FHWA-TX-EIS-2008-01-F
CSJ (control-section-job) No. 0190-04-033

LINDALE RELIEVER ROUTE
US 69/Loop 49 North Lindale Reliever Route
Smith County, Texas

FINAL ENVIRONMENTAL IMPACT STATEMENT

PREPARED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION

COOPERATING AGENCY
U.S. Army Corps of Engineers

2/10/15
Date of Approval

Texas Department of Transportation

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

The following person may be contacted for additional information concerning this document.

Mr. Vernon Webb
Director, Transportation Planning & Development
Texas Department of Transportation, Tyler District
2709 West Front Street
Tyler, Texas 75702

February 2015

Abstract: The Texas Department of Transportation (TxDOT) proposes to construct a new location, controlled-access reliever route around the city of Lindale in Smith County, Texas, referred to as U.S. Highway (US) 69/Loop 49 North Lindale Reliever Route (Lindale Reliever Route). The proposed action is intended to provide relief to the existing US 69 through the city of Lindale and extend a proposed toll facility (Loop 49 West) from IH 20 southwest of Lindale to US 69 north of Lindale.

TxDOT prepared this Final Environmental Impact Statement (EIS) which contains errata sheets to provide a list of items that were changed to address the minor comments received on the Draft EIS. The document also contains the identification of the preferred alternative and rationale for selection, a summary of findings, mitigation commitments and a public hearing summary.

Comments on the Final EIS are due by March 23, 2015, and should be sent to:

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US 69 / Loop 49 North Lindale Reliever Route

From IH 20 southwest of Lindale to US 69 north of Lindale

Smith County, Texas

CSJ: 0190-04-033

Final
Environmental Impact Statement

Texas Department of Transportation

Tyler District

February 2015

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

US 69/Loop 49 North Lindale Reliever Route
Smith County, Texas
Final Environmental Impact Statement (FEIS)
Errata Sheet Contents

The following materials are intended to be appended to the Draft Environmental Impact Statement (DEIS) document completed in October 2013. The DEIS document can be obtained by visiting http://www.txdot.gov/inside-txdot/projects/studies/tyler/us69-loop49.html.

APPENDIX H

1. List of Factual Corrections
2. Rationale for Why Comments Do Not Warrant Further TxDOT Response in the FEIS
3. Circumstances That Would Trigger TxDOT Reappraisal or Further Response in the Form of Reevaluation (23 CFR 771.129) or Supplemental EIS (23 CFR 771.130)

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1. Identification of the Preferred Alternative and Rationale for Selection
2. Summary of Findings
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TxDOT Request to Implement Errata Sheet Approach
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TxDOT Eligibility Recommendation and THC Concurrence
Tyler-Longview Regional Toll Network Analysis
Final Public Hearing Summary and Analysis with Attached TxDOT Certification
EPIC Sheet

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H-1 List of Factual Corrections

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List of Factual Corrections

Section, Page, Line(s)	Original Statement	Errata	Explanation
Executive Summary, p. 8, lines 25-26	The current 2013–2016 Statewide Transportation Improvement Program (STIP) lists the estimated construction cost for the project as $63.0 million for the interim two-lane facility.	The current 2015–2018 Statewide Transportation Improvement Program (STIP) lists the estimated construction cost for the project as $58.8 million for the interim two-lane facility.	Construction cost estimate revised in current STIP.
Executive Summary, p. 9, lines 8-9	The current 2013–2016 STIP lists the estimated construction cost for the project as $63.0 million for the interim two-lane facility.	The current 2015–2018 STIP lists the estimated construction cost for the project as $58.8 million for the interim two-lane facility.	Construction cost estimate revised in current STIP.
Executive Summary, p. 10, lines 28-30	A Project Level Toll Analysis is included in Regional Toll Analysis will be completed by TxDOT and the Tyler Area MPO and included in the Final EIS to evaluate potential tolling effects on low income and minority communities.	A project-level toll analysis of the proposed roadway is provided in **Section IV.B.3.e**. A Regional Toll Analysis was prepared by TxDOT and the NET RMA subsequent to publication of the DEIS. Based on the time savings and toll cost analysis, it is not anticipated that the proposed Tyler-Longview regional toll network would cause disproportionately high or adverse effects on low-income or minority populations in the MPO region.	This is a new conclusion from the Regional Toll Analysis that was prepared after the DEIS was completed.
Executive Summary, p. 13, lines 20-39	A total of seven known archeological sites would be impacted by Alternative D (four of which could be potentially eligible for National Register of Historic Places [NRHP] or State Archeological Landmark [SAL] listing), while a total of 6 known sites would be impacted by Alternative G (one of which could be potentially eligible for NRHP or SAL listing). Two of the potentially eligible	A total of seven known archeological sites are located within the Area of Potential Effects (APE) for Alternative D (two of which are eligible for listing on the National Register of Historic Places [NHRP] and/or as a State Antiquities Landmark [SAL], and two more of which have not undergone recommended testing to determine eligibility status). A total of six archeological sites are located within the	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.

Section, Page, Line(s)	Original Statement	Errata	Explanation
	archeological sites (Sites 41SM388 and 41SM393) and a potential platform mound were investigated in the Summer of 2011. Site 41SM388 is located along both Alternatives D and G, while Site 41SM393 and the potential platform mound are located along Alternative D only. The archeological survey report containing recommendations based on the investigations to the THC and TxDOT in October 2012 and is awaiting agency responses (Hicks & Company, 2012). If TxDOT and the THC agree with the survey recommendations that these sites are not eligible for listing on the NRHP or as SALs, coordination will be complete for these sites. It is also stated in the October 2012 report that the landform was determined not to be a platform mound as initially interpreted. Two other sites (Sites 41SM394 and 41SM395) on Alternative D have not been investigated due to denied access. These sites cannot be investigated unless TxDOT obtains right-of-entry or acquires the right-of-way in which these sites are located. If the survey report recommendations are confirmed by TxDOT and the THC, Alternative D would impact seven known sites, three of which would still be considered potentially eligible; Alternative	APE for Alternative G (one of which is eligible for NRHP/SAL listing). Sites 41SM388 and 41SM393 underwent testing in the Summer of 2011 to determine their potential eligibility status. Site 41SM388 is located along both Alternatives D and G, while Site 41SM393 is located along Alternative D only. An archeological survey report was submitted to TxDOT and the THC in October 2012 (Hicks & Company 2012). Following review of the archeological survey report, TxDOT determined that both sites seem to be relatively temporally discrete and reasonably productive; appear to have been occupied during the Early Caddo and beginning of the Middle Caddo periods, both of which are poorly understood timeframes; and contain artifacts that indicate that the sites potentially served as locations of formal activities beyond campsites. As a result, TxDOT considers the portions of Sites 41SM388 and 41SM393 that extend into the APEs for the proposed build alternatives eligible for listing as archeological properties in the NRHP (36 CFR 800.16[1]). The THC concurred with this recommendation on January 2, 2013. Due to their eligibility statuses, if these sites cannot be avoided during construction, mitigation of potential impacts to these sites would be required, consisting of data recovery excavations. Additionally, TxDOT and the THC concur that the landform also documented in the October	

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	G would impact six known sites, none of which would still be considered potentially eligible.	2012 report is not a potential platform mound, as initially interpreted. Two other sites (Sites 41SM394–395) within the APE for Alternative D have not been investigated due to a lack of access to these properties. These sites cannot be investigated unless TxDOT obtains right-of-entry or acquires the right-of-way in which these sites are located. Following coordination with TxDOT and the THC, it has been determined that the APE for Alternative D contains seven known sites, two of which are eligible for NHRP/SAL listing, and two more of which have not undergone recommended testing to determine eligibility status. The APE for Alternative G contains six known sites, one of which is eligible for NRHP/SAL listing. However, construction of either of the build alternatives would be anticipated to avoid adverse impacts to any sites eligible for NRHP/SAL listing. In the event that avoidance were not feasible, data recovery investigations would be required.	
Executive Summary, p. 15, lines 23-24	It is anticipated that compensatory mitigation for impacts to wetlands would be accomplished using the Anderson Tract maintained by the Texas Parks and Wildlife Department (TPWD).	It is anticipated that compensatory mitigation for impacts to wetlands would either be accomplished using the Anderson Tract maintained by the Texas Parks and Wildlife Department (TPWD) or another approved wetland mitigation bank.	Additional wetland mitigation bank language included since TPWD Anderson Tract may not be available to NET RMA.

Section, Page, Line(s)	Original Statement	Errata	Explanation
Executive Summary, p. 15, lines 32-34	Regarding cultural resources, recommendations concerning mitigation of adverse effects are forthcoming, pending THC and TxDOT response to the results of the eligibility testing of Sites 41SM388 and 41SM393.	TxDOT and the THC have determined that Sites 41SM388 and 41SM393 are eligible for listing in the NRHP. Therefore, if avoidance of these sites during construction of the proposed project were not feasible, mitigation of potential impacts to these sites would necessitate data recovery excavations.	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.
Executive Summary, p. 17, Table ES-2, last row	Alternative D: Impact 7 known archeological sites; 4 potentially NRHP/SAL-eligible sites* Alternative G: Impact 6 known archeological sites; 1 potentially NRHP/SAL-eligible*	Alternative D: A total of 7 archeological sites are located within the APE, two of which (Sites 43SM388 and 41SM393) are considered NRHP/SAL eligible and two of which (Sites 41SM394–395) have not undergone recommended testing due to lack of accessibility. Alternative G: A total of 6 known archeological sites are located within the APE, one of which (Site 41SM388) is considered NRHP/SAL eligible.	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.
Executive Summary, p. 17, Table ES-2 footnote	*Pending TxDOT and THC concurrence. If report recommendations are confirmed, Alternative D would impact 7 known archeological sites, 3 of which are considered potentially NRHP/SAL-eligible, while Alternative G would impact 6 known archeological sites, none of which are considered potentially NRHP/SAL-eligible.	TxDOT and the THC have determined that Sites 41SM388 and 41SM393 are eligible for NRHP/SAL listing. However, it is anticipated that these sites would be avoided during construction, and adverse impacts to these sites would not be expected to occur under either of the build alternatives. In the event that avoidance of impacts to these sites is not feasible, data recovery excavations would be required.	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.

Section, Page, Line(s)	Original Statement	Errata	Explanation
I.D.1., p. 28, lines 22-28	The proposed Lindale Reliever Route project is listed in the 2013–2016 Statewide Transportation Improvement Program (STIP) under Appendix C: Projects Undergoing Environmental Assessment. According to the STIP, the project is listed as Loop 49 (Ultimate 4-Lane Facility) (Toll), Project ID SM-30, with an estimated total project cost of $82.3 million (and a construction cost of $63.0 million). The project is also include in the Tyler Area Metropolitan Planning Organization's (MPO's) Metropolitan Transportation Program (MTP) 2035 as Loop 49 (Segment 4) as a tolled facility. Excerpts from the STIP and MTP are included in **Appendix E**.	The proposed Lindale Reliever Route project is listed in the 2015–2018 Statewide Transportation Improvement Program (STIP) under CSJ 0190-04-033. According to the STIP, the project is listed as Loop 49 (Ultimate 4-Lane Facility) (Toll), Project ID SM-30, with an estimated total project cost of $75,506,462 (and a construction cost of $58,778,189). The project is also included in the Tyler Area Metropolitan Planning Organization's (MPO's) Metropolitan Transportation Plan (MTP) 2035 as Loop 49 (Segment 4) as a tolled facility. Excerpts from the STIP and MTP are included in **Appendix E**.	This is updated STIP and MTP information for the project.
I.D.1., p. 28, lines 28-30	A project-level toll analysis of the proposed roadway is provided at **Section IV.B.3.e**. A Regional Toll Analysis will be completed by TxDOT and the Tyler Area MPO and included in the Final EIS to evaluate potential tolling effects on low income and minority communities.	A project-level toll analysis of the proposed roadway is provided at **Section IV.B.3.e**. A Regional Toll Network Analysis was prepared by TxDOT and the NET RMA subsequent to publication of the DEIS. Based on the time savings and toll cost analysis, it is not anticipated that the proposed Tyler-Longview regional toll network would cause disproportionately high or adverse effects on low-income or minority communities in the MPO regions.	This is a new conclusion from the Regional Toll Analysis that was prepared after the DEIS was completed.
II.D., p. 51, lines 31-33	According to the 2013–2016 STIP, though, the construction cost for the proposed project is estimated at $62,954,128 (with a total project cost for the interim facility estimated at $82,268,454).	According to the 2015–2018 STIP, though, the construction cost for the proposed project is estimated at $58,778,189 with a total project cost for the interim facility estimated at $75,506,462).	Construction cost estimate revised in current STIP.

Section, Page, Line(s)	Original Statement	Errata	Explanation
II.D.4., p. 54, Table 7, last row and footnote	Construction Costs (millions)* Alternative D: $63.0 Alternative G: $63.0 *These construction costs are based upon the 2013–2016 STIP estimated for the interim phase, which is not distinguished by alternative. Preliminary engineering evaluations adjusted by the Value Engineering study were $72.7 million for Alternative D and $71.6 million for Alternative G.	Construction Costs (million)* Alternative D: $58.8 Alternative G: $58.8 *These construction costs are based upon the 2015–2018 STIP estimated for the interim phase, which is not distinguished by alternative. Preliminary engineering evaluations adjusted by the Value Engineering study were $72.7 million for Alternative D and $71.6 million for Alternative G.	Construction cost estimate revised in current STIP.
II.E.1, p. 54, lines 28-30 and p. 55, lines 4-5	The original cost estimate was preliminary; the 2013–2016 STIP now lists the estimated construction cost for the interim phase of the proposed project as $63.0 million, with the total project cost estimated to be $82.3 million. …the 2013–2016 STIP now lists the estimated construction cost for the proposed project as $63.0 million, with the total project cost estimated to be $82.3 million.	The original cost estimate was preliminary; the 2015–2018 STIP now lists the estimated construction cost for the interim phase of the proposed project as $58.8 million, with the total project cost estimated to be $75.5 million. …the 2015–2018 STIP now lists the estimated construction cost for the proposed project as $58.8 million, with the total project cost estimated to be $75.5 million.	Construction cost estimate revised in current STIP.
III.A.5.a., p. 62, lines 20-28	III.A.5.a 2013–2016 Statewide Transportation Improvement Program The Tyler Area MPO's TIP was included in the 2013–2016 STIP in August 2012. The STIP (included in **Appendix E**), includes the proposed project (CSJ 0190-04-033) as a two-lane new location controlled access toll road as an extension of Loop 49 (with a	III.A.5.a 2015–2018 Statewide Transportation Improvement Program The 2015–2018 STIP was approved on December 2, 2014 (included in **Appendix E**), and includes the proposed project (CSJ 0190-04-033) as a two-lane new location controlled access toll road as an extension of Loop 49 (with a four-lane ultimate build-out scenario).	This is updated STIP information and the construction cost estimate was revised.

Section, Page, Line(s)	Original Statement	Errata	Explanation
	four-lane ultimate build-out scenario). The 2013–2016 STIP lists the project construction cost as $62,954,128 for the interim facility, with a total project cost estimate of $82,268,454.	The 2015–2018 STIP lists the project construction cost as $58,778,189 for the interim facility, with a total project cost estimate of $75,506,462.	
III.E.1., p. 81, lines 32-33	…Appendix C: Project Undergoing Environmental Assessment in the 2013–2016 STIP (see **Appendix E** for copies of the MTP and STIP pages).	…under CSJ 0190-04-033 in the 2015–2018 STIP (see **Appendix E** for copies of the MTP and STIP pages).	This is updated STIP and MTP information for the project.
III.G.5.a., p. 100, Table 27 footnote	[1]EO ID = Element of Occurrence Record Identification Number for species observed. TPWD TxNDD was searched June 8, 2009, utilizing an approximate 1.5-mile radius of the proposed project.	[1]EO ID = Element of Occurrence Record Identification Number for species observed. TPWD TxNDD was searched April 2, 2013, utilizing an approximate 1.5-mile radius around the proposed project.	The TPWD TxNDD search date in **Table 27** was not updated in the DEIS.
III.H.2.b., p. 111, lines 27-31	Project archeologists submitted the results of these investigations to TxDOT and the THC in October 2012; as of the date of this DEIS, a response is pending. If TxDOT and the THC agree with the recommendations that these sites are not eligible for listing in the NRHP or as SALs, coordination will be complete for these sites.	According to TxDOT and the THC, Sites 41SM388 and 41SM393 are considered eligible for NRHP/SAL listing. Both sites are located within the APE for Alternative D; only Site 41SM388 is located within the APE for Alternative G. These sites would be expected to be avoided during construction of either of the build alternatives, and adverse impacts to these sites would not be anticipated. If construction of the proposed project could not avoid impacts to these eligible sites, data recovery excavations would be required.	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.
IV.B.3.e., p. 137, lines 26-28	The toll for the proposed facility is expected to be $0.10 per mile using electronic toll collection (TxTags) only.	The toll for the proposed facility is expected to be $0.15 per mile using electronic toll collection (TxTags) only.	This is updated information from the Regional Toll Analysis that was prepared after the DEIS was completed.

Section, Page, Line(s)	Original Statement	Errata	Explanation
IV.B.3.e., p. 141, lines 1-2	A Regional Toll Analysis will be completed by TxDOT and the Tyler Area MPO and included in the Final EIS to evaluate potential tolling effects on low-income and minority communities.	TxDOT, in conjunction with the NET RMA, prepared a regional toll network analysis for the Tyler-Longview area. The analysis examined the overall potential indirect and cumulative effects of the proposed toll network, including the potential impacts to EJ populations, land use and air quality. The Tyler-Longview regional toll network is envisioned as a proposed 46-mile-long, limited access toll network located in the northeast Texas counties of Smith, Gregg, Upshur, and Harrison. This report supplements the 2035 Tyler and Longview Metropolitan Transportation Plans (MTPs). Based on the time savings and toll cost analysis, it is not anticipated that the proposed Tyler-Longview regional toll network would cause disproportionately high or adverse effects on low-income or minority populations in the MPO regions. The existing road network connects many of the identified EJ populations in the region to major employment centers. Because the proposed toll network would be constructed as a new location roadway, low-income populations wishing to avoid paying a toll would have many existing non-toll routes as alternatives. If EJ populations do choose to use the toll road, they would realize a time benefit over using the non-toll network, though the regular use of the toll network would be an added expense to low income populations.	These conclusions were reached in the Regional Toll Analysis that was prepared after the DEIS was completed.

Section, Page, Line(s)	Original Statement	Errata	Explanation
IV. G.2.b., p. 156, lines 38-39	See **Section VII.B.1** for more detail on off-site mitigation via the Anderson Tract.	TxDOT could potentially coordinate with the NET RMA and utilize the Anderson Tract for off-site mitigation purposes. If not, the NET RMA would utilize another approved wetland mitigation bank for this purpose. Further detail regarding off-site mitigation is provided in **Section VII.B.1**.	Additional wetland mitigation bank language included since TPWD Anderson Tract may not be available to NET RMA.
IV.G.4.b., p. 168, Table 47 regarding: Black bear *Ursus americanus*	Due to habitat fragmentation and development, the project area would be unlikely to provide suitable habitat (remote tracts of undeveloped forested land greater than 2,500 acres) for a resident population of bears. Transient bears could potentially utilize forested areas as travel corridors, but such use would be considered unlikely and is unlikely due to nearby development. No sightings of black bears have been reported in Smith County since before 1977. The project would have no impact to this species.	Due to habitat fragmentation and development, the project area would be unlikely to provide suitable habitat (remote tracts of undeveloped forested land greater than 2,500 acres) for a resident population of bears. Transient bears could potentially utilize forested areas as travel corridors, but such use would be considered unlikely and is unlikely due to nearby development. No sightings of black bears have been reported in Smith County since before 1977. The project would have no effect on this species.	The change from “effect” to “impact” in the last sentence was an editorial change made to reflect language more appropriate for federally listed species.
IV.H.2.a., p. 169, lines 13-14	Agency responses regarding the recommendations for these sites are pending as of the date of this DEIS.	However, according to TxDOT and the THC, Sites 41SM388 and 41SM393 are considered eligible for NRHP/SAL listing based on their temporal discreteness and reasonable productivity. As a result, avoidance or mitigation of potential impacts to these sites would be required.	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.

Section, Page, Line(s)	Original Statement	Errata	Explanation
IV.H.2.a., p. 169, lines 29-33	The only site within the APE for Alternative G that was considered to be potentially eligible for listing in the NRHP or as an SAL (Site 41SM388) underwent further investigation and is recommended as NRHP/SAL-ineligible; however, concurrence with the results of this investigation by TxDOT and the THC is pending (as stated above).	The only site within the APE for Alternative G that was considered potentially eligible for listing in the NRHP or as an SAL (Site 41SM388) underwent further investigation during the Summer of 2011. Following coordination with TxDOT and the THC, Site 41SM388 was determined to be eligible for NRHP/SAL listing, as stated above, and avoidance or mitigation of potential impacts to this site would be required.	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.
IV.P., p. 180, Table 48 & footnote	*Concurrence by TxDOT and the THC with the recommendations made in the October 2012 report regarding the ineligibility of Sites 41SM388 and 41SM393 is pending. If TxDOT and the THC agree with these recommendations, then Alternative D would impact seven archeological sites, three of which would be considered potentially NRHP/SAL-eligible, while Alternative G would impact six archeological sites, none of which would be considered potential NRHP/SAL-eligible.	TxDOT and the THC have determined that Sites 41SM388 and 41SM393 are eligible for NHRP/SAL listing. Therefore, a total of seven archeological sites are located within the APE for Alternative D, two of which are considered eligible for NRHP/SAL listing and two of which have not undergone recommended testing due to lack of accessibility. A total of six archeological sites are located within the APE for Alternative G, one of which is considered eligible for NRHP/SAL listing. Any impacts to eligible sites would be avoided during construction of either of the build alternatives; in the event that avoidance were not feasible, data recovery investigations would be required.	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.
V.B.1.a., p. 184, lines 1-2	...the Tyler Area MPO's 2035 MTP (Tyler Area MPO, 2010) and the 2013–2016 STIP (Tyler Area MPO, 2012).	...the Tyler Area MPO's 2035 MTP (Tyler Area MPO, 2010) and the 2015–2018 STIP.	This is an updated STIP reference.

Section, Page, Line(s)	Original Statement	Errata	Explanation
VI.F.2.c., p. 214, lines 4-6	A regional toll analysis (RTA) will be completed by TxDOT and the Tyler Area MPO and included in the Final EIS to evaluate potential tolling effects on low income and minority communities.	A Regional Toll Network Analysis was prepared by TxDOT and the NET RMA subsequent to publication of the DEIS. Based on the time savings and toll cost analysis, it is not anticipated that the proposed Tyler-Longview regional toll network would cause disproportionately high or adverse effects on low-income or minority communities in the MPO regions.	This is a new conclusion from the Regional Toll Analysis that was prepared after the DEIS was completed.
VI.F.2.c., p. 214, lines 16-20	The Tyler Area MTP 2035 (Tyler Area MPO, 2010) does not include a network level EJ analysis for toll roads. However, as the agency responsible for coordinating the regional transportation planning process, the Tyler Area MPO has sought to make sure that all segments of the population have been involved with the planning process, including the MTP, the transportation improvement program, and specific project planning.	The Tyler Area MTP 2035 (Tyler Area MPO, 2010) does not include a network level EJ analysis for toll roads; however, a Regional Toll Analysis was conducted in 2014 which supplements the 2035 Tyler and Longview Metropolitan Transportation Plans. As the agency responsible for coordinating the regional transportation planning process, the Tyler Area MPO has sought to make sure that all segments of the population have been involved with the planning process, including the MTP, the transportation improvement program, and specific project planning.	This is a reference to the Regional Toll Analysis that was prepared after the DEIS was completed.
VI.I.2, p. 220, lines 30-32	Compensatory mitigation for impacts to project area wetlands would most likely occur at the Anderson Tract, located in northern Smith County.	Compensatory mitigation for impacts to project area wetlands would either occur in cooperation with TxDOT at the Anderson Tract, located in northern Smith County, or at another approved wetland mitigation site selected by the NET RMA.	Additional wetland mitigation bank language included since TPWD Anderson Tract may not be available to NET RMA.

Section, Page, Line(s)	Original Statement	Errata	Explanation
VI.I.2, p. 223, Table 53, last row	6 (Alt. G) to 7 (Alt. D) known archeological sites impacted	7 sites (2 eligible, 2 undetermined) within APE for Alternative D; 6 sites (1 eligible) within the APE for Alternative G	The eligibility conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.
VI.I.4., p. 224, lines 14-16	Depending on the proposed construction alternative, current field investigations indicate that seven (Alternative D) or six (Alternative G) known archeological sites would be directly impacted by the proposed undertaking. The undertaking's direct effects on these sites are being coordinated with TxDOT Environmental Affairs and ultimate determination of their significance is yet to be finalized.	Depending on the proposed construction alternative, archeological field investigations indicate that a total of seven and six archeological sites are located within the APEs for Alternatives D and G, respectively. Two of the sites located within the APE for Alternative D (Sites 41SM388 and 41SM393) are considered eligible for NHRP/SAL listing, and two more sites (Sites 41SM394–395) have not undergone recommended testing due to lack of accessibility. One site within the APE for Alternative G (Site 41SM388) is considered eligible for NRHP/SAL listing. Impacts to any listed sites would be avoided during construction of the proposed project; if impacts cannot be avoided, mitigation of these sites in the form of data recovery investigations would be required.	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.
VII.B., p. 225, lines 27-30	Regarding cultural resources, recommendations concerning mitigation of adverse effects are forthcoming, pending TxDOT and THC review of the October 2012 report of the testing investigations at Sites 41SM388 and 41SM393 and the results of the eligibility testing that would be required for Sites 41SM394 and 41SM395.	Regarding cultural resources, TxDOT and the THC determined that Sites 41SM388 and 41SM393 are eligible for NRHP/SAL listing. Therefore, these sites would need to be avoided during construction of either of the build alternatives. If avoidance is not feasible, data recovery investigations would be required. Sites 41SM394 and 41SM395 have	These conclusions were reached during TxDOT and THC coordination conducted after the DEIS was completed.

Section, Page, Line(s)	Original Statement	Errata	Explanation
		not undergone recommended eligibility testing. If Alternative D were selected, these sites would be required to undergo testing in order to determine their potential eligibility status.	
VII.B.1, p. 226, lines 4-7	The Tyler District would apply for a permit prior to construction pursuant to its MOA with resource protection agencies regarding the Anderson Tract Mitigation Project for Highway Impacts to Wetlands Requiring Department of the Army Permits (TxDOT, 1994).	Either the NET RMA or the TxDOT Tyler District would apply for an individual permit prior to construction. If it is the Tyler District or if the NET RMA can utilize the Anderson Tract, the permit would be acquired pursuant to the TxDOT MOA with resource protection agencies regarding the Anderson Tract Mitigation Project for Highway Impacts to Wetlands Requiring Department of the Army Permits (TxDOT, 1994). If the NET RMA acquires the permit and cannot utilize the Anderson Tract, another approved wetland mitigation site would be utilized for offsite mitigation.	Additional wetland mitigation bank language included since TPWD Anderson Tract may not be available to NET RMA.
Appendix E	2013–2016 STIP page included	2015–2018 STIP page to be included (see attachment)	This is an updated STIP reference.

