east-west travel across the facility, including bicycle and pedestrian paths and transit access within the project limits. The project is needed to address and mitigate its impacts on the surrounding community, including addressing the historic east-west barrier created by the facility and the impacts caused to Austin's communities of color.*

*The purpose of the proposed project is to improve this critical local, regional, national, and international thoroughfare by enhancing people's health and safety within the corridor by reducing crashes; managing demand by prioritizing the movement of persons, goods and services through and across the corridor, thus addressing congestion; improving operational efficiency, creating a more dependable and consistent route for the traveling public for all modes of transportation (including bicyclists, pedestrians, emergency responders and transit); and, addressing the existing and historic environmental and community impacts caused by the facility.*

## **2) City of Austin Comments on Range of Alternatives**

The City of Austin has identified design elements which are essential for all build alternatives to accomplish the purpose and need of this project. The current range of alternatives do not sufficiently respond to the needs identified by the City of Austin. Earlier alternatives proposed by TxDOT for consideration included narrower alternatives that focused on travel demand into and out of the City of Austin. (Please note that TxDOT's own studies show that 85% of the travel on I-35 is local to the region and not through travel). These alternatives used operational elements such as toll managed express lanes into and out of the downtown, circulation and distribution lanes instead of mainlane capacity to facilitate movements on and off of the primary facility, and direct ramping into/out of the managed lane component with appropriate lane drops and additions. These options resulted in a narrower design profile on all alternatives. We respectfully request that TxDOT justify the level of non-managed roadway capacity being provided in all alternatives carried into environmental consideration. We believe that any new through capacity should be strictly managed using variable toll operations, thus limiting the number of non-managed mainlanes needed within the corridor. We believe that narrower surface-level frontage roads are warranted. We believe this can be achieved by considering alternate ramping configurations, making use of circulation-distribution lanes more completely, and greater investment in multimodal elements of the corridor, to encourage

travelers to use other forms of mobility. We respectfully request TxDOT propose alternatives that meet these needs and that also respond to the following issues.

#### Context Sensitive Design

An essential need for this project is to create sufficient access and egress points to Central Austin destinations that facilitate economic activity and reduce the regular traffic backups in the central core attributed to current limited or difficult access points.

The City of Austin supports the continued study of the potential downtown collector-distributor circulator system with direct unsignalized access from City of Austin streets to general purpose and managed lanes. We believe this concept could mitigate the currently proposed reduction in ramp access to Central Austin for both general purpose and managed lanes and address chronic issues with the daily loading and unloading demands of Central Austin. It could also reduce the need for mainlane-bound traffic to use the frontage roads and reduce the necessary number of additional frontage lanes. TxDOT should analyze traffic operation for this concept as part of one or more of the alternatives advanced for detailed consideration in the EIS. The study should determine if it would enable smaller, safer, and calmer people-centric signalized surface streets with the bulk of mainlane-bound traffic being handled by the circulator system, mitigating a key safety concern and aligning with downtown stakeholder interests. Analysis should include reversal of on- and off-ramp functions and locations, optimizing access to primary downtown streets such as Dean Keeton Street, Martin Luther King Jr. Boulevard, 15th Street, 6th/7th Streets, and Cesar Chavez Street.

Existing frontage roads were designed and constructed with the motor vehicle as their primary focus. Since that time, the City of Austin has evolved its transportation network design to better accommodate all street users based on best design practice. Subsequently, I-35 frontage roads should be redesigned to urban boulevard standards, which buffer the highway from the adjacent commercial and residential land uses through lower design speeds and features such as street trees and pedestrian-scale lighting. The National Transportation Safety Board (NTSB) concluded in its 2017 [study](#) that speeding is a primary contributing factor to fatalities and serious injuries, whose countermeasures include context-sensitive design and lower speed limits. TxDOT should use City of Austin's adopted NACTO's [Urban Design Guide](#) for design guidance. In setting speed limits, emerging practices include the Federal Highway Administration's [USLIMITS2](#) safe systems approach and NACTO's [City Limits Guide](#). TxDOT's own [Procedures for Establishing Speed Zones](#) allow considerations other than prevailing speed to be considered when setting speed limits.