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H-2 Rationale for Why Comments Do Not Warrant Further TxDOT Response in the FEIS

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Rationale for Why Comments Do Not Warrant Further TxDOT Response in the FEIS

The primary reason for why there is no need for further TxDOT response in the FEIS is there was little to no controversy from the public or reviewing agencies regarding the project and its impacts as described in the DEIS. A summary of the comments received follows.

The table below summarizes the main issues cited in the comments received during and after the public hearing from the general public, elected officials, and state and federal agencies. These main issues include: general opposition to the proposed project; issues regarding tolling; and issues regarding right of way acquisition and/or access changes. Comments that express general support of or no opposition to the proposed project are also included in the table below. Each reference to a main issue is included in the table; therefore, comments that mention multiple issues may be included in the table more than once. Two comments requesting further information regarding the proposed project are not included in this tally.

Summary of Main Issues Cited in Public Hearing Comments	
Issue	**Number of Comments***
General support and/or no opposition	25
General opposition	1
Issues regarding tolling	2
Issues regarding right of way acquisition and/or access changes	10

*Number of comments indicates the number of times an issue is referenced. Some comments may reference more than one issue. Not all issues referenced in comments are included in this table. **Appendix E** includes all comments in their entirety.

Comments from the General Public and Elected Officials

Comments received from the general public and elected officials during and after the public hearing regarding the US 69/Loop 49 Draft EIS generally indicate support for the proposed improvements; however, some individuals express concern regarding specific elements of the project. These concerns include:

- opposition to tolling the facility;
- issues regarding right of way acquisition; and
- the long-term economic impacts of traffic bypassing Lindale.

Statements indicating support for the improvements cite the following as potential benefits of the proposed project:

- support and promotion of future economic growth in the Lindale area;
- safety improvements, particularly with regard to truck traffic; and
- travel time savings.

All general public and elected official comments and TxDOT's responses can be found in the Public Hearing Summary and Analysis document and its appendices which are included in **Appendix I.2.**

Based upon the lack of controversy, as evidenced by public and agency comments, no further response by the TxDOT is justified in the FEIS.

H-3 Circumstances that Would Trigger TxDOT Reappraisal or Further Response in the Form of Reevaluation (23 CFR 771.129) or Supplemental EIS (23 CFR 771.130)

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Circumstances that Would Trigger TxDOT Reappraisal or Further Response in the Form of Reevaluation (23 CFR 771.129) or Supplemental EIS (23 CFR 771.130)

Neither reevaluation under 23 CFR 771.129, nor supplemental EIS under 23 CFR 771.130 are warranted in the case of the US 69/Loop 49 North Lindale Reliever Route project. Potential circumstances which would trigger the need for reevaluation or supplemental EIS are accompanied by the rationale for why this project does not meet such thresholds in the text below. The Code of Federal Regulation language is *italicized*, and the rationale is **bolded**.

Reevaluation (23 CFR 771.129)

(*a) A written evaluation of the draft EIS shall be prepared by the applicant in cooperation with the Administration if an acceptable final EIS is not submitted to the Administration within three years from the date of the draft EIS circulation. The purpose of this evaluation is to determine whether or not a supplement to the draft EIS or a new draft EIS is needed.*
Hard copies of the Draft EIS were circulated on November 5, 2013, and made available electronically November 8, 2013, through Federal Register publication on that date. This FEIS will be submitted well before the 23 CFR 771.129 mandated three-year timeframe.

(b) A written evaluation of the final EIS will be required before further approvals may be granted if major steps to advance the action (e.g., authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of the plans, specifications and estimates) have not occurred within three years after the approval of the final EIS, final EIS supplement, or the last major Administration approval or grant.
Authority to undertake final design, acquire a significant portion of the right of way and approval of plans, specifications and estimates are anticipated to advance well prior to the 23 CFR 771.129 mandated three year timeframe from Final EIS approval.

(c) After approval of the ROD, FONSI, or CE designation, the applicant shall consult with the Administration prior to requesting any major approvals or grants to establish whether or not the approved environmental document or CE designation remains valid for the requested Administration action. These consultations will be documented when determined necessary by the Administration.
The applicant will consult with the Administration after the ROD is approved, prior to requesting any major approvals or grants to establish whether or not the environmental document remains valid for the requested Administration action.

Supplemental EIS (23 CFR 771.130)

(a) A draft EIS, final EIS, or supplemental EIS may be supplemented at any time. An EIS shall be supplemented whenever the Administration determines that:

(1) Changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or
No changes to the proposed action are anticipated on the US 69/Loop 49 North Lindale Reliever Route project.

(2) New information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.
No new information or circumstances relevant to environmental concerns of the proposed action (US 69/Loop 49 North Lindale Reliever Route project) have come to light which would result in significant environmental impacts not evaluated in the Draft EIS. While Sites 41SM388 and 41SM393 have been determined to be eligible for NRHP/SAL listing, impacts to these sites would be avoided during construction of the proposed project. In the event that avoidance of impacts to these sites was not feasible, mitigative measures would be implemented.

(b) However, a supplemental EIS will not be necessary where:

(1) The changes to the proposed action, new information, or new circumstances result in a lessening of adverse environmental impacts evaluated in the EIS without causing other environmental impacts that are significant and were not evaluated in the EIS; or
No new information or circumstances are known relevant to environmental concerns of the proposed action (US 69/Loop 49 North Lindale Reliever Route project) or its impacts which would result in significant environmental impacts not evaluated in the Draft EIS.

(2) The Administration decides to approve an alternative fully evaluated in an approved final EIS but not identified as the preferred alternative. In such a case, a revised ROD shall be prepared and circulated in accordance with § 771.127(b).
No change in the proposed preferred alternative (G) has occurred or is anticipated to occur, and the proposed action remains consistent with that described in the Draft EIS.

(c) Where the Administration is uncertain of the significance of the new impacts, the applicant will develop appropriate environmental studies or, if the Administration deems appropriate, an EA to assess the impacts of the changes, new information, or new circumstances. If, based upon the studies, the Administration determines that a supplemental EIS is not necessary, the Administration shall so indicate in the project file.
No new impacts are anticipated or known; therefore, this would not be applicable at this time.

(d) A supplement is to be developed using the same process and format (i.e., draft EIS, final EIS, and ROD) as an original EIS, except that scoping is not required.
This would not be applicable at this time.

(e) A supplemental draft EIS may be necessary for major new fixed guideway capital projects proposed for FTA funding if there is a substantial change in the level of detail on project impacts during project planning and development. The supplement will address site-specific impacts and refined cost estimates that have been developed since the original draft EIS.
This would not be applicable as this is a roadway project with FHWA funding.

(f) In some cases, a supplemental EIS may be required to address issues of limited scope, such as the extent of proposed mitigation or the evaluation of location or design variations for a limited portion of the overall project. Where this is the case, the preparation of a supplemental EIS shall not necessarily:

(1) Prevent the granting of new approvals;

(2) Require the withdrawal of previous approvals; or

(3) Require the suspension of project activities; for any activity not directly affected by the supplement. If the changes in question are of such magnitude to require a reassessment of the entire action, or more than a limited portion of the overall action, the Administration shall suspend any activities which would have an adverse environmental impact or limit the choice of reasonable alternatives, until the supplemental EIS is completed.
No issues of limited scope related to mitigation or design variations are anticipated that cannot be handled as routine matters during the project implementation process.

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I-1 Identification of the Preferred Alternative and Rationale for Selection

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Identification of the Preferred Alternative and Rationale for Selection

The Texas Department of Transportation (TxDOT) proposes to construct a new location, full control of access reliever route around the city of Lindale in Smith County, Texas, referred to as U.S. Highway (US) 69/Loop 49 North Lindale Reliever Route (Lindale Reliever Route). The proposed action is intended to provide relief to the existing US 69 through the city of Lindale and extend a proposed toll facility (Loop 49 West) from IH 20 southwest of Lindale to US 69 north of Lindale. This proposed facility would extend north from the completed Loop 49 West terminus at IH 20, bypassing Lindale and terminating at US 69 north of Lindale. The proposed action was developed, analyzed and vetted through an extensive feasibility and routing process which included many public involvement opportunities from 1999 through the 2013 publication date of the Draft Environmental Impact Statement (DEIS). The proposed project began National Environmental Policy Act (NEPA) compliance activity as an Environmental Assessment (EA) and was elevated to an Environmental Impact Statement (EIS), due in part to controversy regarding proximity of western alternative corridors to the city of Hideaway and eastern alternative corridors to the city of Lindale and youth camp facilities.

Over the course of three steering committee meetings, four public meetings, two public scoping meetings, three public participating agency meetings and three affected property owner meetings, a technically preferred alignment with broad support was identified (Alternative G). Alternative G is proposed as a 7.4-mile-long new location roadway consisting of a four-lane divided freeway ultimate section in a usual minimum 450-foot right of way. The project would most likely be built in phases, with an interim design consisting of a two-lane section. Neither the interim nor ultimate design provides for continuous access roads.

Alternative G is identified as the technically preferred alternative primarily due to fewer impacts to the human environment. In comparison to the other build alternative considered (Alternative D), Alternative G would result in fewer residential relocations, fewer commercial displacements and affect less area occupied by residential, commercial and community facility land uses. The preferred build alternative would also result in safety, mobility, and capacity improvements to the regional transportation system that would not be provided by the No Build Alternative.

The proposed design specifications, typical sections and impact scenarios have not changed since publication of the DEIS and can be reviewed in more detail on pp. 51-57 of the DEIS in **Sections II.D. Description of Reasonable Alternative Alignments and No Build Alternative** and **II.E. Technically Preferred Alternative**.

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I-2 Summary of Findings

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Summary of Findings

A summary of potential direct impacts of the No Build and Build Alternatives is presented by resource category in the table below. This summary is similar to the findings presented in **Table 48 Summary of Environmental Consequences** (found on pp. 179-180 of the DEIS), since no changes are anticipated with respect to the preferred alternative (Alternative G) or proposed project design. A summary of indirect and cumulative impacts of the proposed project is also provided below.

US 69/Loop 49 North Lindale Reliever Route - Summary of Environmental Consequences			
Resource Impacted	**Quantity/Nature of Impact**		
	No Build	**Alternative D**	**Preferred Alternative G**
Land	No direct impacts, though if the Reliever Route is not constructed, existing roadways would need to be improved to alleviate congestion.	Conversion of 423.15 acres of existing land uses to transportation use.	Conversion of 427.5 acres of existing land uses to transportation use.
Community Quality of Life	No acquisition of property or displacements, though congestion conditions would continue to deteriorate, and required future improvements to US 69 would be costly in terms of dollars and traffic disruptions.	Relocation of 18 residences and 6 businesses; removal of property from local tax rolls; temporary localized effects (detours, traffic delays) on community quality of life during construction; one-third of residential relocations would occur within a census tract in which 56 percent is minority; however, these impacts would not result in disproportionately high and adverse impacts to these populations. The RTA conducted as a part of the proposed project also indicated that the tolled facility would not result in disproportionately high and adverse effects to minority or low-income populations.	Relocation of 10 residences and 1 businesses; removal of property from local tax rolls; temporary localized effects (detours, traffic delays) on community quality of life during construction; potential environmental justice concerns; Alternative G would not cause adverse effects to EJ populations and would therefore not result in disproportionately high and adverse impacts to minority or low-income populations. The RTA conducted as a part of the proposed project also indicated that the tolled facility would not result in disproportionately high and adverse effects to minority or low-income populations.
Water Resources, Including Waters of the U.S. and Wetlands	No impacts to surface water quality, floodplains, groundwater, waters of the U.S. or wetlands.	Seven crossings of waters of the U.S. including 4 wetlands affected; 6.17 acres of floodplains occur within the proposed right-of-way; potential changes in hydrology, flow characteristics; increased TSS in storm water runoff (construction phase).	Eight crossings of waters of the U.S. including 5 wetlands affected; 23.64 acres of floodplains occur within the proposed right-of-way; potential changes in hydrology, flow characteristics; increased TSS in storm water runoff (construction phase).
Vegetation	No impacts to vegetation resources.	373.17 acres of vegetation removed, including 206.85 acres of forest vegetation.	394.55 acres of vegetation removed, including 196.63 acres of forest vegetation.
Wildlife	No impacts to wildlife resources.	Habitat loss or alteration; displacement of wildlife.	

US 69/Loop 49 North Lindale Reliever Route - Summary of Environmental Consequences			
Resource Impacted	**Quantity/Nature of Impact**		
	No Build	**Alternative D**	**Preferred Alternative G**
Threatened or Endangered Species	No effects/impacts to any federally or state-listed threatened or endangered species	No T&E species or habitat for federally listed species directly affected. Some potential habitat for state-listed species impacted.	
Soils/Farmland	No impacts to prime farmland soils.	Conversion of 13.18 acres of prime farmland soils to transportation use; soil compaction in some areas within right of way.	Conversion of 12.18 acres of prime farmland soils to transportation use; soil compaction in some areas within right of way.
Hazardous Materials	No impact to hazardous materials sites.	Potential to impact 2 hazardous materials sites; use of potential contaminants (fuel, solvents) and generation of solid waste during construction; roadway pollutants in runoff during operation.	No impact to any known potential hazardous materials sites; use of potential contaminants (fuel, solvents) and generation of solid waste during construction; roadway pollutants in runoff during operation.
Noise	Gradually increasing noise along the existing US 69.	Two noise impacts, as defined by FHWA, from roadway operation; temporary construction phase noise effects.	No noise impacts, as defined by FHWA, from roadway operation; temporary construction phase noise effects.
Air Quality	Gradually increasing MSAT emissions as traffic volumes increase and traffic congestion continues to worsen within the existing roadway.	Area expected to remain in attainment under NAAQS standards; MSAT emissions for all alternatives expected to remain the same or decrease due to EPA's National Control programs; potential fugitive dust from construction activities.	
Historic Resources	No impacts to historic resources are anticipated.		
Archeological Resources	No impacts to archeological sites.	Seven archeological sites located within the APE, two of which are NRHP/SAL eligible and two of which have not undergone recommended testing investigations.* These sites would potentially be impacted during clearing, grading, or excavation activities, and potential for looting could increase due to greater access to and population in the study area.	Six archeological sites located within the APE, one of which is NRHP/SAL eligible.* These sites would potentially be impacted during clearing, grading, or excavation activities, and potential for looting could increase due to greater access to and population in the study area.

*Avoidance of impacts to sites eligible for NRHP/SAL listing would be required during construction of either of the build alternatives. In the event that avoidance was not feasible, data recovery investigations would be required in order to mitigate for impacts to these sites.

Summary of Indirect and Cumulative Impacts Analysis Findings

Induced growth is anticipated to occur as a result of either of the build alternatives because the proposed project would create access to intersection areas not currently traversed by a higher capacity roadway. Land development having complementary functions, such as gas stations, is

likely to occur at the intersections with IH 20, FM 16, and US 69; other roads crossed by the reliever route would not be accessible by continuous access roads. These highway-oriented developments are estimated to involve conversion of either 241 acres (Alternative D) or 342 acres (Alternative G) of currently undeveloped land. Intraregional land development location decisions would also likely be influenced because land in the area could become more attractive for residential development as a result of new access and increased mobility. Due to the uncertainty of assumptions required to predict future development decisions, the amount of future induced residential development could not be quantified. However, it is reasonable to anticipate that the proposed project could moderately influence the rate of development in the 13,797-acre AOI.

The analyses of induced growth and encroachment-alteration effects concluded that notable features within the project area would not suffer substantial adverse indirect effects. While some induced growth is anticipated, the indirect effects of development are not expected to be substantial.

The direct and indirect effects of the proposed project would result in minor contributions to the cumulative impacts on land use/value, water resources, vegetation and wildlife, and archeological resources. All archeological sites outside of the Area of Potential Effect will be affected by future development, but the extent of the effect is unknown. However, these resources are expected to remain stable, taking into consideration the slight decline in water quality and the quantity and diversity of wildlife habitat that occurs in urbanizing areas, assuming that current regulatory mechanisms are followed and remain in place to protect resources potentially affected by development. Therefore, the proposed project would not result in substantial cumulative effects to any of the resources assessed in the analysis.

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I-3 Mitigation Commitments for Preferred Alternative G

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Mitigation Commitments for Preferred Alternative G

Operations Phase Mitigation

An individual permit for impacts to waters of the U.S. and wetlands is anticipated in order to comply with Section 404 of the Clean Water Act. This project is anticipated to be constructed by the North East Texas Regional Mobility Authority (NET RMA). The NET RMA would apply for a permit prior to construction either with TxDOT pursuant to its MOA with resource protection agencies regarding the Anderson Tract Mitigation Project for Highway Impacts to Wetlands Requiring Department of the Army Permits or, alternatively, would mitigate for waters of the U.S. (including wetlands) impacts using an approved mitigation bank. If the NET RMA and TxDOT use the Anderson Tract, the MOA outlines the objectives for the determination of mitigation under the Clean Water Act Section 404(b)(1) guidelines and provides guidance to USACE and EPA personnel for implementing the guidelines. These regulations must be adhered to when considering mitigation requirements for standard permit applications and would be followed in the course of the proposed project. Some specific mitigation measures which may be mandated include: careful design and spacing of bridge supports to assure the unimpeded flood control function of the wetland, mobility restrictions for heavy construction vehicles to prevent excess soil compaction, and re-seeding of native vegetative species after construction to prevent erosion.

The preferred sequence in the wetland mitigation process is:

- avoidance of impacts to wetlands;
- minimization of any unavoidable impacts to wetlands; and
- compensatory mitigation for unavoidable adverse impacts which remain after all appropriate and practicable minimization has been effected.

Compensatory mitigation for impacts to vegetation/wildlife habitat was considered during project planning in accordance with Provision (4)(A)(ii) of the TxDOT-TPWD MOU and the MOA. The MOA designates the following habitat categories for which TxDOT will consider compensatory mitigation:

- Habitat for federal candidate species (impacted by the project) if mitigation will assist in the prevention of the listing of the species;
- Rare vegetation series (S1, S2, or S3) that also locally provide habitat for a state-listed species;
- All vegetation communities listed as S1 or S2;
- Bottomland hardwoods, native prairies, and riparian sites; and
- Any other habitat feature considered locally important that the TxDOT District chooses to consider.

The preferred alternative would not result in the removal of bottomland hardwood, native prairie, or locally rare or important vegetation or habitat features. Either 5.77 acres (Alternative G) or 8.08 acres (Alternative D) of riparian vegetation would be impacted by the proposed project. This impacted riparian vegetation community extends outside the project area and would not be considered locally rare or unique. The preferred alternative also impacts other common forest and grassland habitat types that are traditionally not considered locally rare or important. For these reasons, compensatory mitigation is not anticipated for this project under the prior or current TxDOT-TPWD MOU. Mitigation measures would include avoiding and minimizing impacts to as much of the existing natural vegetation as possible.

No long-term water quality impacts are expected as a result of the proposed project. Construction activities would require compliance with the State of Texas Water Quality Certification Program. The project would impact more than three acres of waters of the U.S. The Tier II 401 Certification Questionnaire and Alternatives Analysis Checklist would be completed and submitted to the TCEQ. Compliance with Section 401 of the Clean Water Act requires the use of BMPs to manage water quality on sites affecting jurisdictional waters. The SW3P would include at least one BMP from the 401 Water Quality Certification Conditions for Nationwide Permits. These BMPs would address each of the following categories: 1) erosion control, 2) post construction total suspended solids (TSS) control, and 3) sedimentation control.

The preferred build alternative crosses two creeks, Stevenson Branch and Davis Branch, located within mapped floodplains, thereby impacting the 100-year floodplain. Smith County is a participant in the National Flood Insurance Program (NFIP). If the project is determined to cause an increase in the base flood elevation greater than one foot or causes any encroachment on a regulatory floodway, project engineers would be required to notify all National Flood Insurance Program participants. If the base flood elevation would be increased by greater than one foot, Smith County would have to grant approval before the project would be allowed to proceed. If approved by Smith County, FEMA would then be notified. The notification to FEMA would include the project's effects on the base flood elevations and any encroachments on the regulatory floodway. FEMA typically requires an engineering study to show the effects of the project on the base flood elevation. Detailed hydraulic studies would be conducted during final project design and any required coordination with local officials would be accomplished prior to the initiation of construction.

Hydraulic studies to properly size all highway-associated drainage structures, bridges to span watercourses, and the elevation of the roadbed at the approaches to bridges are examples of mitigation measures intended to minimize roadway impacts to the floodplains.

The proposed project is intended to improve area traffic access and relieve congestion, thereby increasing roadway safety. In addition, TxDOT has committed to incorporate the most current design measures to enhance vehicular safety. The proposed roadway, with grade separations and controlled access, is a much safer design than the travel routes currently used by hazardous material transporters.

Construction Phase Mitigation

Several impacts associated with the preferred alternative alignment are a direct result of the construction phase. Construction phase air quality impacts result mostly from fugitive dust generated by activities such as land clearing and earth moving. Fugitive dust can be controlled by watering the construction site and by limiting soil disturbance to those areas absolutely necessary for construction. Construction phase water quality impacts result mostly from sedimentation and erosion. These processes can be minimized by balancing a rapid construction schedule with prompt installation of erosion control BMPs, restricting construction traffic to crushed stone access drives, limiting disturbance to natural vegetation, and prompt re-vegetation at the conclusion of the construction phase. Additionally, erosion and sedimentation controls would be coordinated with the EPA and TCEQ. These controls include temporary holding ponds, silt fences, diversion dikes, rock berms, sediment containment ponds, and application of mulch netting and synthetic matting.

Clearing of vegetation would be limited and/or phased to maintain a natural water quality buffer and minimize the amount of erodible earth exposed at any one time. Upon completion of earthwork operations, disturbed areas would be restored and reseeded according to TxDOT's Vegetation Management Guidelines and in compliance with the intent of the FHWA Executive Memorandum on Environmentally Beneficial Landscapes and the FHWA E.O. on Invasive Species. The DEIS was reviewed by the TPWD as part of the MOU between TxDOT and TPWD. Among other resource agencies, the TPWD has been involved with this project through the planning process and will provide comments on the project impacts to natural resources.

The greatest potential for adverse impacts to surface water exists during the construction phase of the project due to the quantity of soil being disturbed. This project would disturb more than five acres of land; therefore, TxDOT and the contractor would be required to comply with the Texas Pollutant Discharge Elimination System (TPDES) General Permit for Construction Activities. This program seeks to control erosion and sedimentation from construction projects by means of the promulgation of a Stormwater Pollution Prevention Plan (SW3P) that must be written by the engineer or contractor and implemented prior to beginning construction. The program consists of both management and structural BMPs such as use of vegetated roadsides in order to keep pollutants from receiving waters. These controls are required to be put in place to slow the flow of water from the site and prevent the loosening and transport of soil

particles from the site during construction. In order to comply with the regulations, an engineer or contractor is required to keep the SW3P available for inspection at the construction site and submit the NOI to TCEQ prior to beginning construction. Following the completion of construction, a Notice of Termination (NOT) must be submitted to the TCEQ declaring that all BMPs were followed and that the project was in compliance with the TPDES requirements. The proposed project would comply with all applicable measures mandated by these regulations.

To minimize impacts to water quality during construction, the proposed project would utilize temporary erosion and sedimentation control practices outlined in standard construction documents including TxDOT's Standard Specifications for the Construction of Highways, Streets, and Bridges. Where appropriate, these temporary erosion and sedimentation control structures would be in place prior to the initiation of construction, would be maintained throughout the duration of the construction, and left in place until vegetated cover is substantially in place.

BMP design would be chosen from TCEQ approved options. It is likely that temporary vegetation, sodding and/or mulching would be utilized for erosion control and silt fencing, stone outlet sediment traps and/or sediment basins would be used for sedimentation control.

All migratory birds in the U.S. are protected by federal statute, the Migratory Bird Treaty Act of 1916 (16 USC § 703-711). Migratory birds are protected from harassment, capture, possession, trade or sale, injury, and taking (killing) by this legislation. Habitat protection is not included in this statute. Migratory birds may arrive in the project area to breed during construction of the proposed project. The NET RMA would take measures to avoid impacts to migratory birds, ground nesting birds, their nests or their young. A primary strategy would include scheduling vegetation clearing in fall and early winter months to avoid impacts to nesting birds.

TxDOT construction phase specifications would be used on the project. These specifications provide contractors and supervising engineers with detailed guidance for the implementation of protective measures. These standard and special specifications include sodding for erosion control, seeding for erosion control, soil retention blankets, landscape planting, and temporary erosion, sedimentation, and environmental controls.

Construction phase noise impacts can be mitigated by limiting work to daytime hours and by maintaining adequate muffler systems for equipment. A copy of the traffic analysis associated with this project was made available to local officials. On the date of notice of availability of this document (Date of Public Knowledge), FHWA and TxDOT are no longer responsible for providing noise abatement for new development adjacent to the project. To minimize any harm to public safety during construction, one lane of traffic should remain open at all times,

work should be completed during off-peak hours, and flag persons, signs, and barricades should be utilized.

Environmental Permits, Issues, and Commitments (EPIC)

To ensure that mitigation commitments identified in the environmental impact assessment and permitting processes are carried through project design, construction, and inspection phases, TxDOT has established the EPIC system, which is set forth in the agency's "Plans, Specifications, and Estimates (PS&E) Preparation Manual: Plan Set Preparation" (http://onlinemanuals.txdot.gov/txdotmanuals/pse/plan_set_preparation.htm#i1025409). This system would be a contract requirement for the NET RMA. The EPIC plan sheet would be included in the construction plan set and would list all environmental commitments, issues and conditional requirements affecting the contractor and their work on that specific project. The sheet can be supplemented by specific details shown on other plan sheets but the areas of concern should be shown on the EPIC for the contractor's information. This sheet is specific to the project and should address areas the contractor should be aware of. Late changes to commitments that affect contractor work requirements would be included in the PS&E by an addendum.

The EPIC sheets would include mitigation commitments identified in the project EIS and Record of Decision (ROD), as well as other commitments and mitigation requirements resulting from environmental permits, agency concurrences, and landowner agreements concluded during the project design and right of way phases.

Archeological Resources

TxDOT considers the portions of Sites 41SM388 and 41SM393 that extend into the APEs for the proposed build alternatives eligible for listing as archeological properties in the NRHP (36 CFR 800.16[1]). The THC concurred with this recommendation on January 2, 2013. In the event that impacts to these sites could not be avoided during construction of the proposed project, mitigative measures—in the form of data recovery investigations—would be required.

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I-4 Comment and Coordination Summary

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Comment and Coordination Summary

Comment Summary

In accordance with the Federal Highway Administration (FHWA) rules and regulations for implementing the National Environmental Policy Act of 1969 (NEPA), the Texas Department of Transportation (TxDOT) Tyler District conducted a public hearing for the US Highway (US) 69/Loop 49 Lindale Reliever Route Draft Environmental Impact Statement (EIS) (CSJ 0190-04-033). The meeting was held on January 9, 2014, at 5:30 PM in the Lindale High School cafeteria (920 E Hubbard Street, Lindale, Texas 75771).

Comments regarding the Draft EIS were accepted until the close of business on January 20, 2014. A total of 39 comments were received either during the public hearing or within the 11-day comment period (January 9 through January 20, 2014). These included:

- 12 comments presented as public hearing testimony;
- 2 comments directly presented to the court reporter;
- 11 comment forms submitted during or immediately following the public hearing; and
- 14 comments submitted via email or mail following the public hearing.