These new urban boulevards should also incorporate safer designs at intersections, typically where conflicts between modes are the most prevalent in severity and number. The City of Austin uses a "smart right" design for its intersection safety improvement projects where channelized right-turn lanes can be provided. By slowing motorized vehicles with raised crosswalks and tighter angles through the turn lanes, yield compliance and safety can be improved. TxDOT has developed its own guidelines for application through a [research study](#) with the University of Texas Center for Transportation Research. The City of Austin has collaborated with TxDOT to fund, design, and construct smart rights on TxDOT roadways at Martin Luther King Jr. Boulevard/I-35 Frontage Roads and N Lamar Boulevard/Parmer Lane. Driveways along the frontage roads are likely to be reconstructed with this project. The City of

Austin further requests TxDOT consider opportunities to consolidate driveways and providing smaller radii to slow speeds and reduce crossing distances for pedestrians and bicyclists at all intersections as part of one or more of the alternatives advanced for detailed consideration in the EIS. Tighter radii and shorter intersection crossings improve pedestrian safety in what will remain a fairly car-centric environment.

#### Multimodal Capacity Elements

The City of Austin adopted the [Austin Bicycle Plan](#), [Austin Sidewalk & ADA Transition Plan](#), and [Austin Urban Trail Plan](#). Preservation of active transportation connections and corridors within the I-35 Corridor included in these adopted plans is essential. For example, project alternatives should provide a high-quality connection between the I-35 shared use paths and the Lady Bird Lake trail system as an element of the signature bridge envisioned by TxDOT over the Colorado River (e.g., connection to the Butler Hike and Bike Trail on the north shore and the Boardwalk on the south shore).

The City of Austin believes it is essential that concepts be explored for connecting the managed lanes to planned transit facilities as part of one or more of the alternatives advanced for detailed consideration in the EIS. These include the intersections at Riverside Drive and Dean Keeton Street as part of the defined project and funded by the overall project budget. Attention to design that is preferred for safe and efficient transit operations is critical. For example, the alternative designs should eliminate the existing sweeping slip lanes and entrance ramps at Dean Keeton Street in preference of a more typical at-grade intersection with the I-35 frontage roads. This could save costs and reuse excess space to achieve direct transit access from Dean Keeton Street to managed lanes to the north (serving UT demand). This direct access is of strong interest to the City of Austin and to Capital Metro. The Dean Keeton Street crossing should also account for future high-capacity transit operating in exclusive right-of-way as planned in Project Connect and the ASMP. Another example is the 4<sup>th</sup> Street crossing and the adjacent Capital Metro railroad. These are important multimodal connections that should be designed to improve safety while minimizing disruptions to operations. Alternative designs at this location should include evaluating grade separating the railroad and bicycle/pedestrian facilities from the frontage roads as part of one or more of the alternatives advanced for detailed consideration in the EIS.

#### East-West Connectivity

The project should be designed with the future investments in mind, and to the maximum extent possible not preclude future east-west crossing structures, regardless of design or function, by other agencies or future processes.

The City of Austin requests that proposed modifications to existing connections or new connections across I-35 be closely coordinated with the City. Based on the proposed elevations of the I-35 lanes, connecting 5<sup>th</sup> Street between downtown and East Austin is feasible and would provide a key new access route. The City is supportive of this crossing and requests ramping options (such as the City's proposed perpendicular ramping concept) be considered that would allow the possible reconnection of 6<sup>th</sup> Street as well. These options should be considered as part of one or more of the alternatives advanced for detailed consideration in the EIS.

### Emergency Response

The proposed alternatives suggest that a combination of tunnels, bridges, elevated lanes, and lowered lanes and future lidding may be used to accommodate the needed improvements defined in the Statement of Purpose and Need. Access, egress, operational space for first responders and adequate ventilation must be ensured to provide adequate safety for travelers and for emergency professionals in the event of an incident. In addition to federal tunnel [design standards](#), TxDOT should consider standards from the National Fire Protection Association such as [NFPA 502](#). The handling of flammable and other hazardous cargo that may use the I-35 Capital Express portion of the corridor should be considered early in the design and environmental review process. Although it is likely that an alternate hazardous cargo route will be designated, some level of hazardous material movements through the corridor are likely.

### Utility and Project Coordination

Multiple City of Austin and private utilities own and maintain infrastructure that extends into and across I-35 within the extents of this project. The adopted ASMP recognizes the need to "balance mobility and utility needs." The City of Austin requests TxDOT acknowledge that discussion of utility relocation and the need for utility conflict resolution be prioritized in coordination efforts, and that consideration will be given to schedule and cost of these utility impacts to ensure continued service, access and maintenance. TxDOT should include design solutions to future-proof lateral connections. For example, conduits can be constructed into new bridge structures for essential electricity, water, and broadband utilities rather than burying them at generally inaccessible locations.

### Intelligent Transportation Systems

TxDOT should consider adding a base level of enabling infrastructure for Advanced Traffic Operations, Intelligent Transportation Systems (ITS), and Connected Vehicle Operations. Specific to Advance Traffic Operations, additional data and decision support systems are necessary to enable roadway operations, traffic incident management, and other essential roadway operations services, such as the HERO Program to meet the mobility needs during and after successful completion of this project. Considerations should be in place to integrate into the designs the needed supporting infrastructure for ITS, such as fiber-optic communications conduit, ITS locations, and other infrastructure per the Austin District's ITS Master Plan. Specific to Connected Vehicle Operations, this project is a part of the Texas Connected Freight Corridor and use cases and other base knowledge continue to be developed by TxDOT to support this consideration.

### Design Alternatives that Reflect Management Concept and Consideration of Variable Tolls to Maximize Operational Efficiency while Minimizing Impacts

In the TxDOT proposed range of alternatives, the State indicates it is planning to deploy the managed lanes as HOV2+. However, the draft alternatives are designed as through facilities and do not reflect the management realities of serving carpools headed for primary employment centers. Carpools and commuter bus transit, the typical users of HOV facilities, serve primary employment centers and not through trips. The managed lane elements of the proposed alternatives advanced for detailed consideration in the EIS should take into account the operational regime as part of the design. The City requests that the State examine the operational characteristics of the management technique to be used and design the alternatives to meet that need.

In addition to HOV2+, the City of Austin requests the State consider dedicating half the proposed managed lane capacity in each direction as transit-only lanes to accommodate the needs for an efficient and effective commuter transit system as part of one or more alternatives advanced for detailed consideration in the EIS. The City believes that demand for an HOV2+ managed facility will exceed the operational capacity of the new managed lane system and that only with dedicated transit capacity can transit efficiently operate and provide a time advantage over the adjacent carpool lanes. Transit-only ramps may also need to be included as part of the proposed alternative for detailed consideration in the EIS (with or without the dedicated transit lane) to assure expeditious access and egress to the facility by transit. The objective of this request is to maximize the people moving capacity of the proposed alternatives in order to meet the stated purpose of the project and thus address congestion on the network.

In addition to HOV2+, the City of Austin requests the State include in alternatives advanced for detailed consideration in the EIS management by variable tolls, similar to the management strategy on MoPac (Loop 1) North. Management by variable tolls would eliminate the need to manage by occupancy and could provide a revenue stream to reduce the burden of the project on the State's limited transportation finances. Likewise, use of variable tolls could reduce the environmental impacts of the facility and provide long-term operations and maintenance funding for the facility.

#### Construction Sustainability Practices

The City of Austin also requests TxDOT utilize the [FHWA Invest Tool](#) to create a sustainability plan that will guide project development and operations.