The table below summarizes the main issues cited in the comments received during and after the public hearing from the general public, elected officials, and state and federal agencies. These main issues include: general opposition to the proposed project; issues regarding tolling; and issues regarding right of way acquisition and/or access changes. Comments that express general support of or no opposition to the proposed project are also included in the table below. Each reference to a main issue is included in the table; therefore, comments that mention multiple issues may be included in the table more than once. Two comments requesting further information regarding the proposed project are not included in this tally.

Summary of Main Issues Cited in Public Hearing Comments	
Issue	**Number of Comments***
General support and/or no opposition	25
General opposition	1
Issues regarding tolling	2
Issues regarding right of way acquisition and/or access changes	10

*Number of comments indicates the number of times an issue is referenced. Some comments may reference more than one issue. Not all issues referenced in comments are included in this table. **Appendix E** includes all comments in their entirety.

Comments from the General Public and Elected Officials

Comments received from the general public and elected officials during and after the public hearing regarding the US 69/Loop 49 Draft EIS generally indicate support for the proposed improvements; however, some individuals express concern regarding specific elements of the project. These concerns include:

- opposition to tolling the facility;
- issues regarding right of way acquisition; and
- the long-term economic impacts of traffic bypassing Lindale.

Statements indicating support for the improvements cite the following as potential benefits of the proposed project:

- support and promotion of future economic growth in the Lindale area;
- safety improvements, particularly with regard to truck traffic; and
- travel time savings.

All general public and elected official comments and TxDOT's responses can be found in the Public Hearing Summary and Analysis document and its appendices.

Based upon the lack of controversy, as evidenced by public and agency comments, no further response by the TxDOT is justified in this FEIS.

<u>Coordination Summary</u>

Very little agency coordination was required or requested in comment letters submitted during the Draft EIS comment period. Agency coordination conducted between Draft EIS comment period and the submission of this Final EIS was limited to interactions between TxDOT (Environmental Affairs Division) and two state agencies, the Texas Parks and Wildlife Department (Karen Hardin) and the Texas Historical Commission, and interaction between the TxDOT Tyler District and Environmental Affairs Division and the Choctaw Nation (Lindsay Bilyeu). These natural and cultural resource coordination efforts are summarized below.

Natural Resources Coordination

TPWD did not oppose the project and supported the full control of access design components of the project; however, they strongly urged adoption of many recommendations aimed at reducing adverse impacts to the state's fish and wildlife resources. The TPWD comment letter and the TxDOT response are included at the end of this appendix.

Further, substantial coordination will occur during the design build phase prior to construction, particularly between the U.S. Army Corps of Engineers and Environmental Protection Agency regarding Section 404 of the Clean Water Act permitting and the Texas Commission on Environmental Quality regarding Stormwater Pollution Prevention Planning and Best Management Practices.

Cultural Resource Coordination

In response to their request, TxDOT provided the Choctaw Nation Preservation Department with a copy of the archeological survey performed for the project and a color topographic map of the APE showing all archeological sites within a one-mile radius.

Cultural resource coordination was conducted between TxDOT Environmental Affairs staff and the Texas Historical Commission pursuant to the MOU between the two agencies. The October 2012 archeological testing report indicated that Sites 41SM388 and 41SM393 were not eligible for NRHP/SAL listing. However, TxDOT determined that both sites seem to be relatively temporally discrete and reasonably productive; appear to have been occupied during the Early Caddo and beginning of the Middle Caddo periods, both of which are poorly understood timeframes; and contain artifacts that indicate that the sites potentially served as locations of formal activities beyond campsites. As a result, TxDOT considers the portions of Sites 41SM388 and 41SM393 that extend into the APEs for the proposed build alternatives eligible for listing as archeological properties in the NRHP (36 CFR 800.16[1]). The Texas Historical Commission (THC) concurred with this recommendation on January 2, 2013. In the event that impacts to these sites could not be avoided, mitigative measures—in the form of data recovery investigations—would be required.

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I-5 Other Findings

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Other Findings

Interim Guidance on MAP-21 Section 1319 Accelerated Decisionmaking in Environmental Reviews requires the identification of "… any other findings to be made in compliance with all applicable environmental laws, regulations, Executive Orders, and other related requirements (with associated agency consultation documentation) providing reasonable assurance that full compliance will occur after issuance of the FEIS (23 CFR 771.133).

The primary items left to coordinate during the final design and build phases include: 1) U.S. Army Corps of Engineers Permitting for impacts to jurisdictional waters (including wetlands) and related floodplain coordination with the Smith County floodplain administrator; and, 2) archeological survey of previously inaccessible areas, avoidance, testing, or data recovery at potentially significant sites, and related clearances with the Texas Historical Commission (THC)/Texas State Historic Preservation Officer (SHPO) and/or federally recognized tribes as necessary. The NET RMA, in coordination with the Tyler District of TxDOT, will be tasked with completing these tasks prior to construction. The NET RMA and District are aware of these standard compliance obligations and understand the associated paths to clearances and resolution.

No other outstanding coordination or clearance requirements are known at this time, beyond normal pre-construction phase requirements associated with Texas Commission on Environmental Quality stormwater pollution prevention planning and compliance.

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TxDOT Request to Implement Errata Sheet Approach

Texas Department of Transportation
125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8588 | WWW.TXDOT.GOV

June 10, 2014

Draft Environmental Impact Statement
Smith County, Texas
US 69/Loop 49 Lindale Reliever Route
CSJ: 0190-04-033

RECEIVED ON
JUN 12 2014
TEXAS DIVISION
FHWA

Mr. Al Alonzi
Acting Division Administrator
Federal Highway Administration – Texas Division
300 East 8th Street, Suite 826
Austin, Texas 78701

Dear. Mr. Alonzi:

This letter serves as a request by the Texas Department of Transportation (TxDOT) for concurrence from the Federal Highway Administration (FHWA) to implement the errata sheet approach described in Section 1319 (a) of Map-21. The Notice of Availability of the Draft Environmental Impact Statement (DEIS) was published in the Federal Register on November 20, 2013 and in the Texas Register on November 8, 2013. The public hearing was held on January 9, 2014 and the public comment period ended on January 20, 2014. Attached is the public involvement documentation, including the Certification of a Public Hearing, signed by TxDOT Tyler District Engineer, Mr. Randy Hopmann, P.E., on May 22, 2014.

TxDOT believes that the Lindale Reliever Route project meets the requirements of the FHWA and FTA interim guidance on implementing Section 1319(a) of MAP-21. Comments received were reviewed by TxDOT and found to be relatively minor. Based on these findings, TxDOT requests your concurrence that we can proceed with the use of errata sheets for the Final Environmental Impact Statement.

If you have any questions, please contact me at (512) 416-2547.

Sincerely,

Lindsey Kimmitt

Lindsey Kimmitt
Strategic Projects Section
Environmental Affairs Division

Attachment

Concurrence: _____ Date: 7/24/14
Federal Highway Administration

RECEIVED - TXDOT
JUL 25 2014
ENVIRONMENTAL AFFAIRS

TPWD Comments on Draft EIS

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Lee M. Bass
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Fort Worth

Carter P. Smith
Executive Director

December 20, 2013

Mr. Carlos Swonke
Director of Environmental Affairs Division
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701

RE: Draft Environmental Impact Statement for US 69/Loop 49 North Lindale Reliever Route (Smith County)
FHWA-TX-EIS-08-01-D, CSJ 0190-04-033
TPWD Project 32103

Dear Mr. Swonke:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Environmental Impact Statement (DEIS) for the above-referenced project. TPWD, as the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code §12.0011, hereby provides the following recommendations to minimize the potential adverse impacts to the state's fish and wildlife resources for the project referenced above.

Project Description

The Texas Department of Transportation (TxDOT) proposes to construct a new-location, full control-of- access, tolled reliever route around the city of Lindale in Smith County referred to as US 69/Loop 49 North Lindale Reliever Route (Lindale Reliever Route). The proposed route would bypass around the west side of Lindale extending from the proposed Loop 49 West toll facility at IH-20 to US 69 north of Lindale. Alternatives evaluated in the DEIS include taking no action or building alternative alignments D or G, which range in length from 7.0 to 7.4 miles, respectively. The build alternatives involve four-lane divided freeway ultimate sections within a 450-foot typical right-of-way (ROW), with an interim design consisting of a two-lane section. The DEIS identifies Alternative G as the technically preferred alternative.

Previous TPWD input for this project dated December 15, 2006, are presented in Appendix E-4 of the DEIS.

Please be aware a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For guidance, see the Texas Parks and Wildlife Code, Section 12.0011 (http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.12.htm#12.0011). Please

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AUSTIN, TEXAS 78744-3291
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www.tpwd.state.tx.us

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

refer to TPWD project number 32103 in any return correspondence for this project.

TxDOT – TPWD Memorandum of Understanding

The new TxDOT - TPWD Memorandum of Understanding (MOU) for environmental review of transportation projects became effective September 1, 2013, and supersedes the MOU that was adopted to be effective March 21, 1999, the Memoranda of Agreement for the Finalization of the 1998 MOU Concerning Habitat Descriptions and Mitigation (MOA), the MOU Regarding Mitigation Banking, and the Memorandum of Agreement for Sharing and Maintaining Natural Diversity Database Information.

A search of the *EPA Draft Lindale Draft EIS – October 31 2013.pdf* document revealed the DEIS contains references to the old MOU and MOA on pages 91, 92, 224, 226, and 227.

Under the new MOU this project meets triggers for coordination. Because this project has not been coordinated through Early Project Coordination, then TxDOT must perform a Tier II site assessment under Administrated Project Review for this project. Under the new MOU, many of the Tier II site assessment requirements are similar to the old MOU, however certain updates have been made, thus the DEIS should include those items such as using information from the Texas Conservation Action Plan (TCAP) and Ecological Mapping System of Texas (EMST).

Recommendation: TPWD recommends the DEIS be updated to reflect the new MOU, and an assessment using the EMST is recommended.

State Regulations

State-Listed Species

Section 68.015 of the Parks and Wildlife Code regulates state-listed species. Please note that there is no provision for take (incidental or otherwise) of state-listed species. The *TPWD Guidelines for Protection of State-Listed Species* includes a list of penalties for take of state-listed species (http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/media/tpwd_statelisted_species.pdf). 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. For the above-listed activities that involve aquatic species please contact the TPWD Kills and Spills Team (KAST) for the appropriate authorization. For more information on Wildlife Permits please visit http://www.tpwd.state.tx.us/business/permits/land/wildlife/research/. For more information on KAST please visit

http://www.tpwd.state.tx.us/landwater/water/environconcerns/kills_and_spills/regions/.

The DEIS Sections III.G.5.a and IV.G.4.b indicate that habitat for nine state-listed threatened species occurs in the project area for both build alternatives. The project indicates that individuals may be impacted, but that the project is not likely to negatively impact these species. The DEIS indicates that if impacts occurred, they would be very localized and have barely perceptible consequences to the species habitat and that sufficient habitat would remain functional to maintain viability of all species.

Because state-listed are rare and possibly declining in the project area, loss of individuals could affect local populations. The TxDOT-TPWD Programmatic Agreement (PA) for Best Management Practices (BMPs) for Species under the 2013 MOU provides BMPs to minimize potential impacts to state-listed species and Species of Greatest Conservation Need (SGCN). Although the PA BMPs are meant to aid in reducing the coordination efforts between TPWD and TxDOT, applying the PA BMPs to project activities also minimizes a project's potential impacts to rare species. Even when coordination under the MOU is still necessary, TPWD encourages use of the PA BMPs for minimizing potential impacts to state-listed and SGCN species.

> **Recommendation:** TPWD recommends the EIS include a commitment from TxDOT to utilize the PA BMPs for the nine state-listed species that are identified in the DEIS Section IV.G.4.b as potentially being impacted by the project. Please note it is the responsibility of the project proponent to comply with all federal, state, and local laws that protect fish and wildlife, and direct take of a state-listed species as a result of the project would be in violation of state law. Applying the PA BMPs would aid in reducing such risk.

Aquatic Resources

TPW Code Section 1.011 grants TPWD authority to regulate and conserve aquatic animal life of public waters. Title 31, Chapter 57, Subchapter B, Section 57.157 of Texas Administrative Code (TAC) regulates take of mussels which are not limited to state-listed mussels. Section 12.301 of TPW Code identifies liability for wildlife taken in violation of TPW Code or a regulation adopted under TPW Code.

> **Recommendation:** TPWD recommends that impact avoidance measures for aquatic organisms, including **all** native freshwater mussel species, regardless of state-listing status, be considered during project planning and construction activities.

Streams and their wooded riparian buffer areas generally provide travel corridors for wildlife. Where roadways cross streams, the stream and its adjacent riparian corridor become fragmented through the removal of habitat within and along the

stream and through the creation of barriers to aquatic and terrestrial wildlife migration along the stream system. Constructing bridges that span creeks and their associated floodplains can reduce stream and riparian impacts and allow for passage of aquatic organisms and wildlife. The use of culverts or pipes disrupts stream beds and creates limitations for the movement of aquatic wildlife within the stream system, especially during low-flow conditions. The addition of riprap for erosion control in or along streams amplifies the limitations for wildlife. Additionally, terrestrial species may utilize culverts or bridge spans to cross beneath roadways if adequate space is provided both horizontally and vertically.

The DEIS did not identify the type of structure or the designs/plan for potential stream and wetland crossings associated with each build alternative.

Recommendation: TPWD recommends the EIS identify the feasibility of installing bridge spans rather than culverts to minimize impacts to stream characteristics and to allow for adequate upstream/downstream migration of aquatic and terrestrial species, where feasible. If culverts, rather than bridge spans, are necessary at some crossings, TPWD recommends they be placed so that the upstream and downstream floor of the culvert matches the existing flowline of the stream. Additionally, TPWD recommends that culvert profiles mimic the current channel by providing a deeper low-flow channel because the wide, flat bottom of a square culvert spreads out the flow, creating a shallower water depth which may prevent passage of aquatic organisms. Arch, bottomless culvert designs should also be considered to reduce impacts to aquatic resources.

Recommendation: TPWD recommends that bridge spans and culverts include a design that provides adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road. TPWD recommends a wide enough span to cross the stream and allow for some dry ground or an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife.

Recommendation: When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation. As an alternative to riprap, TPWD recommends considering biotechnical streambank stabilization methods using live native vegetation or a combination of vegetative and structural materials.

Under TPW Code Section 12.015, 12.019, 66.015 and TAC 52.101-52.105, 52.202, and 57.251-57.259, TPWD regulates the introduction and stocking of fish, shellfish, and aquatic plants into public waters of the state. The *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* allows for movement (i.e., introduction, stocking, transplant, relocation) of aquatic species in waters of the state. Movement of aquatic species, even within the same river or

estuary, has potential natural resources risk (e.g., exotics, timing for successful survival). Therefore, a permit is required to minimize that risk.

Dewatering activities can impact aquatic resources through stranding fish and mussels. Other harmful construction activities can trample, dredge or fill areas exhibiting stationary aquatic resources such as plants and mussels. To avoid or reduce impacts, TPWD may require relocating aquatic life to an area of suitable habitat outside the project footprint. Relocation activities are done under the authority of a TPWD *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.* Information regarding this permit can be obtained at http://www.tpwd.state.tx.us/publications/fishboat/forms/. Aquatic Resource Relocation Plans are used to plan resource handling activities and assist in the permitting process. If dewatering activities and other project-related activities cause mortality to fish and wildlife species, then the responsible party would be subject to investigation by the TPWD Kills and Spills Team (KAST) and will be liable for the value of the lost resources under the authority of TPW Code Sections 12.0011 (b) (1) and 12.301.

The DEIS Section IV.G.2.b indicates that temporary and/or permanent fill to waters of the U.S. may occur and that crossings may be bridged and/or culverted. Although the DEIS indicates that most aquatic resources that may occur in the project streams would be able to temporarily relocate upstream or downstream during construction, the DEIS did not identify that mussels potentially occurring in the project area are essentially immobile, thus temporary and/or permanent fills or dewatering could impact mussels, where they occur.

> **Recommendation:** If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities are involved, then TPWD may require relocating potentially impacted native aquatic resources (i.e. fish, turtles, mussels) in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* and an Aquatic Resource Relocation Plan. Aquatic Resource Relocation Plans can be submitted to Greg Conley, TPWD Region 2 KAST at 903-566-2518 or greg.conley@tpwd.texas.gov to initiate coordination for a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.*

Intermittent streams and smaller perennial streams provide important habitat for fish by providing spawning and nursery habitat as well as providing invertebrate, detritus, and other organic matter to downstream food webs. Fish also serve as hosts for mussel larvae and are essential in the mussel life cycle. Because the waters of the project area may provide important fish habitat, avoiding impacts to stream habitat, fish, mussels and other aquatic life during construction is encouraged.

> **Recommendation:** To minimize disturbance to streams and to minimize impacts to aquatic life, TPWD recommends allowing personnel and equipment to enter streams only when essential to the work being done.

Because work would be conducted within riparian areas, only vegetation impeding construction should be removed, equipment should not be driven over vegetation when it is extremely wet, and heavy machinery should not be stored on vegetative cover for long periods of time. Protective mats should be utilized during construction to reduce the amount of soil and root disturbance and aid in the recovery of plants.

State Fish and Wildlife Resources

Texas Natural Diversity Database

The Texas Natural Diversity Database (TXNDD) is intended to assist users in avoiding harm to known locations of rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive, **cannot be used as presence/absence data, and cannot be substituted for on-the-ground surveys.** The TXNDD is updated continuously based on new, updated and undigitized records; for questions regarding a record, please contact txndd@tpwd.texas.gov.

The DEIS includes a June 8, 2009, review of the TXNDD. Because it has been approximately 4 years since TxDOT obtained TXNDD data for this project, TPWD has checked the TXNDD to see if any additional data has been mapped within the project area. No new occurrences have been recorded in the TXNDD within 1.5 miles of the project at the time of this review.

Rough-stem Aster

The DEIS Section III.G.5.a correctly states that a known TXNDD record of the Rough-stem aster (*Symphyotrichum puniceum var. scabricaule*), a SGCN, occurs within 0.8 miles of the proposed project. The DEIS indicates that suitable habitat for the Rough-stem aster occurs within the project area, but that no specimens were observed during field investigations. However, the DEIS does not indicate when field investigations occur. Photos of the project area in Appendix B indicate site assessments occurred in winter when deciduous vegetation was void of leaves. The wetland determination forms from Appendix C indicate field investigations occurred in January and February.

The Rough-stem aster flowers late September through early November, with peak flowering during the month of October. TPWD believes that detection of the Rough-stem aster in the project area would be most effective if investigations took place during the peak of its flowering season. Surveys in late winter are not

adequate for this species. The Rough-stem aster is ranked S2, which denotes that 6-20 occurrences are known in Texas and that the species is imperiled in the state because of rarity and it is very vulnerable to extirpation from the state. Because of the rarity of the species, sufficient investigation as to whether the species occurs in the project area should be conducted. Alternatives D and G both contain potential habitat for the Rough-stem aster.

> **Recommendation:** TPWD strongly recommends the EIS include a TxDOT commit to provide adequate pre-construction surveys for the Rough-stem aster. Surveys should be conducted by qualified individuals during the flowering season and in areas of suitable habitat where temporary or permanent impacts may occur as a result of any of the build alternatives. If the species is detected, please coordinate with TPWD to determine potential protection or mitigation actions.

The DEIS Section VII.B.1 addresses potential mitigation for impacts to locally rare or unique habitats, however the DEIS indicates that no locally rare, unique or important habitats occur in the project area. If results of adequate surveys for Rough-stem aster reveal occurrences within the project's area of impact, then locally rare and unique resources would be present within the project area.

> **Recommendation:** TPWD strongly recommends the EIS include a TxDOT commit to provide mitigation measures if Rough-stem aster is detected during surveys and where impacts cannot be avoided.

Species of Greatest Conservation Need

In addition to federal- and state-threatened and endangered species, Texas contains over 1,300 species that are considered to be SCGN that, due to limited distributions and/or declining populations, face threat of extirpation or extinction but lack the legal protections given to threatened or endangered species. Information regarding SGCN as taken from the TCAP can be obtained at http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/texas_rare_species/sgcn/. TPWD actively promotes conservation of special landscape features, natural plant communities, and SGCN. TPWD considers it important to evaluate and if necessary, minimize impacts to special landscape features, natural plant communities, and SGCN to reduce the likelihood of endangerment.

SGCN shown on the TPWD County Lists of Rare Species are to be assessed for impacts under the new MOU. The DEIS Sections III.G.5.a and IV.G.4.b includes SGCN and indicate that habitat for thirteen SGCN occurs in the project area for both build alternatives. The project indicates that individuals may be impacted, but that the project is not likely to negatively impact these species.

Because SGCN species are rare and possibly declining in the project area, loss to individuals could affect local populations of the species.

Recommendation: As previously discussed in the *State-listed Species* section above and to minimize the project's potential impacts, TPWD recommends the EIS include a commitment from TxDOT to utilize the PA BMPs for thirteen SGCN that are identified in the DEIS Section IV.G.4.b as potentially being impacted by the project.

The Executive Summary for impacts to ecological resources does not include the potential impact to thirteen SGCN as a result of the build alternatives. The Executive Summary also indicates that impacts to the landscape would be reduced wherever possible through the maintenance of vegetation within the proposed ROW. TPWD does not understand the meaning of this statement because typically maintenance of the ROW involves mowing that reduces habitat available for wildlife.

Recommendation: TPWD recommends the Executive Summary include potential impacts to thirteen SGCN and clarification of the statement regarding maintenance of the ROW.

Riparian Vegetation

In addition to loss of riparian habitat, linear transportation projects fragment stream ecosystems including riparian corridors along streams. Riparian areas provide important ecological functions. Riparian vegetation serves as an energy source for aquatic organisms while providing habitat for terrestrial wildlife species. Trees provide shade and prevent wide fluctuations in water temperature, protecting aquatic wildlife from the harmful effects of climatic extremes. The stems and roots of riparian vegetation stabilize soil by reducing water velocity and minimizing erosion.

The project will impact approximate 5.77 acres of riparian vegetation (Alternative G) and 8.08 acres riparian vegetation (Alternative D). This amount exceeds the new MOU trigger of 0.10 acre. The DEIS Section VII.B.1 indicates that compensatory mitigation for loss to riparian habitat would not be offered because riparian habitat extends outside the project area and would not be considered locally rare or unique.

TPWD considers the project's 5.77 to 8.08 acres of loss to riparian vegetation a considerable amount of loss to important ecological habitat.

Recommendation: Because the project will greatly exceed the riparian impact trigger of the new MOU, TPWD recommends the EIS include a commitment from TxDOT to provide compensatory mitigation for loss of riparian habitat at a 1:1 minimum ratio. Such mitigation could occur as in-lieu fee to TPWD for use towards a habitat restoration or conservation project. Aggregating in-lieu mitigation from multiple TxDOT projects toward a more meaningful habitat improvement project is acceptable.

TPWD Conclusion

Based on the information presented in the DEIS, TPWD does not anticipate that adverse impacts to fish and wildlife resource would be of enough significance to eliminate either of the build alternatives from consideration; however, TPWD strongly encourages implementation of the recommendations presented in this review to reduce potential adverse impacts to fish and wildlife resources. Thus TPWD has no objection to the No Build alternative and finds build alternatives D or G acceptable. Because lack of direct access lessens the amount of development along roadways which also reduces impacts to fish and wildlife habitat, TPWD supports the proposed full control-of-access for the project.

I appreciate the opportunity to provide input on the proposed project. Please contact me at (903) 322-5001 or Karen.Hardin@tpwd.texas.gov if you have any questions.

Sincerely,

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/32103

TxDOT Response to TPWD Comments on Draft EIS

Texas Department of Transportation
125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8588 | WWW.TXDOT.GOV

May 7, 2014

Karen B. Hardin
Habitat Assessment Biologist
Wildlife Habitat Assessment Program, Wildlife Division
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

Re: Response to December 20, 2013, Comment Letter to Mr. Carlos Swonke
US 69/Loop 49 North Lindale Reliever Route (Smith County)
FHWA-TX-EIS-08-01-D, CSJ 0190-04-033
TPWD Project Number 32103

Dear Ms. Hardin:

Thank you for your comments on this current Draft Environmental Impact Statement (DIES). We have appreciated guidance provided by the TPWD according to SAFETEA-LU procedures as a participating agency present at the table during the coordination planning process and the four participating agency meetings during the scoping and DEIS preparation phases stretching from 2006-2008. Below you will find summaries of your DEIS comments and the TxDOT responses to the comments in the order they appear in your letter. In order to facilitate coordination, the comment summaries, recommendations and TxDOT responses are numbered and categorized.

1. **TxDOT-TPWD Memorandum of Understanding**
   a. Comment Summary: The new TxDOT-TPWD Memorandum of Understanding (MOU) for environmental review of transportation projects became effective September 1, 2013, and supersedes previous MOU and MOA documents. A search of the *EPA Draft Lindale Draft EIS – October 31 2013.pdf* (DEIS) document revealed the DEIS contains references to the old MOU and MOA on pages 91, 92, 224, 226, and 227.
   b. Recommendation: TPWD recommends the DEIS be updated to reflect the new MOU, and an assessment using the Ecological Mapping System of Texas (EMST) is recommended.
   c. Response: Both ecological field work supporting this DEIS and the majority of the drafting of the text of this DEIS were completed in a manner compliant with the former MOU and MOA which were in place in 2008 and have been in a TxDOT/FHWA review process since that time. Since project coordination with the TPWD and the work on the project are from this timeframe, TxDOT is not inclined to update DEIS sections and/or references deemed outdated by your agency in the FEIS to reflect the current TPWD-TxDOT MOU, nor conduct an assessment using the EMST.

2. **State Regulations – *State-Listed Species***
   a. Comment Summary: The DEIS Sections III.G.5.a and IV.G.4.b indicate that habitat for nine state-listed threatened species occurs in the project area for both build alternatives.

b. The project indicates that individuals may be impacted, but that the project is not likely to negatively impact these species. Because state-listed species are rare and possibly declining in the project area, loss of individuals could affect local populations. The TxDOT-TPWD Programmatic Agreement (PA) for Best Management Practices (BMPs) for Species under the 2013 MOU provides BMPs to minimize potential impacts to state-listed species and Species of Greatest Conservation Need (SGCN).

c. Recommendation: Texas Parks and Wildlife Department (TPWD) recommends the EIS include a commitment from TxDOT to utilize the PA BMPs for the nine state-listed species that are identified in the DEIS Section IV.G.4.b as potentially being impacted by the project. Please note it is the responsibility of the project proponent to comply with all federal, state, and local laws that protect fish and wildlife, and direct take of a state-listed species as a result of the project would be in violation of state law. Applying the PA BMPs would aid in reducing such risk.

d. Response: As stated in the first response, since this field work and document pre-date the 2013 MOU and coordination with the TPWD was conducted as a part of the SAFETEA-LU process during scoping and project development, TxDOT does not plan to further coordinate this project with the TPWD as might be required under the current MOU. The project will most likely be finally designed and constructed under the direction of the Northeast Texas Mobility Authority (NET RMA) who will be responsible for compliance with all federal, state and local laws that protect fish and wildlife. Similarly, they will be responsible for minimizing impacts to and avoiding take of state-listed species and SGCN. TxDOT will provide input and oversight during the project transition process to minimize risk, but is not comfortable binding the NET RMA with PA BMPs from an MOU they are not a party to.