This project may challenge the City of Austin's ability to fulfill the adopted [Imagine Austin Comprehensive Plan](#), [City Council Resolution 20071129-045](#), and [City Council Resolution 20090115-050](#) to ensure that goals, standards and criteria for achieving the highest optimal outcomes for sustainability are implemented. For benchmarking and in appropriate evaluative sections of the EIS, TXDOT should use the [FHWA Invest Tool](#) to create a sustainability plan that provides guidance and benchmarking for system planning, project development, and operations and maintenance standards. In particular, the City of Austin encourages an aggressive Construction and Demolition Waste Management Plan (CWMP) and specifications to include Sustainable Pavements.

The City of Austin asks that TxDOT initiate a regional construction coordination effort with other regional and local jurisdictions that are constructing regional infrastructure. In addition to the planned construction sequencing for this project, the region will have construction for several large-scale projects and programs. These include Capital Metro's Project Connect, the City's 2018 and 2020 City of Austin Mobility Bonds programs, Central Texas Regional Mobility Authority's (CTRMA) MoPac (Loop 1) South Managed Lane Projects, and other TxDOT and utility infrastructure projects. Together, the construction sequencing of all these efforts presents a unique mobility challenge, with many of the projects intersecting either physically or in time. These overlaps will exacerbate regional traffic and could lead to roadway construction work zone safety impacts such as work zone congestion and back-of-queue safety concerns. Early and continuous coordination could lessen these unavoidable impacts.

### Reduce Air Pollution Impacts of Project

The City of Austin also requests that TxDOT consider incentivizing inherently low emission vehicles (ILEV) for travelers through appropriate management concepts applied to the corridor, either by allowing their access to the HOV managed lanes or reduced fee entry into variable-tolled managed lanes as proposed by the City. Incentives for ILEV could expand the electric vehicle fleet here in Central Texas, address air quality impacts that might be associated with an expanded I-35 Corridor and help to address air quality in support of the Early Action Compact established by the region through the Capital Area Council of Governments (CAPCOG). ILEV should be included in one or more of the alternatives advanced for detailed consideration in the EIS with comparative analysis in the air quality section of the EIS.

### Avoid Watershed Impacts

The City of Austin requests that TxDOT coordinate with the City of Austin Watershed Protection Department to prevent adverse impacts to the project's receiving waters (Colorado River and its tributaries) in the form of increased flooding, erosion, and water pollution from stormwater runoff per the City's adopted [Watershed Protection Plan](#). The City requests that TxDOT mitigate existing impacts from the current non-detained and untreated stormwater runoff of the I-35 system and maintain the integrity of the Waller Creek Tunnel, the drainage systems contributing to the tunnel, and the Tax Increment Financing (TIF) Reinvestment Zone that the tunnel serves per the City of Austin's [Waller Creek District and Tunnel Framework Plan](#).

### City of Austin Proposed Revised Range of Alternatives

Based on our review, the City of Austin requests that in addition to the alternatives proposed by TxDOT the following concepts be developed, advanced for detailed consideration, and evaluated as part of the I-35 Capital Express EIS:

- Add two non-tolled managed lanes in each direction, with one of these lanes designated as transit-only in each direction and the remaining lane in each direction managed as an HOV lane with appropriate occupancy criteria to maintain acceptable flow rates, removing the upper decks on I-35 (between Airport Boulevard and MLK Jr. Boulevard), and lowering I-35 through downtown (between MLK Jr. Boulevard and Holly Street), with ramping appropriate for access to major trip generators in downtown and central Austin. Consider the ability to drop one lane in each direction to the downtown to facilitate access. Transit access should be prioritized with dedicated transit lanes if necessary, as part of the managed lane definition.
- Add two variable tolled lanes in each direction, removing the upper decks on I-35 (between Airport Boulevard and MLK Jr. Boulevard), and lowering I-35 through downtown (between MLK Jr. Boulevard and Holly Street), with ramping appropriate for access to major trip generators in downtown and central Austin. Consider the ability to drop one lane in each direction to downtown to facilitate access.
- Across all alternatives:
  - Include the ability to evaluate alternative ramping scenarios as proposed by the City in downtown (i.e., direct ramp access into the perpendicular arterials as