3. State Regulations – *Aquatic Resources (mussels)*

a. Comment: TPWD Code Section 1.011 grants TPWD authority to regulate and conserve aquatic animal life of public waters. Title 31, Chapter 57, Subchapter B, Section 57.157 of Texas Administrative Code (TAC) regulates take of mussels which are not limited to state-listed mussels. Section 12.301 of TPW Code identifies liability for wildlife taken in violation of the TPWD Code or a regulation adopted under TPWD Code.

b. Recommendation: TPWD recommends that impact avoidance measures for aquatic organisms, including **all** native freshwater mussel species regardless of state-listing status, be considered during project planning and construction activities.

c. Response: Comment and recommendation noted. Impact avoidance measures for aquatic organisms, including all native freshwater mussels, will be considered during project planning and construction activities.

4. State Regulations – *Aquatic Resources (stream crossing impacts)*

a. Comment Summary: Road crossings fragment stream and riparian corridor habitat and create barriers to aquatic and terrestrial wildlife migration along the stream system. Constructing bridges that span creeks and floodplains reduces stream and riparian impacts and allow for passage of aquatic organisms and wildlife. Culverts and pipes disrupt stream beds and limit movement of aquatic wildlife in the stream system, especially during low-flow conditions. Riprap used for erosion control in or along streams amplifies the limitations for wildlife. Wildlife may cross roadways in culverts or under bridge spans if adequate space is provided both horizontally and vertically. The DEIS did

not identify the type of structure or the designs/plan for potential stream and wetland crossings associated with each build alternative.

b. Recommendation 1: TPWD recommends the EIS identify the feasibility of installing bridge spans rather than culverts to minimize impacts to stream characteristics and to allow for adequate upstream/downstream migration of aquatic and terrestrial species, where feasible. If culverts, rather than bridge spans, are necessary at some crossings, TPWD recommends they be placed so that the upstream and downstream floor of the culvert matches the existing flowline of the stream. Additionally, TPWD recommends that culvert profiles mimic the current channel by providing a deeper low-flow channel, because the wide, flat bottom of a square culvert spreads out the flow, creating a shallower water depth which may prevent passage of aquatic organisms. Arch, bottomless culvert designs should also be considered to reduce impacts to aquatic resources.

c. Recommendation 2: TPWD recommends that bridge spans and culverts include a design that provides adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road. TPWD recommends a wide enough span to cross the stream and allow for some dry ground or an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife.

d. Recommendation 3: When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation. As an alternative to riprap, TPWD recommends considering biotechnical streambank stabilization methods using live native vegetation or a combination of vegetative and structural materials.

e. Response: Comment and recommendations noted. Bridge and/or culvert design has not been finalized at each crossing. TxDOT and the NET RMA will consider bridge spans, culverts which match existing flow lines and mimic existing channel characteristics during final design. Similarly, TxDOT and the NET RMA will evaluate providing adequate vertical and horizontal clearances and a wide enough span with dry ground or an artificial ledge to facilitate crossings by terrestrial wildlife species during final design. Lastly, TxDOT and the NET RMA will consider wildlife movement in selecting and installing streambank stabilization devices such as rip rap, live native vegetation or a combination of vegetative and structural materials in final design and construction phases.

5. State Regulations – ***Aquatic Resources (Introduction and stocking of fish, shellfish, and aquatic plants into waters of the state)***

a. Comment Summary: Dewatering and construction activities can impact aquatic resources through stranding fish and mussels and/or trample, dredge or fill over stationary species like plants and mussels. To avoid or reduce impacts, TPWD may require relocating aquatic life to an area of suitable habitat outside the project footprint. Relocation activities are done under the authority of a TPWD *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.* Aquatic Resource Relocation Plans are used to plan resource handling activities and assist in the permitting process. If dewatering activities and other project-related activities cause mortality to fish and wildlife species, then the responsible party would be subject to investigation by the TPWD Kills and Spills Team (KAST) and will be liable for the value of the lost resources under the authority of TPW Code Sections 12.0011 (b) (1) and 12.301. The DEIS Section IV.G.2.b indicates that temporary and/or permanent fill to waters of the U.S. may occur

and that crossings may be bridged and/or converted. Although the DEIS indicates that most aquatic resources that may occur in the project streams would be able to temporarily relocate upstream or downstream during construction, the DEIS did not identify that mussels potentially occurring in the project area are essentially immobile, thus temporary and/or permanent fills or dewatering could impact mussels, where they occur.

b. Recommendation: If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities are involved, then TPWD may require relocating potentially impacted native aquatic resources (i.e., fish, turtles, mussels) in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* and an *Aquatic Resource Relocation Plan*. Aquatic Resource Relocation Plans can be submitted to Greg Conley, TPWD Region 2 KAST at 903-566-2518 or greg.conley@tpwd.texas.gov to initiate coordination for a *Permit to Introduce Fish, Shellfish, or Aquatic Plants into Public Waters*.

c. Response: Section IV.G.3.b. of the DEIS addresses impacts to slow or sessile creatures, avoiding and minimizing impacts to waterways and aquatic species, and restoring flowlines and grades of streams. TxDOT and the NET RMA will consider the potential TPWD requirement to relocate aquatic species and associated permit and plan as a part of the overall Environmental Compliance Management program during the final design and construction process.

6. State Regulations – *Aquatic Resources (stream habitat and aquatic life impacts)*

a. Comment Summary: Intermittent and smaller perennial streams provide important spawning and nursery habitat for fish as well as providing invertebrate, detritus, and other organic matter to downstream food webs. Fish are essential to the mussel life cycle as they serve as mussel larvae hosts. Because the waters of the project area may provide important fish habitat, avoiding impacts to stream habitat, fish, mussels and other aquatic life during construction is encouraged.

b. Recommendation: To minimize disturbance to streams and to minimize impacts to aquatic life, TPWD recommends allowing personnel and equipment to enter streams only when essential to the work being done. Because work would be conducted within riparian areas, only vegetation impeding construction should be removed, equipment should not be driven over vegetation when it is extremely wet, and heavy machinery should not be stored on vegetative cover for long periods of time. Protective mats should be utilized during construction to reduce the amount of soil and root disturbance and aid in the recovery of plants.

c. Response: Comment and recommendation noted. TxDOT and the NET RMA will provide written and verbal guidance to the selected contractor(s) to limit personnel and equipment in streams and riparian areas to essential work periods, limiting vegetation removal and impacts during wet periods, providing appropriate vegetated, upland equipment storage areas, and utilizing protective mats.

7. State Fish and Wildlife Resources – *Texas Natural Diversity Database*

a. Comment: The DEIS includes a June 8, 2009, review of the TXNDD. Because it has been approximately 4 years since TxDOT obtained TXNDD data for this project, TPWD has checked the TXNDD to see if any additional data has been mapped within the project area. No new occurrences have been recorded in the TXNDD within 1.5 miles of the

project at the time of this review. The DEIS Section III.G.5.a correctly states that a known TXNDD record of the Rough-stem aster (*Symphyotrichum puniceum* var. *scabricaule*), a SGCN, occurs within 0.8 mile of the proposed project. The DEIS indicates that suitable habitat for the Rough-stem aster occurs within the project area, but that no specimens were observed during field investigations. TPWD expresses concern that field work was not conducted during the blooming period of the Rough-stem aster.

b. Recommendation: TPWD strongly recommends the EIS include a TxDOT commit to provide adequate pre-construction surveys for the Rough-stem aster. Surveys should be conducted by qualified individuals during the flowering season and in areas of suitable habitat where temporary or permanent impacts may occur as a result of any of the build alternatives. If the species is detected, please coordinate with TPWD to determine potential protection or mitigation actions.

c. Response: Comment and recommendation noted. A TxNDD search was conducted on April 2, 2013, in support of the DEIS, but the date reference below **Table 27** was unfortunately not updated to reflect the current state of the database reference. Since the species has no statutory protection, no survey for the Rough-stem aster was conducted during its peak fall blooming period to definitively determine presence or absence. TxDOT and the NET RMA will consider potential occurrence and avoidance of the Rough-stem aster as a part of the overall Environmental Compliance Management program during the final design and construction process.

8. State Fish and Wildlife Resources – *Texas Natural Diversity Database & Rough-stem aster*

a. Comment Summary: The DEIS Section VII.B.1 addresses potential mitigation for impacts to locally rare or unique habitats, however the DEIS indicates that no locally rare, unique or important habitats occur in the project area. If results of adequate surveys for Rough-stem aster reveal occurrences within the project's area of impact, then locally rare and unique resources would be present within the project area.

b. Recommendation: TPWD strongly recommends the EIS include a TxDOT commit to provide mitigation measures if Rough-stem aster is detected during surveys and where impacts cannot be avoided.

c. Response: While DEIS revisions to this effect are not anticipated, TxDOT and the NET RMA will consider potential occurrence and avoidance of the Rough-stem aster and its habitat as a part of the overall Environmental Compliance Management program during the final design and construction process.

9. State Fish and Wildlife Resources – *SGCN*

a. Comment Summary: SGCN shown on the TPWD County Lists of Rare Species are to be assessed for impacts under the new MOU. The DEIS Sections III.G.5.a and IV.G.4.b includes SGCN and indicate that habitat for thirteen SGCN occurs in the project area for both build alternatives. The project indicates that individuals may be impacted, but that the project is not likely to negatively impact these species. Because SGCN species are rare and possibly declining in the project area, loss to individuals could affect local populations of the species.

b. Recommendation: As previously discussed in the *State-listed Species* section above and to minimize the project's potential impacts, TPWD recommends the EIS include a commitment from TxDOT to utilize the PA BMPs for thirteen SGCN that are identified in the DEIS Section IV.G.4.b as potentially being impacted by the project.

c. Response: While DEIS revisions to this effect are not anticipated, TxDOT and the NET RMA will consider potential occurrence and avoidance of SGCN and their habitat as a part of the overall Environmental Compliance Management program during the final design and construction process

10. State Fish and Wildlife Resources – *SGCN*

a. Comment Summary: The Executive Summary for impacts to ecological resources does not include the potential impact to thirteen SGCN as a result of the build alternatives. The Executive Summary also indicates that impacts to the landscape would be reduced wherever possible through the maintenance of vegetation within the proposed ROW. TPWD does not understand the meaning of this statement because typically maintenance of the ROW involves mowing that reduces habitat available for wildlife.

b. Recommendation: TPWD recommends the Executive Summary include potential impacts to thirteen SGCN and clarification of the statement regarding maintenance of the ROW.

c. Response: The maintenance of vegetation sentence was intended to reflect the intent to maintain (not clear) as much native vegetation as possible. That sentence will be clarified in the Executive Summary. Since the DEIS will not be revised to include 2013 MOU language in the existing and affected environment chapters, the reference to SGCN species in the Executive Summary would be incongruous and, therefore, will not be included.

11. State Fish and Wildlife Resources – *Riparian Vegetation*

a. Comment Summary: The project will impact approximate 5.77 acres of riparian vegetation (Alternative G) and 8.08 acres riparian vegetation (Alternative D). This amount exceeds the new MOU trigger of 0.10 acre. The DEIS Section VII.B.1 indicates that compensatory mitigation for loss to riparian habitat would not be offered because riparian habitat extends outside the project area and would not be considered locally rare or unique. TPWD considers the project's 5.77 to 8.08 acres of loss to riparian vegetation a considerable amount of loss to important ecological habitat.

b. Recommendation: Because the project will greatly exceed the riparian impact trigger of the new MOU, TPWD recommends the EIS include a commitment from TxDOT to provide compensatory mitigation for loss of riparian habitat at a 1:1 minimum ratio. Such mitigation could occur as in-lieu fee to TPWD for use towards a habitat restoration or conservation project. Aggregating in-lieu mitigation from multiple TxDOT projects toward a more meaningful habitat improvement project is acceptable.

c. Response: Comment and recommendation noted. Project design engineers minimized riparian impacts to the extent possible and consider 5.77 acres or 1.4 percent of overall impact to riparian vegetation on a 7.4-mile-long, 427.5-acre new location right of way in East Texas to be a reasonable outcome. As stated, given the age of this field work and DEIS document and prior TPWD coordination during scoping and project development phases, TxDOT does not plan to further coordinate this project with the TPWD under the 2013 MOU.

12. Conclusion

a. Comment: Based on the information presented in the DEIS, TPWD does not anticipate that adverse impacts to fish and wildlife resource would be of enough significance to eliminate either of the build alternatives from consideration; however, TPWD strongly

encourages implementation of the recommendations presented in this review to reduce potential adverse impacts to fish and wildlife resources. Thus, TPWD has no objection to the No Build alternative and finds build alternatives D or G acceptable. Because lack of direct access lessens the amount of development along roadways which also reduces impacts to fish and wildlife habitat, TPWD supports the proposed full control-of-access for the project.

b. Response: TxDOT appreciates the time and effort exerted by staff to prepare the detailed comments provided in the December 20, 2013, letter. TxDOT also appreciates the lack of overall objection to the project and will work in good faith to further develop this project with the NET RMA to avoid and minimize potential adverse impacts to fish and wildlife resources.

Sincerely,

Carlos Swonke, P.G.
Director of Environmental Affairs

cc: Lindsey Kimmitt
Dale Booth

TxDOT Eligibility Recommendation and THC Concurrence

MAR 12 2014

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January 9, 2014

Section 106/Antiquities Code of Texas: Archeological Review
CSJ: 0190-04-033
Texas Antiquities Code Permit # 5905.

RE: Interim Report for NRHP Testing of Archeological Sites 41SM388, Site 41SM393, and a Mound (earthen rise) in Smith County, Texas for US 69/Loop 49 North Lindale Relief Route (CSJ 0190-04-033), Tyler District.

Pat Mercado-Allinger
Archeology Division Director/State Archeologist
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

Dear Ms. Pat Mercado-Allinger:

In accord with the First Revised Programmatic Agreement (PA) among the Advisory Council on Historic Preservation, the Federal Highway Administration, the Texas State Historic Preservation Officer SHPO), and the Texas Department of Transportation (TxDOT), and the Memorandum of Understanding (MOU) between TxDOT and the Texas Historical Commission (THC), TxDOT hereby continue consultation under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas for the undertaking identified above.

The proposed project would construct approximately 10 miles of new roadway for the US 69/Loop 49 Reliever Route west of the City of Lindale, in Smith County. The proposed project would consist entirely of the construction of new roadway with no proposed widening of existing roadways. Two primary build alternatives (Alternatives D and G) have been selected for consideration. Alternatives D and G follow the same alignment for the southernmost 3.7 miles and then diverge at FM 16. The width of new right of way (ROW) required for roadway construction varies from very thin slivers at road spurs and crossings to nearly 800 feet wide in other locations. The average for the main travel lanes, however, is between 400 and 500 feet wide. Depth of impact would be approximately 10 feet. Including all project-related spurs and ROW, the proposed undertaking has an Area of Potential Effects (APE) of approximately 425.8 acres for Alternative D and 446.8 acres for Alternative G. Approximately 247 acres of each alignment are located in the southern half of the project area where the two alignments follow the same corridor. As a result, the APE considered for archeological review is approximately 594.1 acres.

A previous Hicks & Company (Hicks) survey for TxDOT discovered four prehistoric sites within the APE that were determined to need testing. Currently only right of entry has been obtained for two of the sites, the two sites are 41SM388 and 41SM393.

Since that time, Hicks & Company (Hicks), under contract to TxDOT, conducted National Register of Historic Places (NRHP) eligibility testing at sites 41SM388 and 41SM393. Hicks has submitted to TxDOT the interim report *Archeological Testing of Site 41SM388, Site 41SM393 and a Mound in Smith County, Texas* by Josh Haefner, Victor Galan, Samantha W. Champion, and John Fulmer, with John Fulmer, and Victor Galan serving as Principal Investigators. TxDOT has reviewed the interim report. Both sites in the report are defined as prehistoric Caddo sites. A copy of the interim report accompanies this letter. A summary of the results of the report is presented in the following paragraphs.

NRHP eligibility testing at site 41SM388 consisted of three mechanical trenches and eight hand excavated units. Artifacts recovered from the site include 271 prehistoric ceramic sherds, including 49 decorated sherds (including two engraved sherds), 16 pieces of lithic debitage, two lithic tools (one bifaces and a lithic core), and two projectile points. No cultural features were located during testing. Based on the ceramic sherds and diagnostic arrow points, the site is defined as a Caddo field camp occupied around AD 1200, overlapping the Early and Middle Caddo periods. Hicks found that the portion of the site within the area of potential effect (APE) lacks intact cultural features, poor organic preservation, and no in-situ cultural deposits. Therefore the consultant recommended the site as ineligible for inclusion in the National Register of Historic Places (NRHP).

NRHP eligibility testing at site 41SM393 consisted of three mechanical trenches and ten hand excavated units. Artifacts recovered from the site include 131 prehistoric ceramic sherds including 30 decorated sherds (including two engraved sherds), and 10 pipe fragments, 248 pieces of lithic debitage, eleven bifaces fragments, a flake tool, and seven projectile points. No cultural features were located during testing. Based on the ceramic sherds and diagnostic arrow points the site is defined as a Caddo field camp occupied around AD 1200, overlapping the Early and Middle Caddo periods. Hicks found that the portion of the site within the APE lacks intact cultural features, poor organic preservation, and no in-situ cultural deposits. Therefore the consultant recommended the site as ineligible for inclusion in the NRHP.

In addition a survey was conducted at an earthen rise that due to its shape could have possibly been constructed by humans. The investigators excavated three backhoe

trenches in a perpendicular cruciform pattern. The report's geomorphological study determined that the earthen rise was a natural landform shaped over time by erosion.

TxDOT disagree with some of the conclusions of the interim report. The use of the term "mound" in the title and in much of the discussion is misleading. The report findings make it clear that the rise is not a platform mound. Where they describe the feature as a "possible" or "suspected" mound is fine, but there are large passages where they dismiss that interpretation yet persist in referring to the feature as a mound. TxDOT has recommended that Hicks change the title to "suspected mound" and any uses where they are referring to the raised landform to "knoll" or something similar.

TxDOT finds the eligibility bar is set too high for this part of the country. Reserving eligibility for sites with stratigraphic integrity and intact features in this sandy region is very restrictive. Given these criteria, very few sites would be eligible.

Both of these sites seem to be relatively temporally discrete and while not particularly rich, reasonably productive. TxDOT does not agree that 120 sherds (including 10 pipe sherds) and 7 stylistically consistent arrow points from 5.3 ^{m3} (at SM393) and 187 sherds and two arrow points from 4.4 ^{m3} (at 41SM388) represent low density in this part of the world. The lack of datable organic materials is somewhat limiting, but the ceramics could be dated. The fact that there is little evidence of overprinting by material representing other periods is a definite plus. Both sites appear to have been occupied during the Early Caddo and the beginning of the Middle Caddo periods which is still a time frame we do not understand very clearly. We also know little about Caddo site in this portion of the Sabine. Was this portion of the Sabine abandoned by the prehistoric Caddo like the adjacent upper Neches during the Middle Caddo period?

Hicks believes both sites represent field camps, but the remains of ceramic pipes and engraved fine ware ceramic sherds at these two sites suggest more formal activities were occurring at the sites. It is interesting that given that the two sites seem to be of the same age, the lithic assemblages are so different. It could be a sample bias, but on the face of it these appear to be two different types of special activity sites (possibly gender-related) associated with the same broader occupation of the area. TxDOT think that the sites could contribute on that basis.

RE: Interim Report for NRHP Testing of Archeological Sites 41SM388, Site 41SM393, and a Mound (earthen rise) in Smith County, Texas for US 69/Loop 49 North Lindale Relief Route (CSJ 0190-04-033), Tyler District.

Based on the outcome of NRHP eligibility testing, TxDOT provides the following findings and recommendations:

- That the portions of sites 41SM388 and 41SM393 that extend into the project APE are determined as eligible for listing as archeological historic properties in the NRHP (36 CFR 800.16(l));

- That if these areas cannot be avoided during construction that mitigation of the sites be completed through data recovery excavations.

- That no archeological historic properties (36 CFR 800.16.(1)) or State Archeological Landmarks (13 TAC 26.12) is present in or on the earthen rise that was surveyed.

TxDOT will continue and conclude consultation with your office under the first amended PA and MOU.

Please sign below to indicate your concurrence. Thank you for your consideration of the project.

Sincerely

Waldo Troell

Waldo Troell, M.A., RPA

Attachment

cc w/out attachments: Jay Tullos (Tyler Dist. Env. Coordinator); Bryan Ellis (ENV-PD); Waldo Troell (ENV-ARCH)

Concurrence by: Mark H Wolfe 1-13-14

For: Mark Wolfe, State Historic Preservation Officer Date

Archeological Testing of Site 41SM388, Site 41SM393 and a Mound in Smith County, Texas

CSJ #: 0190-04-033

Principal Investigators:

John Fulmer and Victor Galan, Ph.D.

Written by:

Josh Haefner, Victor Galan, Ph.D., Samantha W. Champion, and John Fulmer

Prepared for:

Lochner and TxDOT, Tyler District

Prepared by:

Hicks & Company
Austin, Texas

Texas Antiquities Permit #5905

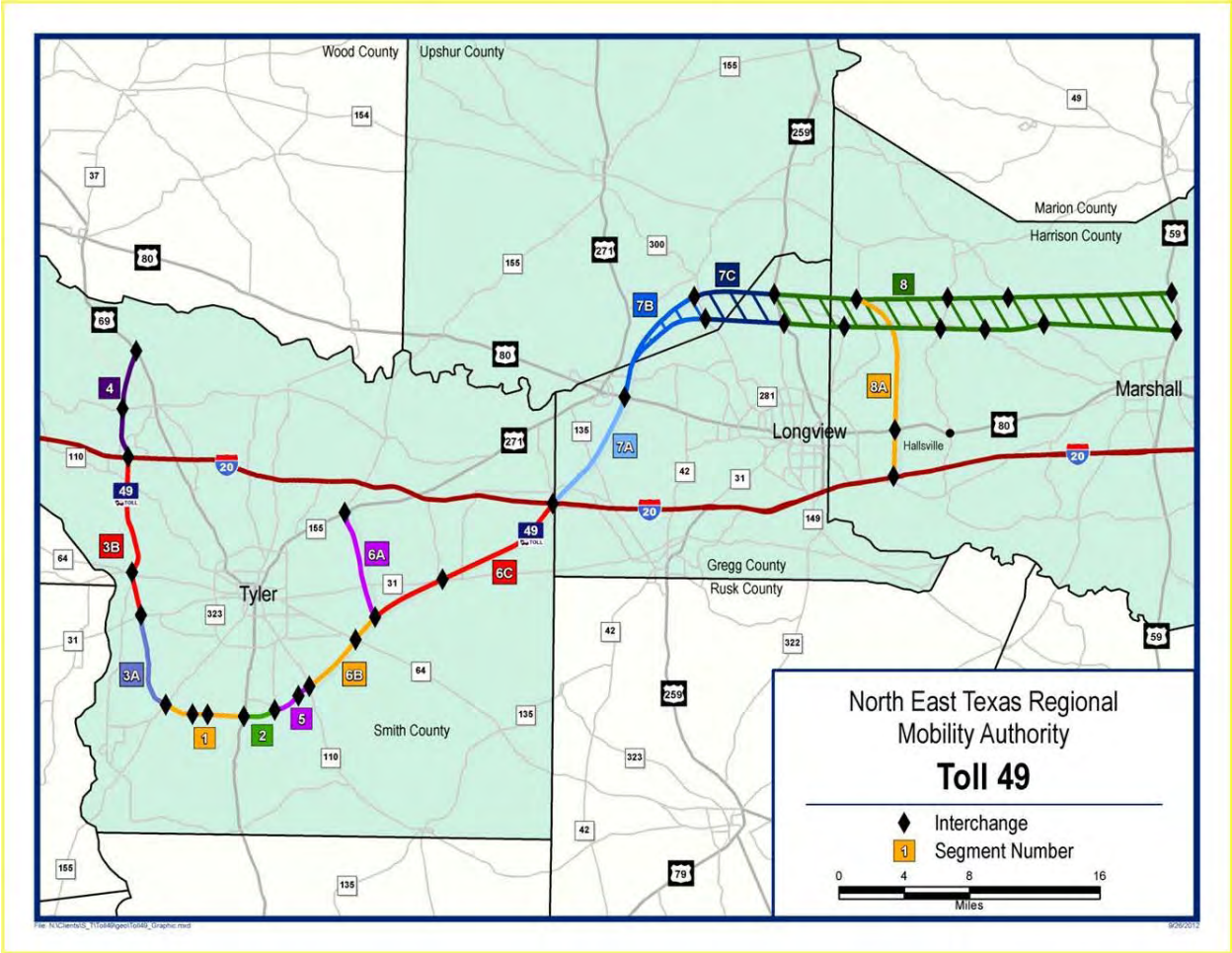
Archeology Series No. 233

October 2012

DRAFT REPORT ACCEPTABLE
by
for Mark Wolfe
Executive Director, THC
Date 1-13-14
Track#

Tyler-Longview Regional Toll Network Analysis

TYLER - LONGVIEW
REGIONAL TOLL NETWORK ANALYSIS



Map Source: NETRMA 2012 presentation to TxDOT

Smith, Gregg, Upshur, and Harrison Counties, Texas

Prepared for

Texas Department of Transportation

January 2015

Executive Summary

The Texas Department of Transportation (TxDOT), in conjunction with the North East Texas Regional Mobility Authority (NETRMA), has prepared a regional toll network analysis for the Tyler-Longview area. The analysis examines the overall potential indirect and cumulative effects of the proposed toll network, including the potential impacts to environmental justice (EJ) populations, land use and air quality. The Tyler-Longview regional toll network is envisioned as a proposed 46 mile long, limited-access toll network located in the northeast Texas counties of Smith, Gregg, Upshur, and Harrison. This report is intended to supplement the 2035 Tyler and Longview Metropolitan Transportation Plans (MTPs).

The Tyler Area and Longview MPO travel demand models were used for this analysis to determine potential toll users, travel times associated with toll road use, and average trip lengths on the toll road. These travel demand models have a base year of 2002, include the future road network to the MTP horizon year of 2035, and include interim model years such as 2007, 2012, 2020, 2030, and 2035. The travel demand model networks include a total of 756 Traffic Analysis Zones (TAZs) within the Tyler-Longview area.

The models were updated to include current and future toll rates and toll link updates before the 2012 base year model was calibrated against actual 2012 traffic data. The 2035 travel demand models were used to create a merged travel demand model network in Geographic Information System (GIS) software. This merged network was used to determine travel times and average trip lengths for candidate trips under both No Build and Build scenarios. Candidate trips are defined as those trip routes that could result in a time savings of at least 30 seconds by taking some portion of the toll road.

The following information provides a summary of the analysis:

Environmental Justice Populations:

- A total of 756 Traffic Analysis Zones (TAZs) were identified in the Tyler-Longview region. Of these, 195 TAZs were determined to have environmental justice populations.

- Tyler Area MPO: Within the Tyler Area MPO 111 TAZs were found to have environmental justice populations. This represents 26 % of TAZs in the Tyler Area MPO. Of these, 31 TAZs were identified as low income and 99 were identified as minority. A total of 19 TAZs were found to have both low income and minority populations.

- Longview MPO: Within the Longview MPO, 84 TAZs were found to have environmental justice populations. This represents 25% of TAZs in the Longview MPO. Of these, 28 TAZs were identified as low income and 84 were identified as minority. A total of 28 TAZs were found to have both low income and minority populations.

Travel time savings

- Travel times were assessed for the No Build and Build scenarios and compared between EJ TAZs and non-EJ TAZs. For EJ TAZs region-wide, an average time savings of 2.65 minutes was

modeled for candidate trips taking the toll road under the Build scenario, compared to 1.89 minutes saved under the No Build scenario. For non EJ TAZs, the time savings was similar, with 2.77 minutes saved under the Build scenario and 1.53 minutes saved under the No Build scenario.

Economic Impacts to Environmental Justice Populations for the Build Scenario

- Tyler Area MPO: Based on 2002 income data, the Build scenario estimates that 4.7 to 10.2 percent of the median household income for environmental justice populations could be required to utilize the toll road. Estimates are based on 500 trips per year with average trip lengths ranging from 10.2 to 20.1 toll road miles and a future toll rate of 15 cents per mile.

- Longview MPO: Based on 2002 income data, the Build scenario estimates that 5.5 to 10.6 percent of the median household income could be required to use the toll road. Estimates are based on 500 trips per year with average trip lengths ranging from 9.6 to 17.2 toll road miles and a future toll rate of 15 cents per mile.

Economic Impacts to Environmental Justice Populations for the No Build Scenario

- Tyler MPO Area: Based on 2002 income data, the No Build scenario estimates that 3 to 3.8 percent of median household income could be required to use existing portions of toll road that are currently built. Estimates are based on 500 trips per year with average trip lengths ranging from 6.3 to 8.2 toll road miles and a future toll rate of 15 cents per mile.

- Longview MPO: In Longview, no candidate trips were identified under the No Build Scenario as no segments of toll road currently exist within this area.

Land Use Impacts

Because the proposed toll network would be constructed on new location, it has the potential to influence development and cause changes to land use in the vicinity of the project area. Municipalities in the region have been planning for the regional toll network for some time and evaluating compatible land use. Many of the goals and expectations discussed in existing planning documents have already taken place including the completion of portions of the toll road in Smith County. The toll network would be a limited access facility, with frontage roads and access points only at major intersections. The lack of frontage roads could limit commercial development adjacent to most of the toll corridor, but may encourage development at and immediately adjacent to the interchanges. Impacts to land use associated with specific sections of the toll network will be discussed and evaluated in the individual project documents.

Air Quality Impacts

The proposed regional toll network is located in Gregg, Harrison, Smith, and Upshur Counties, which are part of the Northeast Texas regional area in the Texas air quality State Implementation Plan (SIP). These counties are in attainment or unclassifiable for all national ambient air quality standards (NAAQS). The proposed action is consistent with Tyler Area MPO's *Metropolitan Transportation Plan 2035* and Longview MPO's *Transportation 2035*. Because the project area is in attainment or unclassifiable for all NAAQS, and the toll network is consistent with the two area MTPs, the transportation conformity rules do not apply. As environmental documents are developed for each project segment, a Texas Air Quality

Analysis will be conducted, as appropriate. It is anticipated that the Tyler-Longview region would continue to meet air quality standards.

Conclusions

Based on the time savings and toll cost analysis, it is not anticipated that the proposed Tyler-Longview regional toll network would cause disproportionately high or adverse effects on low-income or minority communities in the MPO regions. The existing road network connects many of the identified EJ populations in the region to major employment centers. Because the proposed toll network would be constructed on new location, low-income populations wishing to avoid paying a toll would have many existing non-toll routes as alternatives. If EJ populations do choose to use the toll road, they would realize a time benefit over using the non-toll network, though the regular use of the toll network would be an added expense to low income populations.

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1.0 INTRODUCTION

The purpose of this regional toll network analysis is to examine the overall potential indirect and cumulative effects of a proposed toll network located in the northeast Texas counties of Smith, Gregg, Upshur, and Harrison (**Figure 1** in **Appendix A**). A key element of a network-level analysis is an examination of potential impacts to environmental justice (EJ) populations, as well as potential impacts to land use and air quality. This analysis will also discuss toll policies, methods of toll collection, potential mitigation measures, provisions for limited English proficiency (LEP) populations, economic impacts, and land use trends in the study area. This document will be incorporated into the area 2035 Metropolitan Transportation Plans (MTPs) and may be incorporated into the environmental documents for individual projects associated with the toll network. The proposed toll network project area, as shown in **Figure 1**, and as discussed in this document, reflects the existing and proposed toll network as of early 2013. Subsequent modifications to the proposed corridor sections have not been incorporated into this analysis.

1.1 Regional Toll Network

The Tyler-Longview Regional Toll Network is an existing and proposed limited-access tolled corridor, approximately 46 miles long, which combines elements of three previously unrelated projects in the Tyler and Longview areas. Since 2006, the North East Texas Regional Mobility Authority (NETRMA) has been working with the Texas Department of Transportation (TxDOT) to combine the proposed Loop 49, the Longview Outer Loop, and the Lindale Relief Route projects into a single regional toll network project. Loop 49 was originally proposed as an outer loop around Tyler and has been in the planning stages for over 30 years. The original Longview Outer Loop project has evolved into the East Texas Hourglass concept and includes a proposed connection to Marshall and the US 59/I-69 corridor. The Lindale Relief Route was originally planned as an extension of Loop 49 from IH 20 to US 69 north of Lindale.

Initial construction throughout the network would consist of a two-lane undivided roadway with shoulders and one travel lane in each direction. In the future, a second set of travel lanes would be added so that the roadway would consist of a four-lane divided expressway with a grassy center median. The Tyler-Longview regional toll network is anticipated to be a toll facility for the foreseeable future.

The purpose of the regional toll network project is to enhance mobility and economic viability in the Northeast Texas region. According to the Longview MTP, Toll 49 “will introduce new travel modes, enhance safety, decrease travel time, and improve the quality of life for citizens.”

1.2 Project Area

The toll network project area extends across Smith, Gregg, Upshur, and Harrison Counties (**Figure 1**). Other than this network, there are no additional toll roads currently in operation or planned in the project area. The project area includes two Metropolitan Planning Organizations (MPOs): the Tyler Area MPO and the Longview MPO (**Figure 2**). The Tyler Area MPO covers the City of Tyler urbanized area and includes developing areas within Smith County such as Hideaway, Lindale, New Chapel Hill, Noonday, and Whitehouse. The Longview MPO covers the Cities of Longview and White Oak, as well as portions

of Gregg and Harrison Counties. Originally, neither of the MPO boundaries extended into Upshur County. In November 2013, both of the area MPOs expanded their boundaries; however, the previous boundaries as described above and shown in **Figure 2** were used in this analysis.

The Tyler-Longview regional toll network has been divided into segments for the purposes of project development and construction (**Figure 3** and **Table 1**). Segments 1, 2, 3A, 3B, 4, and 5 form a curve south and west of Tyler in Smith County. The currently completed segments are signed as Toll 49. Segment 4 is also known as the Lindale Relief Route. The proposed East Texas Hourglass would extend from southeast of Tyler in Smith County, across Gregg and Upshur Counties to northwest of Longview, and across northern Harrison County to north of Marshall. The East Texas Hourglass would consist of Segments 6, 6A, 7, 8, and 8A.

Table 1. Regional Toll Network Segment Descriptions and Timeline

Segment	Description	County	Approx. Length	Actual or Projected Completion Date
Toll 49				
1	Located south of Tyler, Segment 1 extends from SH 155 east to US 69. It opened in November 2006.	Smith	5 miles	August 2006
2	Segment 2 extends from US 69 east to FM 756 (Paluxy Road). Tolling was initiated in March 2008.	Smith	2 miles	January 2008
3A	Located on the west side of Tyler, Segment 3A extends from SH 155 north to SH 31.	Smith	6.6 miles	November 2012
3B	Also located on the west side of Tyler, Segment 3B extends from SH 31 north to IH 20. This segment was constructed using the design-build development concept.	Smith	10.2 miles	March 2013
4	Also known as the ***Lindale Relief Route***, this proposed segment would extend from IH 20 to US 69 north of Lindale.	Smith	7.4 miles	By 2018
5	Located southeast of Tyler, Segment 5 extends from FM 756 east to SH 110.	Smith	2.5 miles	June 2012
East Texas Hourglass				
6	This proposed segment would extend from SH 110 near Whitehouse to IH 20 near the Smith/Gregg County line. Segment 6 has been divided into two sections: Segment 6B would extend from SH 110 to FM 850 Segment 6C would extend from FM 850 to IH 20.	Smith	20 miles	By 2025
6A	This proposed spur from Segment 6 would connect to the University of Texas Health Northeast campus near the intersection of US 271 and SH 155.	Smith	7 miles	By 2025
7	This proposed segment would form part of the outer loop around Longview, by extending north and east from IH 20 around the north side of Longview to US 259. Segment 7 has been divided into three sections: Segment 7A would extend from IH 20 to US 80, Segment 7B would extend from US 80 to SH 300, and Segment 7C would extend from SH 300 to US 259.	Smith, Gregg, Upshur	20 miles	Partial by 2025 Remainder by 2030

Table 1. Regional Toll Network Segment Descriptions and Timeline

Segment	Description	County	Approx. Length	Actual or Projected Completion Date
8	This proposed segment would begin at US 259 and extend east to US 59 in Marshall. The portion east of Segment 8A would be constructed after the 2035 MTP horizon year and is not discussed in this analysis.	Gregg, Harrison	20 miles	Partial by 2030 Remainder after 2040
8A	This proposed spur would form the eastern side of the outer loop around Longview, by extending from US 259 south to IH 20 near Hallsville.	Harrison	11 miles	By 2035

Sources: NETRMA's toll49.org website and TxDOT Tyler District

When complete, the entire regional toll network would begin at US 69 in northwest Smith County, curve around south of Tyler, extend northeast to the north side of Longview, travel east to north of Marshall, and end at US 59/I-69 in north-central Harrison County. US 59 in Harrison County is part of the anticipated corridor for the proposed I-69 in Texas. However, the portion of Segment 8 between Segment 8A and US 59/I-69 would be constructed after 2035, which is beyond the MTP 2035 horizon year, and is not discussed in this document.

The regional toll network would cross IH 20 both west and east of Tyler and also provide a connection to IH 20 east of Longview. IH 20 is the area's east-west interstate highway and is a major travel corridor for the region. In addition to providing additional connectivity to IH 20, the regional toll network would connect to various US highways, state highways, farm-to-market roads, and county roads in the project area:

- In Smith County, the toll network would provide interchanges, from west to east, with US 69, FM 16, IH 20, SH 64, SH 31, SH 155, CR 178, CR 165, FM 2493, US 69, FM 756, FM 2964, SH 110, SH 64, FM 850, SH 31, and IH 20. A proposed spur (Segment 6A) in Smith County would provide a connection to the University of Texas Health Northeast campus, located in northeast Tyler at the intersection of US 277 and SH 155.

- In Gregg County, the proposed regional toll network would cross FM 1252 and SH 135 and provide an intersection with US 80, before passing into Upshur County. East of the Upshur County line, the toll road would either follow a northern or a southern alignment. The final alignment will be determined during later planning. The southern alignment was used for the modeling and analysis presented in this document at the request of the Longview MPO.

- In Upshur County, the toll corridor would cross FM 1845 and provide an intersection with SH 300. In northwestern Gregg County, the facility would intersect with US 259 before entering Harrison County. In Harrison County, the toll network would provide interchanges with FM 2879, FM 450, SH 154, and US 59. If the southern alignment is selected, an interchange with FM 449 may also be provided. A proposed spur east of Longview (Segment 8A) would provide a connection to IH 20, forming part of an outer loop for Longview.

As of early 2014, portions of Toll 49 around Tyler (Segments 1, 2, 3A, 3B, and 5) are open to traffic as a two-lane tolled roadway with shoulders and a single lane of traffic in each direction. South of Tyler, Segments 1 and 2 form a 7.0 mile toll road from SH 155 to FM 756. Segment 1 opened in November 2006 and Segment 2 opened to traffic in March 2008. Segment 5 extends the toll road 2.5 miles eastward from FM 756 to SH 110; Segment 5 opened in June 2012. West of Tyler, Segments 3A and 3B complete a 16.8 mile connection from SH 155 northward to IH 20. Segment 3A opened to traffic in November 2012 and Segment 3B was completed in March 2013.

The Lindale Relief Route (Segment 4) is in the planning stage of development, with a preferred route identified and environmental clearance anticipated by the end of 2014. A public hearing on the Draft Environmental Impact Statement was held on January 9, 2014. Construction is expected to begin in 2015. The Lindale Relief Route is projected to be open to traffic by 2018.

The East Texas Hourglass is in the conceptual planning stage of development and an exact corridor for this portion of the regional toll network corridor has not yet been determined. Construction would proceed in a west to east direction toward Longview and Marshall. Construction from SH 110 to US 80 (including Segments 6 and 6A and a portion of Segment 7) is anticipated by the end 2025. Construction from US 80 to FM 2879 (including the remainder of Segment 7 and a portion of Segment 8) would be completed by 2030. Segment 8A, the 20-mile-long spur connecting the toll network to IH 20 on the east side of Longview, would be constructed by 2035. The remainder of the planned toll route that would connect to US 59 north of Marshall would be constructed sometime after 2040, which is beyond the horizon year for the 2035 MTPs.

Planning is currently underway for portions of the East Texas Hourglass. The NETRMA held a public meeting on November 12, 2013, in Gladewater to provide information about the proposed project and gather public input on the portion of Segment 7 from US 80 to FM 1845 (part of Segment 7B) in Gregg and Upshur Counties.

1.3 Existing Transportation Network

The existing non-tolled transportation network in Smith, Gregg, Upshur, and Harrison Counties consists of: one east-west interstate highway; four U.S. highways; 13 State highways; 10 Farm-to-Market roads; three full or partial loops around Tyler, Longview, and Marshall; and a number of county and local roads.

Based on the 2002 travel demand models for the Tyler Area and Longview MPOs, the existing transportation network across the two areas consists of more than 2,300 lane-miles of roadways (**Figure 4**).

With the construction of the proposed Toll 49 and East Texas Hourglass, the region would gain a tolled network consisting of an east-west connector between Tyler and Longview, partial outer loops around Tyler and Longview, and a proposed future connection to US 59/I-69.

Except for the regional toll network described above, there are no other existing or proposed toll facilities in the study area through 2035. Approximately 52.6 lane-miles of roadway in the project area are

currently tolled (2.2% of the total network). By the MTP horizon year of 2035, approximately 94.4 lane-miles (4.0%) of the road network in the Tyler and Longview MPO areas would be tolled.

1.4 Toll Policies and Methods of Toll Collection

Toll 49 is operated by the NETRMA. Control of the Toll 49 operation and maintenance duties was transferred from TxDOT to NETRMA in March 2013. On the currently open 26.3-mile section west and south of Tyler (from IH 20 to SH 110 near Whitehouse) tolls are collected by the use of electronic toll gates, located at mid-road toll plazas and on certain entrance and exit ramps. There are four mid-road toll plazas and three ramp plazas. The toll facility does not take payment on-site and toll rates vary by vehicle type and payment type.

1.4.1 Toll policies and rates

NETRMA's Toll Policies and Road Use document, adopted under Resolution Number 13-02 on January 22, 2013, outlines the toll collection and toll rate policy (**Appendix B**). A toll rate multiplier applies based on vehicle type and number of trailers, as shown in **Table 2.**

Table 2. Toll Rate Multipliers

Vehicle Type	Rate
Cars, Motorcycles, and Trucks	1 x Base Rate
SUV, Passenger Car with Trailer	2 x Base Rate
Unibody Truck	3 x Base Rate
Tractor Trucks with One Trailer	4 x Base Rate
Tractor Trucks with Two Trailers	5 x Base Rate
Emergency First Responders	$0.00

Source: NETRMA Toll Policies and Road Use, adopted 1-22-2013

Based on the 2008 Memorandum of Understanding between the NETRMA and TxDOT, the established base rate for the Toll 49 facility to IH 20 (Segment 3B), was 12.0 cents per mile with an annual increase of 1.0 cent per mile until the underlying base rate was 15.0 cents per mile. Thereafter, the rate would be inflated using the Consumer Price Index every two years on December 31, for a maximum allowable annual increase of 6% per two year period. Segment 3B (which connects to IH 20) opened in March 2013; therefore this tolling price policy currently applies.

Emergency and military vehicles are exempt from paying tolls on the Toll 49 system. Public transit vehicles, such as buses and 16-passenger vans operated by the City of Tyler's Tyler Transit or by Smith County, are also exempt from toll fees, though an electronic transponder may be required to receive the benefit. The 81st Texas Legislature approved free or discounted tolls for disabled veterans, Purple Heart awardees, and Congressional Medal of Honor recipients that display a specialty license plate. Though the NETRMA Board has approved a Disabled Veterans Discount Program, no funding is yet available to implement the program.

Tolls are collected electronically, with a TxTag or through the Pay By Mail Option. Through an Interagency Agreement, NETRMA is utilizing the Central Texas Regional Mobility Authority's toll

payment process, which uses the TxTag system. A TxTag is a sticker-based transponder that is permanently mounted on the windshield behind the review mirror inside a vehicle. The TxTag contains a microchip that is read by an electronic reader at a toll plaza when a vehicle travels through the toll gate. A TxTag account requires users to prepay for tolls and to either manually or automatically replenish the account as tolls are collected from the account. TxTag customers receive a discounted toll rate that is approximately 25% less than the Pay By Mail toll rate.

As of March 29, 2013, the cost for a car with a TxTag to travel the entire length of the currently open 26.3-mile section of Toll 49 is $2.68, or approximately 10.2 cents per mile. The cost for a car without a TxTag is $3.58, or approximately 13.6 cents per mile. **Figure 5** shows the toll system map as of March 3, 2013 with the toll collection points and toll rates for cars, motorcycles, and trucks and **Figure 6** shows the toll rates by tolling point for all vehicle types.

Toll rates for the Lindale Relief Route (Segment 4) and the East Texas Hourglass have not yet been determined, but would likely be similar to the current rates on a per mile basis.

TxTags can be ordered online, by phone, by mail, in person at the Customer Service Center in Austin, or in person at TxTag promotional events. The TxTag sticker for most vehicles is free with an automatically replenished (AutoPay) account and an initial $20 toll prepayment. An AutoPay account requires the use of a credit or debit card. A Manual Pay option is available that does not require a credit or debit card, but the user is responsible for monitoring the account to ensure sufficient funds are available in the account at all times. Money can be added to a TxTag account by using a credit or debit card online, by phone, or in person at the Customer Service Center in Austin. Cash may be used, but only in person in Austin. A check or money order may also be used to replenish a TxTag account, but only by mail or in person in Austin.

If the AutoPay method is not selected, there is a fee for the TxTag sticker of $13.85. Replacement stickers are free. Motorcycles use a different type of TxTag; regardless of account type, there is a tag fee of $10 and a $35 deposit is required.

The Toll 49 toll plazas also recognize tags from other toll systems in Texas. Valid Dallas Toll Tags and Houston EZ Tags also may be used to travel on Toll 49.

The Pay By Mail option is used when a vehicle does not have a valid TxTag, Toll Tag, or EZ Tag. Tolls charged through Pay By Mail are 25% higher than tolls charged through the TxTag system and are charged an additional $1.00 bill processing fee. Pay By Mail tolls are processed by Municipal Services Bureau (MSB), which sends out toll bills or notices of toll violations for NETRMA. Pay by Mail tolls may be paid online, by mail, by phone or in person at ACE Cash Express stores. If Pay By Mail tolls are not paid within 30 days, the bill enters the toll violation process and additional administrative fees and court fines may be incurred.

1.4.2 Mitigation for low-income populations

Mitigation measures for low income populations might include transit service improvements, toll subsidies, or other discounts. According to the NETRMA's Toll Policy, there are currently no existing or planned programs to mitigate the cost of using the toll road for low-income populations in the project area.

2.0 REGIONAL TOLL ANALYSIS METHODOLOGY

2.1 Guidance

This regional toll network analysis follows the methodology described in the *FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads, April 23, 2009.* A regional toll analysis is intended to provide a "big picture view" of the overall indirect and cumulative effects of the toll network.

In addition to the joint guidance document, example regional toll network analysis documents prepared by the North Central Texas Council of Governments (NCTCOG), Houston-Galveston Area Council (H-GAC), and Capital Area Metropolitan Planning Organization (CAMPO) were examined. In the example documents, the regional planning authorities considered aspects of multiple, interconnected, and more complex toll facilities. However, many of these issues are not applicable to the Tyler and Longview area. The proposed Tyler-Longview regional toll network is a stand-alone toll facility, composed of multiple segments, and it is not anticipated by 2035 to connect to other future toll roads. While Toll 49, the Lindale Relief Route, and the East Texas Hourglass are discussed as separate named facilities, these segments are part of the network and will be discussed in this document under the umbrella of the Tyler-Longview regional toll network.

2.2 Travel Demand Modeling

A travel demand model simulates and forecasts vehicular traffic on roadway networks. Travel demand modeling was performed using TransCAD software, based on models developed by TxDOT's Transportation Planning and Programming Division (TPP) and modified by the MPOs to include local roadway information and their own forecasted demographic data. Travel demand models from the most recently approved Tyler Area and Longview MTPs were used for this analysis.

2.2.1 Traffic Analysis Zones

Travel demand models include networks of roads and pre-defined Traffic Analysis Zones (TAZs). These zones represent populations of travelers that take various types of trips from one TAZ to another using the roadway network. All trips have an origin TAZ and a destination TAZ. The origin TAZ is where a trip starts and is usually the place where people live. Destinations are places where people want or need to go, such as work, school, shopping centers, or entertainment areas. These modeled trips are based on algorithms that use the demographic data and land use characteristics of each TAZ, as well as the characteristics of the roadway network, to predict where and how these hypothetical travelers move throughout the area.

2.2.2 Travel Demand Model Study Area

The TAZs used in the travel demand models for the Tyler Area and Longview MPOs are shown in **Figures 7** and **8**. For the Tyler Area MPO, **Figure 7** shows the numbered TAZ geographies with respect to the proposed toll network and major arterials in Smith County. For the Longview MPO, **Figure 8** shows the numbered TAZ geographies with respect to the proposed toll network and major arterials in Gregg County, as well as portions of Upshur and Harrison Counties.

In order to be consistent with the financially-constrained area MTPs, only the TAZs included in the travel demand models and the road network (including the toll facility) through 2035 are part of this regional toll analysis.

The models also included external TAZs. External TAZs, depicted as small triangles at the edges of each model areas in **Figures 7** and **8**, represent travelers that have origins or destinations outside the models. For example, trips leaving the Tyler Area model on Tyler's east side are likely to be entering the Longview model on Longview's west side. Connections between the Tyler Area and Longview models and travel across the modeled region, such as on IH 20, are accounted for in the travel demand models. However, the EJ analysis is focused on travel within and between the internal TAZs in order to determine potential impacts of the proposed regional toll network on area residents.

2.2.3 Build versus No Build

The Tyler Area and Longview travel demand models have a base year of 2002. The travel demand models from the Tyler Area and Longview MPOs were combined and adjusted to include the proposed toll network (and other projects in the MTP) through 2035. Two modeling scenarios were developed for this analysis. Under the "Build" scenario, the entire proposed toll network through 2035 is considered. Under the "No Build" scenario, the toll facility is considered only as it exists through the present year (2014), with no future construction of the proposed toll route, though other projects within the financially constrained MTPs through 2035 are included. Therefore, the Build scenario includes the entire proposed toll network, while the No Build scenario includes only the section that has already been completed around Tyler. Comparisons between the Build and No Build scenarios will be used as part of the potential users of the toll network discussion in **Sections 3.4** and **3.5**.

2.2.4 Model Assumptions, Adjustment, and Calibration

The 2002 base year travel demand models for both the Tyler Area and Longview MPOs from TxDOT TPP were used to determine the travel times and average trip lengths discussed in this report. The models included the base year of 2002, as well as interim year models such as 2007, 2012, 2020, 2030, and 2035. The travel demand models used the TxDOT TripCAL5 and ATOM2 software in order to perform both trip generation and trip distribution, respectively, for the Tyler and Longview areas. Trip assignment was performed on the base year and future year traffic volumes using TransCAD software.

Current toll rates (see **Section 1.4.1**) were applied to the toll network for the 2012 model year and future toll rates of 15 cents per mile were applied to the future travel demand models in TransCAD. Following the modification of the toll link properties, the 2012 base year model was calibrated based upon actual

traffic data from TxDOT. Calibration factors developed from the 2012 base year model were then applied to the future year models, including the 2035 travel demand models.

Following the calibration process, the 2035 travel demand models were run in order to determine the future traffic volumes on each link within the networks, as well as the density, travel speeds and travel times for each link within the Tyler and Longview areas. The 2035 travel demand model networks for both Tyler and Longview were exported to Geographic Information System (GIS) files. The two model data sets were merged to generate a future 2035 network, from which travel times to and from each TAZ could be calculated for routes both using and not using the proposed toll network.

"Candidate Trips" (see definition in **Section 3.4.2**) were generated from this merged network as the routes between zones that would save drivers a minimum of 30 seconds by using the toll road. The number of candidate trips, the travel times, and trip distances were then determined and used for the environmental justice analysis.

Limitations associated with this modeling method are discussed in **Section 7.2**.

2.3 Format of the Regional Toll Analysis

The Regional Toll Analysis focuses on potential impacts to EJ populations in the project area (**Section 3**). Since the analysis is at a regional scale, this report will first present background minority, low-income, and limited English proficiency (LEP) data for the four counties within the project area: Gregg, Harrison, Smith, and Upshur (**Section 3.1**). Provisions for LEP populations will also be briefly discussed.

Next, the analysis will present EJ data for minority and low-income populations at the travel demand model level. The regional toll analysis will examine the TAZs and determine which zones contain minority and low-income EJ populations (**Sections 3.2**). The analysis will describe the location of the EJ populations in relation to the proposed toll facility (**Section 3.3**).

The travel demand models will be used to identify potential users of the toll network (**Section 3.4**) and estimate potential usage of the toll facility by EJ populations. Candidate toll trips will be identified and used to estimate time savings from using the toll facility. Average travel times under the build and no build scenarios will be compared for EJ and non-EJ areas for travel along modeled toll and non-toll paths (**Section 3.5)**. Origin and destination information will be used to characterize trips by EJ populations in relation to the toll facility and major employment destinations. Using the trip information from the travel demand models, an estimate of the potential economic impact of toll road usage will be calculated and compared as a percentage of median household incomes (**Section 3.6**).

Potential impacts to land use patterns at the regional level will be briefly discussed in **Section 4** using information gathered from the MPOs, the local communities, and project-level analysis. In **Section 5**, air quality considerations will be discussed as they relate to the regional toll network.

Taking into account the results of EJ analysis, as well as considerations of impacts to land use and air quality, the regional toll analysis will discuss the overall impacts and projected benefits of the proposed toll network (**Section 6**).