- well as ramping from traditional parallel surface access or boulevard roadways).
- Include the ability to provide wide cross-structures or lids within the footprint of the corridor as part of the base mobility project in order to help mitigate impacts associated with access, parkland 4F and 6F impacts, noise, and impacts to Environmental Justice communities.
  - Demonstrate the need for proposed number of lanes (managed, mainlanes, circulation/distribution, and frontage road lanes) included with each alternative. Reduce the number of non-managed lanes where possible in preference to using circulation/distribution lanes to achieve efficient loading and unloading. Reduce the width of frontage road concepts by using alternate direct ramping solutions such as those suggested by the City of Austin for downtown arterial access.

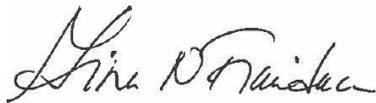
### **City of Austin Commitment to the I-35 Capital Express Project**

The City of Austin and TxDOT have collaborated for over a decade on the I-35 corridor through Austin. In 2010, the City of Austin, in partnership with the TxDOT Austin District, initiated efforts using local capital funding to reengage the public in discussions related to the need for a project in the I-35 Capital Express corridor. This early effort has led to the completion of the I-35 at US290 W/SH71 interchange, and the numerous interchanges and cross-over improvements throughout the corridor. In 2020, the City along with other regional leaders in Central Texas, committed nearly \$1 billion in local metropolitan transportation funding towards the proposed I-35 corridor projects. The City, in coordination with the Downtown Austin Alliance and other regional organizations, is now funding a nearly \$500,000 engineering effort to help develop design parameters for a potential freeway lid to help the State mitigate the impacts of the future freeway corridor. We stand ready to continue our partnership with TxDOT to expeditiously move through the I-35 environmental and construction process to minimize the adverse impacts to our community. We believe that ongoing engagement of the City is important and, in turn, that we need to independently engage our community so that we can adequately articulate their needs and concerns to the project evaluation team. We have seen from Houston's experience on the I-45 replacement project, that late coordination by the City and lack of independent public engagement has led to unsatisfactory Draft EIS and Final EIS outcomes for many parties, threatening the project timelines. We seek to avoid similar delays here in Central Texas and so along with the engineering effort to deliver lidding parameters, we will launch an appropriate public outreach process to help collect input on the City's role on the project. We will continue to engage our citizen-led Boards and Commissions and our Council policy makers to make sure they are adequately informed and engaged. It is our desire to help the TxDOT Austin District make this project a success, and we are committed to helping seek public consent on this transformational project.

The Austin Transportation Department (ATD) will continue to serve as the coordinating department for the City of Austin and interact with the I-35 Capital Express as the project's point of contact. ATD has assembled comments from City Departments and Utilities and has combined them into a single tabular format. These comments should be considered as the City's detailed comments, reinforcing the more general ones presented in this letter.

Furthermore, ATD has worked with the Urban Transportation Commission and with both the Bicycle and the Pedestrian Advisory Council, all of which have passed formal resolutions related to their comments on the project, Statement of Purpose and Need, and alternatives. ATD has attached those resolutions to the end of the City's comments for your reference. As independent boards and commissions, these resolutions should be considered as formal comments from these citizen-led entities. Thank you again for the opportunity to provide the formal City of Austin comments.

Sincerely,



Gina Fiandaca  
Assistant City Manager, Mobility Outcome  
City of Austin, Texas

Cc: Mayor and City Council Members  
Spencer Cronk, City Manager  
City of Austin Executive Team  
Robert Spillar, Director, Austin Transportation Department  
Mike Trimble, Officer, Corridor Program Office