The final two sections of the report will discuss the limitations of this analysis and modeling effort (**Section 7**) and present a conclusion and summary of the analysis (**Section 8)**.

3.0 NETWORK-LEVEL ENVIRONMENTAL JUSTICE ANALYSIS

3.1 Environmental Justice – Regional Introduction

Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" requires each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." The FHWA has identified three fundamental principles of environmental justice (EJ):

1. To avoid, minimize or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations;

2. To ensure full and fair participation by all potentially affected communities in the transportation decision-making process;

3. To prevent the denial of, reduction in or significant delay in the receipt of benefits by minority populations and low-income populations.

Disproportionately high and adverse human health or environmental effects are defined by FHWA as adverse effects that:

1. are predominately borne by a minority population and/or low-income population; or

2. would be suffered by the minority population and/or low-income population and are appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the nonminority population and/or non-low-income population.

3.1.1 Minority Populations

A minority population is defined as a group of people and/or community experiencing common conditions or exposure or impact that consists of persons classified by the U.S. Census as Black, Asian, American Indian or Alaska Native, Hispanic, or other non-white persons, including those persons of two or more races.

The following tables present data from the 2000 U.S. Census, the 2010 U.S. Census, and the 2007-2011 American Community Survey for Texas, Gregg, Harrison, Smith, and Upshur Counties.

All counties in the project area showed increases in population size between 2000 and 2010, with Gregg and Smith Counties showing larger population growth. Changes in race and ethnicity population percentages at the county level between the 2000 and 2010 census generally showed similar trends across the four counties. Percentages of Hispanic or Latino populations increased, with smaller increases in Asian populations. Percentages of white and Black or African American populations decreased between the 2000 and 2010 census years.

According to the 2000 U.S. Census, the percentage of minority populations (non-white) in counties within the project area range from 15.8 to 32.1 percent, which is lower than the state percentage of 47.6 percent. Within the project area, most of the minority populations are Black or African American, with generally smaller percentages of Hispanic or Latino populations (**Table 3**).

Table 3. 2000 Race and Ethnicity Populations and Percentages by County

Geographic Area and *Population*	**Hispanic or Latino**	**Not Hispanic or Latino**						
		White	**Black or African American**	**American Indian and Alaskan Native**	**Asian**	**Native Hawaiian and Other Pacific Islander**	**Some Other Race**	**Two or More Races**
Texas	6,669,666	10,933,313	2,364,255	68,859	554,445	10,757	19,958	230,567
20,851,820	32.0%	52.4%	11.3%	0.3%	2.7%	0.1%	0.1%	1.1%
Gregg County	10,183	76,851	21,989	426	745	17	46	1,122
111,379	9.1%	69.0%	19.7%	0.4%	0.7%	<0.1%	<0.1%	1.0%
Harrison County	3,316	43,044	14,861	165	186	21	28	489
62,110	5.3%	69.3%	23.9%	0.3%	0.3%	<0.1%	<0.1%	0.8%
Smith County	19,521	118,598	33,129	562	1,201	29	119	1,547
174,706	11.2%	67.9%	19.0%	0.3%	0.7%	<0.1%	0.1%	0.9%
Upshur County	1,394	29,728	3,557	191	65	7	30	319
35,291	4.0%	84.2%	10.1%	0.5%	0.2%	<0.1%	0.1%	0.9%

Source: U.S. Census Bureau, 2000 Census, Summary File 1, Data Set P004 in Detailed Tables

Table 4. 2010 Race and Ethnicity Populations and Percentages by County

Geographic Area and *Population*	**Hispanic or Latino**	**Not Hispanic or Latino**						
		White	**Black or African American**	**American Indian and Alaskan Native**	**Asian**	**Native Hawaiian and Other Pacific Islander**	**Some Other Race**	**Two or More Races**
Texas	9,460,921	11,397,345	2,886,825	80,586	948,426	17,920	33,980	319,558
25,145,561	37.6%	45.3%	11.5%	0.3%	3.8%	0.1%	0.1%	1.3%
Gregg County	20,018	74,005	24,068	497	1,316	35	119	1,672
121,730	16.4%	60.8%	19.8%	0.4%	1.1%	<0.1%	0.1%	1.4%
Harrison County	7,254	42,654	14,303	277	331	26	52	734
65,631	11.1%	65.0%	21.8%	0.4%	0.5%	<0.1%	0.1%	1.1%
Smith County	36,088	130,246	37,195	734	2,550	63	225	2,613
209,714	17.2%	62.1%	17.7%	0.4%	1.2%	<0.1%	0.1%	1.2%
Upshur County	2,613	32,257	3,388	206	146	3	35	661
39,309	6.6%	82.1%	8.6%	0.5%	0.4%	<0.1%	0.1%	1.7%

Source: U.S. Census Bureau, 2010 Census, Summary File 1, Data Set P9 in Detailed Tables

3.1.2 Low income populations

A low income population is defined as a group of people and/or a community that, as a whole, has a median annual income equal to or below the Department of Health and Human Services (DHHS) poverty guideline for a family of four. The poverty guidelines for 2000 to 2014 are shown in **Table 5**. Note that because the baseline year of the travel demand models used in this analysis was 2002, the poverty guideline from 2002 will be used to determine low-income EJ populations (see * in **Table 5)**.

Table 5. DHHS Poverty Guidelines

Year	Individual	Family of Four	
2000	$8,350	$17,050	
2001	$8,590	$17,650	
2002	$8,860	$18,100	*
2003	$8,980	$18,400	
2004	$9,310	$18,850	
2005	$9,570	$19,350	
2006	$9,800	$20,000	
2007	$10,210	$20,650	
2008	$10,400	$21,200	
2009	$10,830	$22,050	
2010	$10,830	$22,050	
2011	$10,890	$22,350	
2012	$11,170	$23,050	
2013	$11,490	$23,550	
2014	$11,670	$23,850	

Source: U.S. Department of Health & Human Services, http://aspe.hhs.gov/poverty/

Median household incomes from the 2000 Census and the 2007-2011 American Community Survey indicate that at the county level, household incomes are generally well above the poverty guidelines for recent years and are generally similar across the region (**Table 6**).

Table 6. Median Household Income Estimates

Location	Median Household Income (in 1999 dollars)	Median Household Income (in 2011 dollars)	
		Estimate	Margin of Error
Texas	$39,927	$50,920	+/- 133
Gregg County	$35,006	$44,608	+/- 1,223
Harrison County	$33,520	$45,357	+/- 1,633
Smith County	$37,148	$46,615	+/- 1,519
Upshur County	$33,347	$46,734	+/- 2,270

Sources: U.S. Census Bureau, 2000 Census, Summary File 3, Data Set P053 and 2007-2011 American Community Survey, 5-year estimates, Table B19013

3.1.3 Limited English Proficiency

Another component of EJ is accommodations for persons with limited English proficiency (LEP). Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," requires agencies to examine the services they provide, identify any need for services to those with LEP,

and develop and implement a system to provide those services so that LEP persons can have meaningful access to them.

LEP populations are present within the toll network project area (**Tables 7** and **8**). Data from 2000 and 2011 indicate that the LEP populations in the project area speak primarily Spanish.

Table 7. Limited English Proficiency in 2000 by State and County

	Total Population (age 5 years and over)	Percentage that Speaks English Less than "Very Well" by Language Spoken:				
		Speaks Spanish	Speaks other Indo-European languages	Speaks Asian and Pacific Island Languages	Speaks Other Languages	Total
Texas	19,241,518	12.3	0.5	1.0	0.1	13.9
Gregg County	103,667	4.4	0.1	0.1	<0.1	4.7
Harrison County	69,047	2.5	0.1	0.1	0.0	2.7
Smith County	162,278	5.4	0.2	0.2	<0.1	5.9
Upshur County	33,003	1.6	0.1	0.1	<0.1	1.8

Source: U.S. Census Bureau, 2000 Census, Summary File 3, Table DP-2.

Table 8. Limited English Proficiency in 2011 by State and County

	Total Population (age 5 years and over)	Percentage that Speaks English Less Than "Very Well" by Language Spoken (+/- Margin of Error)				
		Speaks Spanish	Speaks other Indo-European Languages	Speaks Asian and Pacific Island Languages	Speaks Other Languages	Total
Texas	22,850,447	12.7 +/- 0.1	0.5 +/- 0.1	1.2 +/- 0.1	0.2 +/- 0.1	14.5 +/- 0.1
Gregg County	111,659	7.0 +/- 0.5	0.2 +/- 0.1	0.2 +/- 0.1	0.0 +/- 0.1	7.4 +/- 0.6
Harrison County	60,404	4.3 +/- 0.5	0.0 +/- 0.1	0.1 +/- 0.1	0.0 +/- 0.1	4.5 +/- 0.6
Smith County	192,051	6.5 +/- 0.4	0.1 +/- 0.1	0.3 +/- 0.1	0.1 +/- 0.1	7.1 +/- 0.4
Upshur County	36,576	1.8 +/- 0.3	0.2 +/- 0.1	0.1 +/- 0.1	0.1 +/- 0.1	2.1 +/- 0.4

Source: U.S. Census Bureau, 2007-2011 American Community Survey, 5-year estimates, Table B16001 and DP02.

3.1.4 Provisions for Limited English Proficiency populations

Provisions for LEP populations have been made at the toll operation and individual MPO levels.

At the toll operation level, a version of the TxTag website is available in the Spanish language. The toll-free phone number for the TxTag customer service phone center provides the option to connect to a Spanish-speaking representative. In addition, a separate TxTag customer service phone number is available for deaf and hard of hearing customers.

The Tyler Area MPO's *Title VI LEP Four Factor Analysis and Implementation Plan* (Revised 2012) describes the MPO's process to provide LEP persons information regarding transportation issues. The Plan's need analysis is divided into four factors: defining the number or proportion of LEP persons who may be served or are likely to encounter a transit program, activity, or service; the frequency with which

LEP persons come into contact with transit programs, activities, or services; the nature and importance of the programs, activities, or services provided to the LEP population; and the resources available to the transit system and the overall cost to provide language assistance.

The overall trend in Tyler is an increase in Hispanic population (the Hispanic population doubled between 1990 and 2000) in certain areas of the city, most notably inside of Loop 323 in the city's older neighborhoods, north and east of downtown. Tyler's MPO produces information such as brochures, flyers, posters, newspaper ads, radio ads, and websites in both English and Spanish. In addition, Tyler Transit's website includes schedules, route maps, hours of operations and fares in both languages.

The Implementation Plan is the second part of the Tyler Area MPO's provisions for LEP populations. The MPO has divided the Implementation Plan into four tasks or objectives: identifying LEP persons who need language assistance; language assistance measures; staff training; providing notice to LEP persons; monitoring and updating the plan. The MPO plans on creating written information for drivers and staff to provide to LEP persons, providing all materials and assistance available in both English and Spanish, encourage bilingual job applicants, maintain translators in the Tyler police, fire, Development Services, and Water Departments. In addition, the MPO will work with community groups to verify the competency of interpreters and translations services. The MPO will train all staff on the Four Factor Analysis and Implementation Plan, demographic data regarding the LEP population, the printed materials for LEP persons, procedures to handle verbal requests for transit services in a foreign language, and the responsibility to notify the transit director about any LEP person's unmet needs. The MPO plans to notify LEP persons by posting signs, brochures and website notices in English and Spanish. An annual review will include assessing its effectiveness, assessing staff training, reviewing sources for assistance, and reviewing and evaluating any LEP complaints (Tyler Area MPO, Title VI Coordinator 2012).

The Longview MPO's *Public Participation Plan* (adopted October 3, 2012) similarly describes the MPO's procedures to insure that the public is fully informed about transportation issues, is given reasonable access to project documents, and has adequate opportunities to express opinions and concerns about transportation issues. The *Plan* acknowledges the presence of low-income and minority populations in the area and indicates that public outreach notices would be placed in the free community Spanish newspaper.

The *Longview MPO LEP plan* (adopted on August 8, 2012) outlines how the Longview MPO intends to provide language assistance to persons with LEP and to notify LEP populations that assistance is available. The plan notes that LEP populations are very small within the MPO boundaries and that these populations speak primarily Spanish, based on analysis by the Longview MPO. As of 2012, no requests for interpreters or translated documents had been received by the MPO. However, the MPO is committed to providing reasonable accommodations to LEP populations, including providing interpreters when requested and publishing notifications in Spanish language newspapers. Under their LEP plan, MPO staff will be trained on LEP responsibilities and will continue to consider the needs of LEP populations.

3.2 Environmental Justice TAZs and Data

In order to identify potential EJ areas in the regional toll analysis study area, data on race and ethnicity and income were obtained and placed in the context of the travel demand model road network by identifying individual TAZs as EJ areas.

Income and minority data for this regional toll analysis were obtained from the following sources:

- For the Tyler area, 2002 income data by TAZ from the Tyler Area travel demand model.
- For the Longview area, 2002 income data by TAZ from the Longview travel demand model.
- Minority data from the 2000 Census for the areas within the Tyler Area and Longview travel demand model boundaries correlated to TAZs.

Note that data from 2000 and 2002 were used in order to be consistent with the current, most recently approved MTPs for the Tyler Area and Longview MPOs.

3.2.1 Identifying TAZs with low income environmental justice populations

For the purposes of this analysis, and in order to be consistent with the available travel demand models for the regional toll analysis study area, income values from the 2002 MPO travel demand models were compared to the 2002 poverty guideline for a family of four ($18,100).

Table 9 lists the TAZs in the Tyler Area MPO travel demand model with 2002 incomes below the poverty guideline and **Table 10** lists the TAZs in the Longview MPO travel demand model. Further discussion of the low income EJ TAZs is included in **Section 3.3**.

Table 9. Tyler Area TAZs Identified as Low Income

Tyler Area TAZ	2002 income from the Tyler Area MPO Travel Demand Model
5	$13,217
7	$17,971
8	$17,253
9	$11,808
11	$17,971
12	$14,976
23	$16,764
28	$13,802
29	$10,011
49	$15,077
56	$15,575
63	$11,847
70	$17,099
120	$15,757

Table 9. Tyler Area TAZs Identified as Low Income

Tyler Area TAZ	2002 income from the Tyler Area MPO Travel Demand Model
124	$15,944
125	$15,815
133	$16,414
155	$13,179
161	$15,216
167	$16,347
169	$15,997
179	$12,554
215	$15,738
249	$14,976
255	$11,808
258	$16,414
262	$15,757
310	$17,971
395	$13,802
396	$10,011
410	$16,414

Table 10. Longview TAZs Identified as Low Income

Longview TAZ	2002 income from the Longview MPO Travel Demand Model
2	$16,956
8	$16,956
10	$16,956
12	$16,956
13	$16,956
14	$16,956
15	$16,956
18	$16,956
19	$16,956
20	$16,956
22	$16,956
23	$16,956
24	$16,956
25	$16,956
26	$16,956
27	$16,956
28	$16,956

Table 10. Longview TAZs Identified as Low Income

Longview TAZ	2002 income from the Longview MPO Travel Demand Model
29	$16,956
37	$16,956
38	$16,956
39	$16,956
40	$16,956
41	$16,956
45	$16,956
64	$12,219
70	$13,691
71	$13,691
243	$13,034

3.2.2 Identifying TAZs with minority environmental justice populations

For the purposes of the regional toll analysis, and in order to be consistent with the available travel demand model based year for the regional toll analysis study area, race and ethnicity population values from the 2000 U.S. Census were obtained for the census block groups located in Gregg, Harrison, Smith and Upshur Counties. A census block group was identified as a minority EJ area if greater than 50 percent of the population was counted as a non-white race or ethnicity. To translate the census block group areas to TAZs, GIS software was used to overlay the TAZs from the both MPO travel demand models with the census block groups. Census block group areas were generally larger than the TAZ areas.

A TAZ was identified as a minority EJ area if 50 percent or more of the area within the TAZ overlapped an identified minority census block group. In other words, a TAZ was considered a minority EJ area if it was located within or largely overlapped a minority census block group area. **Tables 11** and **12** list the census block groups identified as having minority EJ populations and the corresponding TAZs for each MPO. Further discussion of the minority EJ TAZs is included in **Section 2.3**.

In Smith County, 32 block groups were identified as having greater than a 50 percent minority population. Of these block groups, 21 were primarily Black or African American, while 11 block groups had higher numbers of Hispanic or Latino populations (**Table 11**).In Gregg County, 24 block groups were identified as having greater than a 50 percent minority population, which were primarily Black or African American, as well as Hispanic or Latino (**Table 12**).

In Harrison County, 14 block groups had a 50 percent or higher minority populations; however, these block groups are located in and around the City of Marshall and are located outside of the Longview MPO boundary. Similarly, in Upshur County, one block group located in the City of Gilmer was identified as a minority EJ area. Because these areas are outside of the region's MPO boundaries and thus not included in the available travel demand models, the minority areas in Harrison and Upshur Counties

will not be specifically discussed in this regional toll analysis. In addition, these minority areas in Harrison and Upshur Counties are not located in or directly adjacent to the proposed toll corridors.

3.3 Environmental Justice Areas

Based on the available data for model year 2002, EJ areas were identified in several locations within the Tyler Area and Longview MPO travel demand model study areas (**Section 2.2** and **Figures 9** through **12**).

Out of the 420 TAZs in the Tyler Area MPO travel demand model, 111 TAZs were identified as EJ areas: 31 were identified as low income and 99 were identified as minority, with 19 identified as both low income and minority (**Figure 9**).

Out of the 336 TAZs in the Longview MPO travel demand model, 84 TAZs were identified as EJ areas: 28 were identified as low income and 84 were identified as minority, with 28 identified as both low income and minority (**Figure 10**).

3.3.1 Tyler Area

Based on 2000 census data, as applied to TAZ boundaries within the Tyler Area MPO travel demand model, the majority of Tyler's minority EJ TAZs were located within Loop 323 north and west of SH 155 and SH 31 (**Figure 9**). There were few minority TAZs in the southeast quadrant within Loop 323. There were also minority populations outside of Loop 323 between SH 64 and IH 69. Farther east of central Tyler, there were numerous minority TAZs south of US 271 and along/north of SH 31 (within Loop 49 planned segments 6 and 6A). These areas were predominantly Black or African American (more than 63 percent with some Hispanic populations). Overall, the minority populations in Smith County were predominantly Black or African American or Hispanic in some areas, with small percentages of other minority populations (**Table 11**)

Low-income TAZs were distributed around Smith County adjacent to transportation network roadways, but located primarily within proposed Loop 49 with several EJ low-income TAZs located within Loop 323. Low-income TAZs (2002 data) ranged from $10,000 to approximately $18,000 in median household income (**Table 9**)

Table 11. 2000 Race and Ethnicity Populations/Percentages by Census Block Groups and Corresponding Tyler Area TAZs Identified as Minority Environmental Justice Areas in Smith County

Smith County Census Tract	Block Group	Population	Hispanic or Latino	Not Hispanic or Latino							Total Minority population (non-white)	Corresponding Tyler Area TAZs
				White	Black or African American	American Indian and Alaskan Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races		
1	1	1,771	583 32.9%	353 19.9%	817 46.1%	4 0.2%	7 0.4%	0 0%	0 0%	7 0.4%	1,418 80.1%	143, 147
1	2	797	322 40.4%	119 14.9%	351 44.0%	0 0%	4 0.5%	0 0%	0 0%	1 0.1%	678 85.1%	144
1	3	534	56 10.5%	26 4.9%	449 84.1%	1 0.2%	0 0%	0 0%	0 0%	2 0.4%	508 95.1%	165, 166, 317
1	4	1,282	295 23.0%	2269 1.0%	704 54.9%	0 0%	1 0.1%	0 0%	0 0%	13 1.0%	1,013 79.0%	125, 257, 306
1	5	699	130 18.6%	3215 0.8%	340 48.6%	0 0%	11 1.6%	0 0%	0 0%	3 0.4%	484 69.2%	25, 126
1	6	726	63 8.7%	39 5.4%	616 84.8%	0 0%	2 0.3%	0 0%	0 0%	6 0.8%	687 94.6%	142
2.01	1	891	36 4.0%	11 1.2%	824 92.5%	2 0.2%	0 0%	0 0%	0 0%	18 2.0%	880 98.8%	178, 247
2.01	2	540	50 9.3%	6 1.1%	483 89.4%	0 0%	0 0%	0 0%	0 0%	1 0.2%	534 98.9%	169
2.01	3	1,306	30 2.3%	24 1.8%	1,245 95.3%	1 0.1%	0 0%	2 0.2%	1 0.1%	3 0.2%	1,282 98.2%	168
2.01	4	770	26 3.4%	19 2.5%	717 93.1%	2 0.3%	0 0%	0 0%	0 0%	6 0.8%	751 97.5%	164, 168
2.02	1	1,021	410 40.2%	19 1.9%	570 55.8%	7 0.7%	0 0%	0 0%	0 0%	15 1.5%	1,002 98.1%	179, 180
2.02	2	1,089	194 17.8%	5 0.5%	887 81.5%	0 0%	0 0%	0 0%	0 0%	3 0.3%	1,084 99.5%	167
3	1	2,478	1,215 49.0%	650 26.2%	577 23.3%	13 0.5%	4 0.2%	2 0.1%	0 0%	17 0.7%	1,828 73.8%	175, 176, 177, 183, 184, 199, 205, 206, 347
3	2	1,270	1,034 81.4%	121 9.5%	100 7.9%	7 0.6%	0 0%	0 0%	0 0%	8 0.6%	1,149 90.5%	181
3	3	836	468 56.0%	104 12.4%	255 30.5%	0 0%	0 0%	0 0%	0 0%	9 1.1%	732 87.6%	308, 309
3	4	980	718 73.3%	68 6.9%	188 19.2%	0 0%	0 0%	0 0%	0 0%	6 0.6%	912 93.1%	182

Table 11. 2000 Race and Ethnicity Populations/Percentages by Census Block Groups and Corresponding Tyler Area TAZs Identified as Minority Environmental Justice Areas in Smith County

Smith County Census Tract	Block Group	Population	Hispanic or Latino	Not Hispanic or Latino							Total Minority population (non-white)	Corresponding Tyler Area TAZs
				White	Black or African American	American Indian and Alaskan Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races		
4	1	981	180 18.3%	44 4.5%	747 76.1%	3 0.3%	6 0.6%	0 0%	0 0%	1 0.1%	937 95.5%	1, 8
4	2	1,360	397 29.2%	195 14.3%	752 55.3%	0 0%	9 0.7%	0 0%	1 0.1%	6 0.4%	1,165 85.7%	9, 24, 124, 145, 146
5	1	1,515	816 53.9%	390 25.7%	288 19.0%	2 0.1%	3 0.2%	0 0%	4 0.3%	12 0.8%	1,125 74.3%	3, 4, 5, 6, 11, 245, 307, 310
5	2	1,342	522 38.9%	428 31.9%	356 26.5%	10 0.7%	3 0.2%	1 0.1%	0 0%	22 1.6%	914 68.1%	2, 7, 10, 12, 13, 14, 249
6	1	779	439 56.4%	201 25.8%	128 16.4%	1 0.1%	0 0%	0 0%	3 0.4%	7 0.9%	578 74.2%	207, 212, 213, 242
6	2	1,455	1,042 71.6%	134 9.2%	263 18.1%	8 0.5%	0 0%	0 0%	0 0%	8 0.5%	1,321 90.8%	208, 209, 210, 211
7	1	1,103	163 14.8%	60 5.4%	868 78.7%	5 0.5%	2 0.2%	0 0%	0 0%	5 0.5%	1,043 94.6%	15, 23, 255
7	2	597	21 3.5%	14 2.3%	551 92.3%	2 0.3%	0 0%	0 0%	0 0%	9 1.5%	583 97.7%	26
7	3	1,299	46 3.5%	388 29.9%	862 66.4%	1 0.1%	0 0%	0 0%	0 0%	2 0.2%	911 70.1%	27, 28, 29, 30, 395, 396, 397
8	3	1,004	295 29.4%	436 43.4%	259 25.8%	0 0%	0 0%	0 0%	3 0.3%	11 1.1%	568 56.6%	17, 256
8	5	1,248	362 29.0%	192 15.4%	680 54.5%	2 0.2%	0 0%	3 0.2%	0 0%	9 0.7%	1,056 84.6%	22
8	6	919	426 46.4%	182 19.8%	304 33.1%	0 0%	0 0%	0 0%	0 0%	7 0.8%	737 80.2%	16, 21
9	3	527	173 32.8%	209 39.7%	124 23.5%	4 0.8%	6 1.1%	0 0%	2 0.4%	9 1.7%	318 60.3%	45, 46, 243, 244, 248
16.03	1	1,904	257 13.5%	936 49.2%	673 35.3%	3 0.2%	8 0.4%	0 0%	0 0%	27 1.4%	968 50.8%	140, 141, 148, 149
18.01	2	993	34 3.4%	301 30.3%	652 65.7%	2 0.2%	0 0%	0 0%	0 0%	4 0.4%	692 69.7%	202, 290, 362, 408
18.01	3	965	79 8.2%	264 27.4%	612 63.4%	0 0%	1 0.1%	0 0%	0 0%	9 0.9%	701 72.6%	59, 218, 363, 368, 402, 404, 409

Source: U.S. Census Bureau, 2000 Census, Summary File 1, Data Set P004 in Detailed Tables

Table 12. 2000 Race and Ethnicity Populations/Percentages by Census Block Groups and Corresponding Longview TAZs Identified as Minority Environmental Justice Areas in Gregg County

Gregg County Census Tract	Block Group	Population	Hispanic or Latino	Not Hispanic or Latino							Total Minority population (non-white)	Corresponding Longview TAZs
				White	Black or African American	American Indian and Alaskan Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races		
10	1	1,506	397 26.4%	544 36.1%	524 34.8%	9 0.6%	11 0.7%	1 0.1%	1 0.1%	19 1.3%	962 63.9%	31, 32, 33, 34, 35, 36, 211
11	1	1,833	137 7.5%	850 46.4%	828 45.2%	5 0.3%	3 0.2%	0 0%	1 <0.1%	9 0.1%	983 53.6%	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 37, 38, 39, 40, 41, 42, 44, 45, 88
11	2	942	188 20.0%	183 19.4%	557 59.1%	2 0.2%	0 0%	0 0%	1 0.1%	11 1.2%	759 80.6%	67, 68
11	3	757	136 18.8%	297 39.2%	314 41.5%	4 0.5%	1 0.1%	0 0%	0 0%	5 0.7%	460 60.8%	66
12	1	1,248	334 26.8%	155 12.4%	746 59.8%	6 0.5%	0 0%	0 0%	0 0%	7 0.6%	1,093 87.6%	65
12	2	1,241	397 32.0%	165 13.3%	651 52.5%	9 0.7%	3 0.2%	0 0%	0 0%	16 1.3%	1,076 86.7%	65
12	3	629	10 1.6%	14 2.2%	600 95.4%	1 0.2%	0 0%	0 0%	0 0%	4 0.6%	615 97.8%	64
13	1	734	72 9.8%	122 16.6%	518 70.6%	1 0.1%	6 0.8%	0 0%	0 0%	15 2.0%	612 83.4%	69
13	2	1,004	167 16.6%	360 35.9%	457 45.5%	1 0.1%	12 1.2%	0 0%	0 0%	7 0.7%	644 64.1%	74
13	3	793	216 27.2%	256 32.3%	304 38.3%	0 0%	6 0.8%	0 0%	3 0.4%	8 1.0%	537 67.7%	75
13	4	1,109	338 30.5%	338 30.5%	411 37.1%	1 0.1%	14 1.3%	0 0%	0 0%	7 0.6%	771 69.5%	77, 79
13	5	855	298 34.9%	182 21.3%	361 42.2%	1 0.1%	7 0.8%	0 0%	0 0%	6 0.7%	673 78.7%	76, 78
14	1	549	22 4.0%	45 8.2%	478 87.1%	0 0%	0 0%	0 0%	0 0%	4 0.7%	504 91.8%	70, 71

Table 12. 2000 Race and Ethnicity Populations/Percentages by Census Block Groups and Corresponding Longview TAZs Identified as Minority Environmental Justice Areas in Gregg County

Gregg County Census Tract	Block Group	Population	Hispanic or Latino	Not Hispanic or Latino							Total Minority population (non-white)	Corresponding Longview TAZs
				White	Black or African American	American Indian and Alaskan Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races		
14	2	900	41 4.6%	360 40.0%	484 53.8%	0 0%	4 0.4%	0 0%	0 0%	11 1.2%	540 60.0%	72, 73
14	3	1,538	410 26.7%	417 27.1%	680 44.2%	6 0.4%	5 0.3%	0 0%	0 0%	20 1.3%	1,121 72.9%	80
14	4	810	211 26.0%	226 27.9%	343 42.3%	5 0.6%	2 0.2%	4 0.5%	2 0.2%	17 2.1%	584 72.1%	57, 58, 81, 82, 83, 100, 101, 102
15	1	2,095	126 6.0%	895 42.7%	1,037 49.5%	5 0.2%	5 0.2%	0 0%	2 0.1%	25 1.2%	1,200 57.3%	63
15	2	694	10 1.4%	35 5.0%	646 93.1%	0 0%	0 0%	0 0%	0 0%	3 0.4%	659 95.0%	61
15	3	1,118	118 10.6%	122 10.9%	873 78.1%	2 0.2%	1 0.1%	0 0%	0 0%	2 0.2%	996 89.1%	62
15	4	894	90 10.1%	81 9.1%	700 78.3%	0 0%	9 1.0%	0 0%	0 0%	14 1.6%	813 90.9%	59
102	1	755	19 2.5%	259 34.3%	442 58.5%	7 0.9%	4 0.5%	0 0%	0 0%	24 3.2%	496 65.7%	240, 242, 291
105	2	1,323	64 4.8%	393 29.7%	851 64.3%	6 0.5%	2 0.2%	0 0%	0 0%	7 0.5%	930 70.3%	56, 84, 87, 89, 308, 309
107	2	792	242 30.6%	373 47.1%	154 19.4%	2 0.3%	7 0.9%	0 0%	0 0%	14 1.8%	419 52.9%	293
107	3	622	105 16.9%	151 24.3%	355 57.1%	2 0.3%	2 0.3%	0 0%	0 0%	7 1.1%	471 75.7%	243

Source: U.S. Census Bureau, 2000 Census, Summary File 1, Data Set P004 in Detailed Tables

Major employment TAZs (those with 500 or more employees) are located within Loop 323 in central Tyler; along IH 69 northwest toward Lindale and Mineola, and south of central Tyler, along SH 110 southeast of central Tyler, and along US 271 at SH 155 to the northeast of central Tyler (**Figure 11)**. Major employers (3,000+) include Trinity Mother Frances Medical Center in downtown Tyler and East Texas Medical Center in various locations in Tyler, followed by Tyler Independent School District. The employment centers along SH 110 are on roadways leading to Lake Tyler and Lake Tyler East (**Figure 11**) (Tyler Economic Development Corporation, 2014).

3.3.2 Longview

Most of the Longview EJ areas are located in central and southeastern Longview, with a few EJ TAZs also located in Gladewater and Kilgore (**Figure 10**). All of the Longview low-income EJ TAZs were also minority TAZs. Most of the low income TAZs were clustered along SH 80 in central Longview and had a 2002 household income of $16,956, while low income TAZs in western and eastern Longview had income values of $13,691 and $12,219, respectively. The low income TAZ identified in Kilgore had a 2002 household income of $13,034 **(Table 10**).

Minority TAZs in the Longview area extend from central Longview to southeastern Longview and are generally surrounding or south of SH 80 and west of US 259 and SH 149. There were also minority TAZs identified in Gladewater and Kilgore. The minority TAZs in the Longview region are primarily Black or African American, with varying, but generally smaller, percentages of Hispanic or Latino populations (**Table 12**).

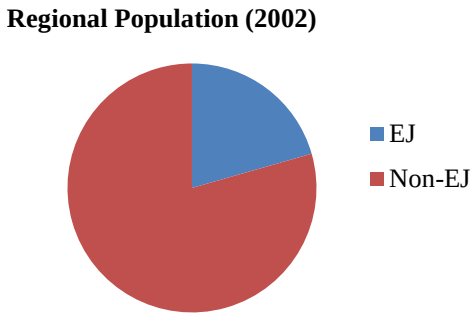
None of the Longview EJ TAZs are located in or adjacent to the proposed toll network corridor. **Figure 12** shows EJ TAZs in relation to major employment TAZs, which are areas with 500 or more employees. The major employment areas in the Longview MPO are located in Longview, Gladewater, and Kilgore, adjacent to major roadways. In Longview, the major employment TAZs are primarily along US 80, Loop 281, and US 259, and most are adjacent or northwest of Longview EJ TAZs. In Gladewater, the major employment TAZ is adjacent to and overlaps the EJ TAZ. In Kilgore, the major employment TAZs are adjacent to EJ TAZs.

3.3.3 Tyler and Longview Region

As shown in the **Table 13,** EJ populations across the Tyler and Longview region represent approximately 21% of the total population, based on population data from the 2002 travel demand models.

Table 13. Regional population by EJ status

TAZ Type	Total 2002 Population	Percentage of 2002 Population
EJ TAZs	62,427	20.6%
Non-EJ TAZs	241,120	79.4%



3.4 Identification of potential users of the toll network

3.4.1 Origin and destination studies

Origin and destination (O&D) information from TxDOT's Transportation Planning and Programming Division was inputted into the Tyler Area MPO and Longview MPO travel demand models for 2035. These data sets represent baseline information about the projected number of trips between TAZs. In the figures described below, this analysis uses the O&D data to visually depict how traffic is moving throughout an area, and specifically how populations associated with EJ TAZs are moving within the project area.

Figures 13 and **14** show the number of trips originating in each TAZ for the Tyler and Longview regions. Major employment TAZs and EJ areas are also identified.

To show projected movement of people between areas on a regional scale, the modeled areas were subdivided into quadrants and overlaid with EJ TAZs (**Figures 15** and **16**). O&D data, as well as income data, were summarized across each quadrant for both the Tyler and Longview regions. Major employment areas were also examined as a factor influencing projected movement.

3.4.1.1 Tyler O&D

Figure 15 shows the quadrants for the Tyler area, as well as mean median income per quadrant compared with the mean median income for all low-income TAZs within the quadrant (**Table 14**). The fewest low-income TAZs were located in the northeast quadrant and the fewest minority TAZs were located in the southeast quadrant.

Table 14. Income by quadrant for the Tyler area

Quadrant	Mean median income for all TAZs per quadrant	Mean median income for low-income EJ TAZs per quadrant
Southeast	$38,289.73	$14,899.50
Northeast	$30,115.25	$14,726.75
Southwest	$36,319.32	$14,632.82
Northwest	$31,108.88	$15,334.92

Figure 16 shows each quadrant and a summary of O&D trips between quadrants **(Table 15**). On a broad scale, movement of traffic around Tyler in terms of trips between quadrants shows the most trips occurring between the southwest and southeast quadrants (80,406 trips), followed by trips between the northeast and southeast quadrants (32,656), and trips between the northwest and southwest quadrants (33,023.5). There were approximately 25,170.5 trips between the northwest and southeast quadrants, then 22,291 trips between northwest and northeast quadrants, and finally there were 17,137 trips between the southwest and northeast quadrants. The highest number of trips took place internally within the Southeast quadrant.

Table 15. O&D trips by quadrant for the Tyler area

		Destination quadrant			
		Southeast	**Northeast**	**Southwest**	**Northwest**
Origin quadrant	**Southeast**	*205,102*	32,656	80,406	25,170.5
	Northeast	32,656	*42,099*	17,137	22,291
	Southwest	80,406	17,137	*143,631*	33,023.5
	Northwest	25,170.5	22,291	33,023.5	*79,144*

Note: Internal trips are shown in italics.

3.4.1.2 Longview O&D

Figure 17 shows the quadrants for the Longview area, as well as mean median income per quadrant compared with the mean median income for all low-income TAZs within the quadrant (**Table 16**). The low-income TAZs were located in the southwest and southeast quadrants and the fewest minority TAZs were located in the northwest quadrant.

Table 16. Income by quadrant for the Longview area

Quadrant	Mean median income for all TAZs per quadrant	Mean median income for low-income EJ TAZs per quadrant*
Southeast	$25,917.71	$16,730.43
Northeast	$45,858.47	--
Southwest	$37,890.12	$15,462.86
Northwest	$44,165.32	--

*Note: The northeast and northwest Longview quadrants do not contain any low-income EJ TAZs.

Figure 17 also shows a summary of O&D trips between quadrants **(Table 17**). On a broad scale, movement of traffic around Longview in terms of trips between quadrants shows the most trips occurring between the northeast and northwest quadrants (44,927.5 trips), where there are no low income populations identified. Trips between the northwest and the southwest quadrants (36,331 trips), as well as between the northwest and southeast quadrants (31,118 trips), were also high. The fewest trips were between the northeast and southwest quadrants (12,720 trips). For trips between TAZs within a quadrant, the northwest quadrant (129,653 trips) had the most number of internal trips.

Table 17. O&D trips by quadrant for the Longview area

		Destination quadrant			
		Southeast	**Northeast**	**Southwest**	**Northwest**
Origin quadrant	**Southeast**	*61,130*	28,615.5	24,756	31,118
	Northeast	28,615.5	*51,975*	12,720	44,927.5
	Southwest	24,756	12,720	*104,870*	36,331
	Northwest	31,118	44,927.5	36,331	*129,653*

Note: Internal trips are shown in italics.

3.4.2 Major Employment Areas

One factor that may influence movement of EJ populations is the location of major employment areas. **Figures 18** through **21** show the total number of trips that begin in EJ areas and end in major employment areas by EJ TAZ origin and by major employment center TAZ destination.

Major employment center TAZs in Tyler are located in and adjacent to EJ populations in central and downtown Tyler, though major employment TAZs are also located along major arterials in the south, northwest, and northeast Tyler farther from the city center (**Figure 18**). In Tyler, EJ population trips to the major employment TAZs suggest that most trips are to the central employment TAZ, with fewer EJ trips to the outer major employment TAZs (**Figure 19**). Based on the route of the proposed toll network, people living in EJ areas are more likely to use the existing non-toll road network to travel to major employment locations.

Major employment center TAZs in Longview are located primarily on the northwest side of Longview, along Loop 281, as well as near central Longview, southeastern Longview, Gladewater, and Kilgore (**Figure 20**). The distribution of trips and location of the major employment areas in Longview indicate that trips from EJ TAZs are to major employment TAZs in southeast Longview and along Loop 281 (**Figure 21**). Based on the route of the proposed regional toll network, people living in EJ areas may be more likely to use the existing non-toll road network than use the toll facility to travel to major employment locations.

3.4.3 Candidate trips

A candidate trip is defined as a route between two TAZs that would save time by using a toll facility. A time savings of at least 30 seconds was used. This threshold eliminated potential trips such as those where the driver would only use the toll road for less than a mile at the beginning or end of a longer trip.

Candidate trips were considered for both the No Build and Build scenarios (see **Section 2.2.3**). The Build scenario includes the entire proposed toll network, while the No Build scenario includes only the section around Tyler that has been completed as of early 2014.

3.4.4 Candidate Trip Origin and Destinations

Under the No Build scenario, 6,074 origin and destination pairs were found to result in some time savings by taking a toll path; of these, 5,080 were candidate trips in which the time savings was greater than 30 seconds compared to a non-toll path between TAZs. Because the existing 2014 toll facility is located in the Tyler area, all of the candidate trips were associated with Tyler TAZs. There were 152 origin TAZs in the Tyler area with candidate trips. None of the Longview TAZs had candidate trips under the No Build scenario. **Figure 22** shows the number of candidate trip destinations by origin TAZ for the No Build scenario.

Under the Build scenario, 1,028,781 origin and destination pairs were found to result in some time savings by taking a toll path; of these, 127,396 were candidate trips in which the time savings was greater than 30 seconds. Time savings occurred for at least one destination TAZ in all 756 TAZs in the Tyler and Longview study area. **Figure 23** shows the number of candidate trip destinations by origin TAZ for the Build scenario.

3.5 Travel time savings

3.5.1 Region-wide time savings

Tables 18 and **19** show the average trip times in minutes for the No Build and Build scenarios by TAZ type. Because the Build scenario would nearly double the length of existing toll network and therefore includes a much larger geographic area, the average trip times for candidate trips between TAZs under the Build scenario were correspondingly longer. Because these trip times represent candidate trips, average trips times under both the No Build and Build scenarios are shorter for the toll path trips than those for the modeled non-toll path trips between origin and destination TAZs. Under the No Build scenario, travel paths starting in EJ TAZs have a shorter average trip time compared to non-EJ TAZs for both the toll and non-toll trips. Under the Build scenario, average trip times for EJ TAZs are slightly longer than non-EJ TAZs for both the toll and non-toll trips.

Table 18. Average trip times for candidate trips by TAZ type under the No Build scenario

TAZ Type	Number of TAZs	Average trip time (minutes)	
		Non-toll path trips	Toll path trips
EJ TAZs	5	24.05	22.17
Non-EJ TAZs	147	26.69	25.09
All TAZs	152	26.61	25.00

Table 19. Average trip times for candidate trips by TAZ type under the Build scenario

TAZ Type	Number of TAZs	Average trip time (minutes)	
		Non-toll path trips	Toll path trips
EJ TAZs	195	50.22	47.58
Non-EJ TAZs	561	49.26	46.49
All TAZs	756	49.51	46.77

Average time savings for EJ and non-EJ TAZs was determined by averaging the difference between the toll path trip time and the non-toll path trip time for all candidate trips. **Table 20** shows the overall average time savings in minutes by TAZ type for the No Build and Build scenarios, as well as the maximum time savings observed for candidate trips by using the toll path. The average time savings are higher for the Build scenario because there would be a larger geographic area covered by the toll facility and more TAZs had associated candidate trips.

Table 20. Average travel time savings for candidate trips by TAZ type

TAZ Type	Average time savings (minutes)		Maximum time savings for a toll path trip (minutes)	
	No Build	Build	No Build	Build
EJ TAZs	1.89	2.65	4.85	11.11
Non-EJ TAZs	1.53	2.77	6.27	14.26
All TAZs	1.61	2.74	6.27	14.26

Comparing the time savings by TAZ type, EJ TAZs under the No Build scenario have a greater time savings for trips using the toll facility than non-EJ TAZs. EJ TAZs under the No Build scenario had average time savings of 1.89 minutes, compared to 1.53 minutes for non-EJ TAZs. The maximum time savings was less for EJ TAZs (4.85 minutes) compared to non-EJ TAZs (6.27 minutes). The candidate trips for the No Build scenario were only located in Tyler (**Figure 22**). If no other segments of the proposed regional toll network are built, Tyler EJ populations would continue to potentially see an average time savings benefit by using the Toll 49 facility even if no other portions of the toll network are built.

EJ and non-EJ populations under the Build scenario would also see more of a time savings compared to the No Build scenario. Within the Build scenario, EJ populations saw slightly less of an average time savings (2.65 minutes) compared to non-EJ populations (2.77 minutes). The maximum time savings in the Build scenario was also less for EJ TAZs (11.11 minutes) compared to non-EJ TAZs (14.26 minutes). These differences are likely because most of the EJ areas region-wide are geographically located further from the proposed toll facility and because there are fewer EJ areas compared to non-EJ areas (**Table 19**); the number of EJ TAZs represent approximately 25 percent of the total TAZs region-wide.

3.5.2 Area-wide time savings

To further examine the effects of the toll network under the Build scenario, time savings was also examined for individual TAZs, cross referenced with Major Population and Major Employment TAZs.

(**Figures 24** through **27)**. Major Population TAZs are those with more than 500 persons, while Major Employment TAZs are those with more than 500 employees.

3.5.2.1 Tyler time savings

Figure 24 shows Major Population by TAZ for the Tyler area. The EJ TAZs are shown with a gradient of high, medium, and low average time savings in minutes for candidate trips using the toll road versus not taking the toll road. **Figure 25** shows Major Employment (greater than 500 employees) by TAZ in the Tyler area. The EJ TAZs are shown with a gradient of average time savings in minutes for candidate trips using toll versus non-toll paths.

In Tyler, the greatest time savings (2.8 to 3.9 minutes) is associated with those EJ populations living near the toll facility, but not in central Tyler. Most of the EJ TAZs in the mid-benefit range (1.9 to 2.8 minutes) are located along arterials, or near the toll road, or on the outskirts of downtown (within Loop 363). Many EJ TAZs in the downtown area benefit from toll road trips with a time savings range of 1.5 to 1.9 minutes.

3.5.2.2 Longview time savings

Figures 26 and **27** show the EJ TAZ time savings with Major Population and Major Employment for the Longview area. The range of time savings for EJ TAZs in Longview (from 2.1 to 3.2 minutes) is smaller and closer to the average than Tyler (from 1.5 to 3.9 minutes). The greatest time savings (2.8 to 3.2 minutes) is associated with those EJ populations living in central and southeast Longview. The EJ TAZ in the mid-benefit range (2.5 to 2.8 minutes) is located in southeastern Gregg County. The remainder of the EJ TAZs with lower time savings (2.1 to 2.5 minutes) are located in southeastern Gregg County, Kilgore, and Gladewater.

3.6 Cumulative economic impacts to individuals using the toll network

3.6.1 Candidate trip lengths on the toll road

In order to determine the economic impact on individuals using the toll network, the average length of candidate trips between TAZs that used the toll road were determined for both the No Build and Build scenarios. In GIS software, the trip lengths on the toll road for each trip route between candidate origin and destination TAZs were calculated. Only trip routes that would result in a time savings of at least 30 seconds by taking some portion of the toll road were included. The trip lengths were then averaged by TAZ. **Figures 28** and **29** show the average trip distance on the toll road for the No Build and Build scenarios.

Under the No Build scenario, candidate trips were only located in the Tyler area. Average trip lengths between TAZs along the toll road ranged from 2.0 miles to 13.7 miles (**Figure 28**). The candidate trips with the longest average modeled trip lengths on the toll road were located in the northwestern and southwestern portions of Smith County.

Under the Build scenario, candidate trips with the longest average modeled trip lengths on the toll road were located directly adjacent to the toll route and at the western and eastern termini of the proposed 2035 toll route (**Figure 26**). Average trip lengths on the toll road ranged from 2.8 miles to 31.4 miles for candidate trips.

3.6.2 Average candidate trip lengths on toll road by TAZ type

Tables 21 and **22** show the candidate trip length data summarized by EJ and non-EJ TAZs for both the No Build and Build scenarios.

Table 21. Average toll trip lengths for candidate trips by TAZ type under the No Build scenario

TAZ Type	Number of TAZ	Average trip length on toll road (miles)	Trip length range (miles)	
			Minimum	Maximum
EJ TAZs	5	7.4	6.1	8.2
Non-EJ TAZs	147	7.5	2.0	13.7
All TAZs	152	7.5	2.0	13.7

Table 22. Average toll trip lengths for candidate trips by TAZ type under the Build scenario

TAZ Type	Number of TAZ	Average trip length on toll road (miles)	Trip length range (miles)	
			Minimum	Maximum
EJ TAZs	195	13.9	9.5	20.1
Non-EJ TAZs	561	14.4	2.8	31.4
All TAZs	756	14.3	2.8	31.4

Under the No Build scenario, average trip lengths for candidate trips from EJ and non-EJ TAZs are similar, though the range is larger for the non-EJ TAZs (2.0 to 13.7 miles) compared to EJ TAZs (6.1 to 8.2 miles) (**Table 21)**. Under the Build scenario, average trip lengths overall ranged from 2.8 to 31.4 miles on the toll road (**Table 22**). The average trip lengths for candidate trips from EJ TAZs was 13.9 miles, while the average trip length on the toll road for non-EJ TAZs was 14.4 miles. The trip length for EJ TAZ candidate trips ranged from 9.5 to 20.1 miles, while non-EJ TAZ candidate trips included both shorter and longer candidate trips using the toll road under the Build scenario.

3.6.3 Estimate of potential economic impacts to low income TAZ

Economic impacts can be gauged by examining the cost of using the toll road as a percentage of annual household income. To calculate the direct potential economic impacts of toll road use on low income populations, the average trip length along the toll road for each low income TAZ was calculated. These trip lengths were then multiplied by the number of trips per year and the cost per mile to use the toll road to determine the potential annual toll cost. **Tables 23** through **29** summarize the potential economic impacts under the No Build and Build scenarios for low income TAZs, non-EJ TAZ by quadrant, and EJ type for both the Tyler and Longview areas.

Several assumptions were made for this analysis. First, the number of trips per year was set at 500 trips, assuming approximately 250 workdays per year and round-trip travel on the toll road. The cost per mile used was 15 cents per mile, based on the toll policy (see **Section 1.4.1**).

3.6.3.1 Tyler

In Tyler, the five EJ TAZ candidate trip origins under the No Build Scenario were also low income TAZs. **Table 23** shows the potential economic impacts to those individual TAZs. The percentage of income spent on toll costs annually would constitute between 3.0 and 3.8 percent of annual income (based on 2002 dollars) under the No Build scenario, which includes existing toll roads.

Table 23. Tyler area economic impacts to low income EJ TAZ under the No Build scenario

Tyler Low Income TAZs	Average trip length on toll road (miles)	Number of trips per year	Toll cost per mile	Annual toll cost	2002 income	Toll cost as % of 2002 income
120	6.3	500	$0.15	$472.50	$15,757	3.0%
133	8.4	500	$0.15	$630.00	$16,414	3.8%
258	8.4	500	$0.15	$630.00	$16,414	3.8%
262	6.8	500	$0.15	$510.00	$15,757	3.2%
410	6.2	500	$0.15	$615.00	$16,414	3.7%

Under the Build scenario, potential economic impacts to low-income TAZs in the Tyler Area range from 4.7 to 10.2 percent of median household income (based on 2002 data), as shown in **Table 24**.

Table 24. Tyler area economic impacts to low income EJ TAZ under the Build scenario

Tyler Low Income TAZs	Average trip length on toll road (miles)	Number of trips per year	Toll cost per mile	Annual toll cost	2002 income	Toll cost as % of 2002 income
5	11.6	500	$0.15	$869.71	$13,217	6.6%
7	11.6	500	$0.15	$869.71	$17,971	4.8%
8	11.6	500	$0.15	$869.71	$17,253	5.0%
9	11.6	500	$0.15	$869.71	$11,808	7.4%
11	11.6	500	$0.15	$869.71	$17,971	4.8%
12	11.6	500	$0.15	$869.71	$14,976	5.8%
23	11.6	500	$0.15	$869.71	$16,764	5.2%
28	11.1	500	$0.15	$833.72	$13,802	6.0%
29	11.1	500	$0.15	$833.72	$10,011	8.3%
49	20.1	500	$0.15	$1,507.34	$15,077	10.0%
56	20.1	500	$0.15	$1,507.34	$15,575	9.7%
63	16.1	500	$0.15	$1,209.97	$11,847	10.2%
70	16.4	500	$0.15	$1,229.60	$17,099	7.2%
120	10.6	500	$0.15	$795.02	$15,757	5.0%

Table 24. Tyler area economic impacts to low income EJ TAZ under the Build scenario

Tyler Low Income TAZs	Average trip length on toll road (miles)	Number of trips per year	Toll cost per mile	Annual toll cost	2002 income	Toll cost as % of 2002 income
124	11.6	500	$0.15	$869.71	$15,944	5.5%
125	11.6	500	$0.15	$869.71	$15,815	5.5%
133	10.4	500	$0.15	$777.86	$16,414	4.7%
155	11.2	500	$0.15	$838.16	$13,179	6.4%
161	11.6	500	$0.15	$869.71	$15,216	5.7%
167	11.6	500	$0.15	$869.71	$16,347	5.3%
169	11.6	500	$0.15	$869.71	$15,997	5.4%
179	11.6	500	$0.15	$869.71	$12,554	6.9%
215	10.9	500	$0.15	$819.34	$15,738	5.2%
249	11.6	500	$0.15	$869.71	$14,976	5.8%
255	11.6	500	$0.15	$869.71	$11,808	7.4%
258	10.4	500	$0.15	$777.86	$16,414	4.7%
262	10.7	500	$0.15	$798.96	$15,757	5.1%
310	11.6	500	$0.15	$869.71	$17,971	4.8%
395	11.1	500	$0.15	$833.72	$13,802	6.0%
396	11.3	500	$0.15	$846.17	$10,011	8.5%
410	10.2	500	$0.15	$764.49	$16,414	4.7%

Under the Build scenario, potential economic impacts to non-EJ TAZs in the Tyler area are shown by quadrant in **Table 25**. **Table 26** shows the potential economic impacts across the Tyler area by TAZ type for the Build scenario. The annual toll cost as an estimated percentage of income by quadrant ranges from 2.0 to 3.0 percent (based on 2002 income data) for non-EJ populations.

Table 25. Tyler area economic impacts to non-EJ TAZs by quadrant under the Build Scenario

Quadrant	Number of non-EJ TAZs*	Average trip lengths on toll road (miles)	Annual toll cost	Average 2002 Income	Toll cost as % of 2002 income
Northeast	47	9.9	$742.50	$33,903.60	2.2%
Northwest	60	11.3	$847.50	$35,644.03	2.4%
Southeast	116	16.0	$1,200.00	$40,237.86	3.0%
Southwest	86	14.4	$1,080.00	$40,810.60	2.6%

*Note: Includes some TAZs with 2002 incomes of $0

Table 26. Tyler area economic impacts by TAZ type under the Build scenario

Tyler Area TAZ Type	Number of TAZs	Average trip length on toll road (miles)	Annual toll cost	Average 2002 income	Toll cost as % of average 2002 income
EJ TAZs*	111	11.6	$873.24	$23,196.07	3.8%
Non-EJ TAZs	310	13.5	$1015.69	$38,541.80	2.6%
All TAZs	420	12.6	$944.47	$30,868.93	3.1%

* EJ TAZs include minority and low income populations

For EJ TAZs, the average trip length (11.6 miles) was lower than the average trip length for non-EJ TAZs (13.5 miles). Therefore, the anticipated annual cost was approximately $873, compared to more than $1,015 for non-EJ TAZs. The toll cost as a percentage of 2002 average income was slightly higher for EJ TAZs compared to non-EJ TAZs in the Tyler MPO, with 3.8 percent of income going to toll costs for EJ TAZs compared to 2.6 percent for non-EJ TAZs. This travel scenario estimates the cost per mile at $0.15 and assumes 500 trips per year (including approximately 250 trips each way for an average work year after vacation and weekends). This commute scenario may or may not reflect actual commuting choices. For example, lower income persons have the option to take the toll road fewer days a year, may travel to work by other means, or may choose alternate non-toll scenarios so these estimates are a maximum.

3.6.3.2 Longview

In Longview, no candidate trips were identified under the No Build scenario. Under the Build scenario, potential economic impacts for the 28 low-income EJ TAZs in Longview are shown in **Table 27**. Potential economic impacts to low-income TAZs in the Longview range from 5.5 to 10.6 percent of median household income (based on 2002 data).

Table 27. Longview area economic impacts to low income EJ TAZs under the Build scenario

Longview Low Income TAZs	Average trip length on toll road (miles)	Number of trips per year	Toll cost per mile	Annual toll cost	2002 income	Toll cost as % of 2002 income
2	17.0	500	$0.15	$1,277.14	$16,956	7.5%
8	17.2	500	$0.15	$1,286.64	$16,956	7.6%
10	16.9	500	$0.15	$1,267.01	$16,956	7.5%
12	16.9	500	$0.15	$1,267.01	$16,956	7.5%
13	16.9	500	$0.15	$1,267.01	$16,956	7.5%
14	16.9	500	$0.15	$1,267.01	$16,956	7.5%
15	17.0	500	$0.15	$1,277.14	$16,956	7.5%
18	17.2	500	$0.15	$1,286.64	$16,956	7.6%
19	17.2	500	$0.15	$1,286.64	$16,956	7.6%
20	17.2	500	$0.15	$1,286.64	$16,956	7.6%
22	17.2	500	$0.15	$1,286.64	$16,956	7.6%
23	17.2	500	$0.15	$1,286.64	$16,956	7.6%
24	17.2	500	$0.15	$1,286.64	$16,956	7.6%
25	17.2	500	$0.15	$1,286.64	$16,956	7.6%

Table 27. Longview area economic impacts to low income EJ TAZs under the Build scenario

Longview Low Income TAZs	Average trip length on toll road (miles)	Number of trips per year	Toll cost per mile	Annual toll cost	2002 income	Toll cost as % of 2002 income
26	17.0	500	$0.15	$1,277.14	$16,956	7.5%
27	16.9	500	$0.15	$1,267.01	$16,956	7.5%
28	16.9	500	$0.15	$1,267.01	$16,956	7.5%
29	16.9	500	$0.15	$1,267.01	$16,956	7.5%
37	17.2	500	$0.15	$1,286.64	$16,956	7.6%
38	17.0	500	$0.15	$1,277.14	$16,956	7.5%
39	17.0	500	$0.15	$1,277.14	$16,956	7.5%
40	17.0	500	$0.15	$1,277.14	$16,956	7.5%
41	17.0	500	$0.15	$1,276.70	$16,956	7.5%
45	17.2	500	$0.15	$1,289.39	$16,956	7.6%
64	17.2	500	$0.15	$1,289.39	$12,219	10.6%
70	16.9	500	$0.15	$1,267.01	$13,691	9.3%
71	17.1	500	$0.15	$1,282.58	$13,691	9.4%
243	9.6	500	$0.15	$722.01	$13,034	5.5%

Under the Build scenario, potential economic impacts to non-EJ TAZs in the Longview area are shown by quadrant in **Table 28**. **Table 29** shows the potential economic impacts across the Longview area by TAZ type for the Build scenario. The annual toll cost as an estimated percentage of income by quadrant ranges from 2.7 to 5.0 percent (based on 2002 income data) for non-EJ populations.

Table 28. Longview area economic impacts to non-EJ TAZs by quadrant under the Build Scenario

Quadrant	Number of non-EJ TAZs*	Average trip lengths on toll road (miles)	Annual toll cost	Average 2002 Income	Toll cost as % of 2002 income
Northeast	60	18.2	$1,365.00	$45,858.48	3.0%
Northwest	71	15.9	$1,192.50	$44,165.32	2.7%
Southeast	20	17.1	$1,284.75	$25,917.71	5.0%
Southwest	101	13.8	$1,038.00	$37,890.12	2.7%

* Note: Includes some TAZs with 2002 incomes of $0

Table 29. Longview area economic impacts by TAZ type under the Build scenario

Tyler Area TAZ Type	Number of TAZs	Average trip length on toll road (miles)	Annual toll cost	Average 2002 income	Toll cost as % of average 2002 income
EJ TAZs*	84	13.9	$1,042.50	$20,599.21	5.1%
Non-EJ TAZs	252	14.4	$1080.00	$43,916.17	2.5%
All TAZs	336	14.3	$1072.50	$38,086.93	2.8%

* EJ TAZs include minority and low income populations

For EJ TAZs, the average trip length (13.9 miles) was lower than the average trip length for non-EJ TAZs (14.4 miles). Therefore, the anticipated annual cost was approximately $1,042, compared to $1,080 for non-EJ TAZs. The toll cost as a percentage of 2002 average income was higher for EJ TAZs compared to non-EJ TAZs in the Longview area, with 5.1 percent of income going to toll costs for EJ TAZs compared to 2.5 percent for non-EJ TAZs. This difference is due to the greater number of non-EJ TAZs and the overall higher average income for non-EJ TAZs, which was more than twice the average 2002 incomes for EJ TAZs in the Longview area.

As with the Tyler area, this analysis assumes a future toll cost of 15 cents per mile and 250 round trips per year, a commute scenario that may or may not reflect actual commuting choices. For example, lower income persons have the option to take the toll road fewer days a year, may travel to work by other means, or may choose alternate non-toll scenarios so these estimates are a maximum.

3.6.4 Estimate of potential economic impacts to households with incomes less than the poverty guideline

To be classified as low income, the population must have an income below the poverty guideline. **Tables 30** and **31** compare the average annual toll cost on a regional level to the poverty guidelines for select years between 2002 and the present, using the average trip length on the toll road for candidate trips in the Tyler area, the Longview area, and region-wide. The annual toll cost shown in these tables would be a minimum percentage of income for low income populations below the poverty guideline, if they use the toll road to drive the average trip length, and assuming 250 round trips a year and a 15 cents per mile toll cost.

Table 30. Economic impacts for the poverty guideline by region under the No Build scenario

Region	Number of TAZs	Average trip length on toll road (miles)	Annual toll cost	Annual Toll Cost as % of Poverty Guidelines by Year			
				2002 ($18,100)	2006 ($20,000)	2010 ($22,050)	2014 ($23,850)
Tyler	152	7.5	$565.24	3.1%	2.8%	2.6%	2.4%
Longview	0	--	--	--	--	--	--
Tyler-Longview region	152	7.5	$565.24	3.1%	2.8%	2.6%	2.4%

Table 31. Economic impacts for poverty guideline by region under the Build scenario

Region	Number of TAZs	Average trip length on toll road (miles)	Calculated annual toll cost	Toll Cost as % of Poverty Guidelines by Year			
				2002 ($18,100)	2006 ($20,000)	2010 ($22,050)	2014 ($23,850)
Tyler	420	13.0	$978.04	5.4%	4.9%	4.4%	4.1%
Longview	336	15.9	$1,190.56	6.6%	6.0%	5.4%	5.0%
Tyler-Longview region	756	14.3	$1,072.50	5.9%	5.4%	4.9%	4.5%

Under the No Build scenario, toll costs in Tyler would be a minimum of 2.4 percent of the household income for a low income population below the 2014 poverty guideline (**Table 30**). Under the Build scenario, toll costs in Tyler could be a minimum of 4.1% of a low-income household, while in Longview, the toll cost is 5.0 percent of the 2014 poverty guideline (**Table 31**).

4.0 LAND USE CONSIDERATIONS

Land use information for the region was obtained by examining the Tyler Area and Longview MTPs, as well as available land use plans. Because the proposed toll network is planned as a new location facility, it has the potential to influence development and cause changes to land use in the vicinity of the project area. Impacts to land use associated with specific sections of the toll network will be discussed in the individual project documents. This analysis instead is focused on general land use trends and potential impacts on a regional scale, based on the existing and projected location of the toll facility.

4.1 Tyler

The municipalities in Smith County have been planning for the regional toll network for some time, when the project was just Loop 49 (see **Section 1.1**). Many of the goals and expectations discussed in the planning documents have already taken place since toll road construction has been partially completed. The land use development that has occurred would continue to occur as additional toll road segments are planned and constructed in the regional study area.

Tyler's Metropolitan Transportation Plan 2035 was adopted in 2009. The MTP included anticipated population and employment growth, some of which has occurred in the planning area. Since the document was approved, the first segments of Loop 49 (now Toll 49) have been constructed. Projects planned beyond 2012 included Segments 3b, 4, and 5. At the time of publication, the MTP stated the following: *Tyler's Toll 49 is "Tyler's new outer loop, which when completed will form a 32-mile loop around the south and west sides of Tyler. The outer loop plan will connect to I-20 on the Northwest and Northeast sides of Tyler. The 2-lane section from SH 155 to FM 756 has been constructed and is operating as a toll road facility. The toll way is being constructed in two phases. The first phase will be a 2 lane roadway that supports the current traffic volumes using the facility. As these volumes grow, the facility will be expanded into a 4 lane divided expressway."* The toll facility is later identified as one of the few potential opportunities for travel demand management (TDM) in Tyler and is further described on page 14-1 as a Recommended Transportation Improvement.

The Tyler 21 Comprehensive Plan specifically addresses construction of Loop 49 as it relates to land use development. One direct objective of *promoting growth* is identified as enhancing links to Loop 49. *Providing transportation options* is described as "preserving potential new transportation corridors and work with regional partners to support efficient transportation."

According to The Tyler 21 Plan, new residential development is occurring mostly in the southern and western portions of the city. Historically, Tyler residents have moved away from the denser areas and instead, they have urbanized land outside the MSA. Much of the newly-urbanized land is eventually annexed by the city, but some of it remains outside of the city limits. The City of Tyler desires land-use

development that will facilitate efficient transportation. The City believes that a supporting mix of land uses is the most effective way to achieve transportation efficiency. This entails moving away from the development trends of the past (separation of land uses/sprawling low-density development) and focusing on compact residential or employment development with a mix of affordability, a complementary land uses in a small area. The City strongly emphasizes a desire for "transit-ready" population densities in designated mixed-use areas.

The Future Land Use Principles and Guide for the City section of the Tyler 21 Plan provides a map of future land use within existing city limits and emphasizes the location of the toll road. According to the map, in south Tyler, Toll 49 will pass directly through or adjacent to mixed-use centers, single-family medium/low density homes, single-family low density homes, and stream corridor greenways. This future development would align with each of the principles outlined in Principles and achieve the desired development of mixed-use areas instead of low-density sprawl. Based on review of population and employment densities by TAZ, growth has occurred both within the central loop and along adjacent arterials in Tyler.

The City of Whitehouse has a comprehensive plan called *Vision 2020 Comprehensive Plan*, which was adopted in 2006. The Vision 2020 Plan reports that the Whitehouse population is expected to grow approximately 52.0% between 2012 and 2020, based on data from the Texas State Data Center. Plan Recommendation #6 states "Whitehouse should developed an effective and coordinated local transportation system which encourages and participates in meeting regional transportation needs by: (6.1) Pursuing aggressively the completion of Loop 49 between US 69 and State Highway 110…. (6.3) familiarizing the MPO and other government agencies with the changes contained within this updated Thoroughfare Plan in order to benefit from State funding of regional and local transportation projects."

In its Land Use Recommendations section, Vision 2020 divides the City of Whitehouse into quadrants when presenting land use recommendations. The northwest and northeast quadrants are located on either side of SH 110 and would be closest to the toll network. According to the proposed alignment of the regional toll network, SH 110 would intersect the toll road just north of Whitehouse. Future land use maps for the two northernmost quadrants identify high density and medium density office/retail development as ideal for the parcels directly adjacent to SH 110. Vision 2020 identifies high intensity and medium office/retail development as best suited to be adjacent to major thoroughfares and intersections. The plan directly states that these land uses would be best along SH 110 because of its proposed connectivity to the regional toll network.

In the Transportation Recommendations section, new roadway recommendations and roadway improvements are based on the assumption that the toll network will be passing directly north of the city. For example, one recommendation reads, "…bypass traffic heading north on the western bypass may not seek to reconnected with SH 110. One reason for this will be the construction of Loop 49's intersection with FM 2964…" Based on population and employment densities, it appears that growth continues to occur especially along SH 110.

The City of Lindale's Second Century Comprehensive Plan, adopted in 2004, anticipated more than 66 percent growth between 2010 and 2025. The Comprehensive Plan describes the role of the regional toll network and recommends an interchange at FM 16 in anticipation of growth and development. Lindale identifies a Land Use Plan that delineates the intended type, location, and extent of future land use. Over 1,640 acres are allocated to the toll road corridor. Out of the total area covered by the Land Use Plan, the toll road corridor covers 9.32%. The corridor is defined as all single-family homes, private open space, recreational amenities, and possibly assisted-care mid-rises and worship facilities.

One major goal of Lindale's Comprehensive Plan is to "re-establish US 69 as Lindale's 'Main Street' and avoid the need to widen US 69 to six travel lanes in the future."

The City of Bullard adopted its comprehensive plan, *Envision Bullard 2030 Comprehensive Plan*, in 2011. The Future Land Use Plan does not specifically reference the regional toll network but it does identify the US 69 corridor that passes through Bullard as a key spot for future development. US 69 connects to Toll 49 north of Bullard. Desirable developments around US 69 are strip commercial centers and other retail centers.

The first goal listed in the introduction of the Plan is to "Strategically Plan for Growth." One central component of this goal is to "ensure infrastructure and utilities capacity to accommodate growth." Later in the document, Implementation Actions are identified to achieve Plan goals. One of these Implementation Actions is to "encourage master development plans… within the US 69 Hwy corridor including appropriate access points to the highway, supporting street network, utilities and infrastructure to support higher intensity development, and related site and building design guidelines." By facilitating high traffic/retail development in the US 69 corridor, Bullard will be capitalizing on increased connectivity provided by Toll 49, while still maintaining the City's small town character (another goal identified in the Plan).

Publicly available land use and comprehensive planning information could not be locally located for the communities of Arp, Hideaway, New Chapel Hill, Noonday, Overton, Troup, and Winona. For some of these communities, there were references directing the researcher back to the documentation for the Tyler Area MPO.

4.2 Longview

For the Longview MTP, the population and employment forecasts developed for the travel demand model were presented at charrette workshops that examined development trends and future land use considerations for the area. Charrette participants included 30 representatives from cities, school districts, counties, TxDOT, and the Longview Economic Development Corporation. During the workshops, future land use trends; growth and changes projected to occur in the housing, retail, education, and business sectors; and economic development factors, such as employment centers and infrastructure issues, were discussed.

As a result of the charrette workshops and other compiled land use data, the Longview MPO has determined that most of the short and long-term residential development will take place north of

Loop 281 on the north side of Longview in Gregg County. The Longview area in western Harrison County will also see substantial residential growth by 2035. Most of the commercial growth will follow the residential growth along Loop 281. Most of the industrial growth will occur in and around the current industrial parks, which are located adjacent to US 80 and IH 20 in central and southern Longview, as well as in Kilgore.

Longview anticipates that most of its growth by 2035 will occur in the northern and eastern parts of the modeling area, which may be adjacent to portions of proposed East Texas Hourglass segments. According to the *City of Longview Future Land Use Map*, as amended in 2012, the area on the north side of Longview is primarily classified as very low density residential, except at major intersections and roadways, which consist of small amounts of medium intensity business (retail) and high intensity business (commercial/regional). This pattern of medium and high intensity businesses along major roadways is repeated throughout the Longview area, with a concentration of businesses along US 80, SH 300, CR 1343, Spur 502, US 259, and Loop 281. In addition, most of the industrial land use is located between US 80 and IH 20 in the southern portion of Longview. Large areas of low density residential land use, defined as two to five dwelling units per acre, are generally located in an northwest to southeast pattern across the Longview area, with residential growth extending toward the northwest fringe of the city limits, according to the Longview MPO.

Like the rest of the regional toll network, the proposed East Texas Hourglass segments would be a limited access facility, with frontage roads and access points only at the major intersections. The lack of frontage roads would limit adjacent commercial development for most of the toll corridor, but may encourage development at and immediately adjacent to the interchanges. Nine interchanges are proposed in Gregg, Upshur, and Harrison Counties. Segment 7 interchanges are proposed at US 80 (in Gregg County), SH 300 (in Upshur County) and US 259 (in Gregg County). Segment 8 interchanges are proposed at FM 2879, FM 450, SH 154, and US 59, with Segment 8A interchanges proposed at US 80 and IH 20 (all in Harrison County).

The preliminary East Texas Hourglass route would pass through primarily undeveloped lands currently used for pasture, woodlands, and oil and gas development, as well as some rural residential areas. The toll road would not be placed within or through any population centers. The preliminary route would pass between the communities of Gladewater to the west and White Oak to the east before turning to pass seven to ten miles north of the Longview city center. The spur (Segment 8A) on the east side of Longview would pass between Longview to the west and Hallsville to the east.

Projected residential growth on the north side of Longview may coincide with construction of the toll road. Though access points to the toll facility would be limited to the major interchanges, the presence of the toll road may attract homebuyers looking for a rural residential setting, but with easy access via to the toll road to major roads that connect to commercial and employment centers.

5.0 AIR QUALITY ANALYSIS

5.1 Attainment Status

The regional toll network project corridor is located in Gregg, Harrison, Smith, and Upshur Counties, which are part of the Northeast Texas regional area in the Texas air quality State Implementation Plan (SIP). These counties are in attainment or unclassifiable for all national ambient air quality standards (NAAQS).

As environmental documents are developed for each project segment for the regional toll network, a Texas Air Quality Analysis will be conducted, as appropriate. It is anticipated that the Tyler-Longview region would continue to meet air quality standards.

5.2 Conformity Analysis

Portions of the project area are located within the Tyler Area MPO and the Longview MPO. The proposed action is consistent with Tyler Area MPO's *Metropolitan Transportation Plan 2035* and Longview MPO's *Transportation 2035*. Because the project area is in attainment or unclassifiable for all NAAQS, and the toll network is consistent with the two area MTPs, the transportation conformity rules do not apply.

5.3 Regional Air Quality

The region occasionally experiences short-term spikes of certain pollutants such as PM10, carbon monoxide, and ozone. Air quality is measured at three regional monitoring stations: the East Texas Regional Airport in Gregg County, Tyler Airport in Smith County, and Karnack in Harrison County. In addition, a voluntary coalition of government, industry, businesses and individuals called Northeast Texas Air Care publicizes predicted Ozone Action Days and educates the public about air quality issues.

6.0 BENEFITS OF IMPLEMENTING THE PLANNED TRANSPORTATION PLAN

The Tyler-Longview regional toll network and its predecessor projects have long been promoted as a new region-wide route that would relieve congestion within the urban centers of the Tyler and Longview area. By providing an additional option for the traveling public, the proposed toll road would both improve traffic flow in the region and improve regional and statewide connectivity. The time savings analysis in this document indicates that use of the toll network would result in travel time savings for those that make the choice to use the toll facility.

The existing portion of Toll 49 around Tyler was developed through TxDOT resources and other state funding methods. Feasibility studies currently underway for the East Texas Hourglass are being funded in part by TxDOT loans procured as part of the construction of Segment 3B. Future funding for environmental studies, ROW, and construction of the East Texas Hourglass portion of the regional toll network have not yet been identified. NETRMA, however, anticipates using toll revenue to pay for the future expansion of the toll network through revenue bonds.

Toll revenues from the currently open Toll 49 sections will be used by NETRMA for the maintenance, operation, and future expansion of the roadway from a two-lane to a four-lane facility. Any surplus revenues could possibly be used for other future transportation projects within the NETRMA area.

7.0 LIMITATIONS OF THIS REGIONAL TOLL NETWORK ANALYSIS

7.1 Socioeconomic and Geographic Data Limitations

For consistency with the currently approved Tyler Area MPO and Longview MPO 2035 MTPs, the socioeconomic data used as the basis for this analysis included 2002 income data used by the MPOs in their travel demand models and the year 2000 census data used in the MTPs for Tyler and Longview. In addition, only the proposed toll network through 2035 was included in the model and analysis; therefore, the portion of the proposed Segment 8 between the Segment 8A and US 59/I-69 in Marshall, which would be constructed after 2040, was not discussed in this document. When the travel demand models and the area MTPs are updated in the future, the regional network toll analysis should also be updated.

Areas outside of the 2002 MPO travel demand model boundaries were not also included in this analysis. This excluded area included portions of Harrison County and most of Upshur County. Though minority data were examined for Harrison and Upshur Counties, minority areas were not located in or adjacent to the toll road or other modeled areas. Since the MPOs expanded their boundaries in late 2013, consideration should be given to including those portions of Harrison and Upshur in future travel demand modeling analysis.

Finally, the regional toll network corridor used in the travel demand modeling and analysis was based on the NETRMA maps obtained from the toll49.org website in early 2013. Maps posted on the toll49.org website in December 2013 showed different potential alignments for Segments 6 and 7 of the proposed regional toll network from what were used in this analysis. Future travel demand modeling and analysis would need to consider changes in project development timelines and/or future corridor alignments.

7.2 Travel Demand Model Limitations

While the travel demand models were able to generate future travel times within the Tyler and Longview areas there are several weaknesses to using these models:

- Models are unable to determine which individual trips generated in a TAZ will use the proposed toll road – The travel demand model calculates the amount of traffic that travels from one zone to another and then assigns this traffic to a particular route, which may or may not include the proposed toll road. Individual trips for EJ and non EJ populations are not modeled. For example, consider a TAZ in which 60% of the population is an EJ population; the model cannot determine if this traffic uses the toll road.

- Models are unable to determine number of trips between Tyler and Longview Zones – While the models were able to generate the travel times between zones in the Tyler and Longview models, the number of trips which travel from a zone in one of the models to a zone in the other model

was not calculated. The Tyler and Longview travel demand models were generated as separate travel demand models and are not completely integrated.

- During the model calibration process, traffic data for the regional toll network was not available. However, special attention was paid to the calibration process for parallel routes to the existing toll network. In addition, all major routes within the networks for which data was available were calibrated to FHWA and TxDOT standards in order to ensure that the model provided realistic results for future year conditions.

8.0 CONCLUSIONS

Based on the time savings and toll cost analysis, it is not anticipated that the Tyler-Longview regional toll network would cause disproportionately high or adverse effects on low-income or minority communities in the MPO regions. The existing road network connects many of the identified EJ populations in the region to major employment centers. Because the proposed regional toll facility would be constructed on new location, low-income populations wishing to avoid paying a toll would have many existing non-toll routes as alternatives. If EJ populations do choose to use the toll road, they would realize a time benefit over using the non-toll network, though the regular use of the toll network would be an added expense to low income populations.

The regional toll network has the potential to influence development and cause changes to land use in the vicinity of the project area, since it will be built on new location. Municipalities in the region have been planning for the toll network for some time and evaluating compatible land use. The toll network would be a limited access facility, with frontage roads and access points only at major intersections. The lack of frontage roads could limit commercial development adjacent to most of the toll corridor, but may encourage development at and immediately adjacent to the interchanges.

The toll network is located in Northeast Texas regional area which is in attainment or unclassifiable for all national ambient air quality standards (NAAQS). It is anticipated that the Tyler-Longview region would continue to meet air quality standards.

9.0 REFERENCES

City of Bullard. 2011 Envision Bullard 2030 Comprehensive Plan. http://www.bullardtexas.net/tinybrowser/files/comprehensive_plan_envision_bullard_2030.pdf. Last accessed February 17, 2014.

City of Lindale. 2004. Lindale Second Century Comprehensive Plan. http://www.lindaletx.gov/uploads/tinymce/city-of-lindale-texas-masterplan.pdf. Last accessed February 17, 2014.

City of Tyler. 2007. Tyler 21 Comprehensive Plan. https://www.cityoftyler.org/Portals/0/Documents/Planning%20Department/Tyler%2021%20Comp%20Plan.pdf. Last accessed February 17, 2014.

City of Whitehouse. 2006. Vision 2020. http://www.butlerplanning.com/whitehouse/index.html. Last accessed February 17, 2014.

Federal Highway Administration and Texas Department of Transportation. 2009. *Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads. April 23, 2009.* http://ftp.dot.state.tx.us/pub/txdot-info/env/joint_guidance_toll.pdf.

Longview Metropolitan Planning Organization. 2009. *Transportation 2035: Longview Metropolitan Transportation Plan.* Prepared by The Longview Metropolitan Planning Organization. Adopted November 12, 2009. Revised November 8, 2011, and June 21, 2012.

Longview Metropolitan Planning Organization. 2012. *2013-2016 Transportation Improvement Program.* Adopted by the MPO Policy Board on April 18, 2012. Revised June 21, 2012.

Longview Metropolitan Planning Organization. 2012. *Limited English Proficiency Plan.* Adopted by the MPO Policy Board on August 8, 2012.

North East Texas Regional Mobility Authority. 2012. *Annual Report* 2012. December 2012.

Prozzi, J., I. Victoria, G. Torres, C. . Walton, and J. Prozzi. 2006. *Guidebook for Identifying, Measuring, and Mitigating Environmental Impacts of Toll Roads.* Center for Transportation Research, The University of Texas at Austin. TxDOT Project 0-5208: Evaluation of Environmental Justice Aspects of the Tolling of Existing Non-Toll and Toll Roads. September 2006.

Texas Department of Transportation, Environmental Affairs Division. 2004. Guidance on the Environmental Process for Toll Roads. July 2004.

Tyler Area Metropolitan Planning Organization. 2009. *Metropolitan Transportation Plan 2035.* Prepared by Bucher, Willis, and Ratliff Corporation, Tyler, Texas. Adopted by the Tyler Area MPO Policy Committee, December 4, 2009. Amended/Revised April 22, 2009.

Tyler Area Metropolitan Planning Organization. 2012. *2013-2016 Transportation Improvement Plan.* Adopted by the Tyler Area MPO Policy Committee, April 26, 2012.

Tyler Area Metropolitan Planning Organization, Title VI Coordinator, 2012. *Title VI LEP Four Factor Analysis and Implementation Plan* (August 2012), (http://www.cityoftyler.org/Portals/0/Documents/Area%20Metro%20Planning/Title%20VI%20LEP%20Four%20Factor%20Analysis%20and%20Implementation%20Plan%205-2012.pdf).

Tyler Economic Development Corporation, 2014. Tyler - Major Employers (http://www.teamtexasonline.com/member-profile/tyler-edc)

U.S. Census Bureau. Census 2000, Summary File 1, Table P004: Hispanic or Latino, and Not Hispanic or Latino by Race. American FactFinder. http://factfinder2.census.gov. Accessed March 25, 2013.

U.S. Census Bureau. Census 2000, Summary File 3, Table P053: Median Household Income in 1999. American FactFinder. http://factfinder2.census.gov. Accessed March 25, 2013.

U.S. Census Bureau. Census 2000, Summary File 3, Table DP-2: Profile of Selected Social Characteristics: 2000. American FactFinder. http://factfinder2.census.gov. Accessed May 13, 2013.

U.S. Department of Health and Human Services. *Prior HHS Poverty Guideline and Federal Register References.* http://aspe.hhs.gov/poverty/index.cfm. Accessed May 13, 2013.

Appendix A

Figures

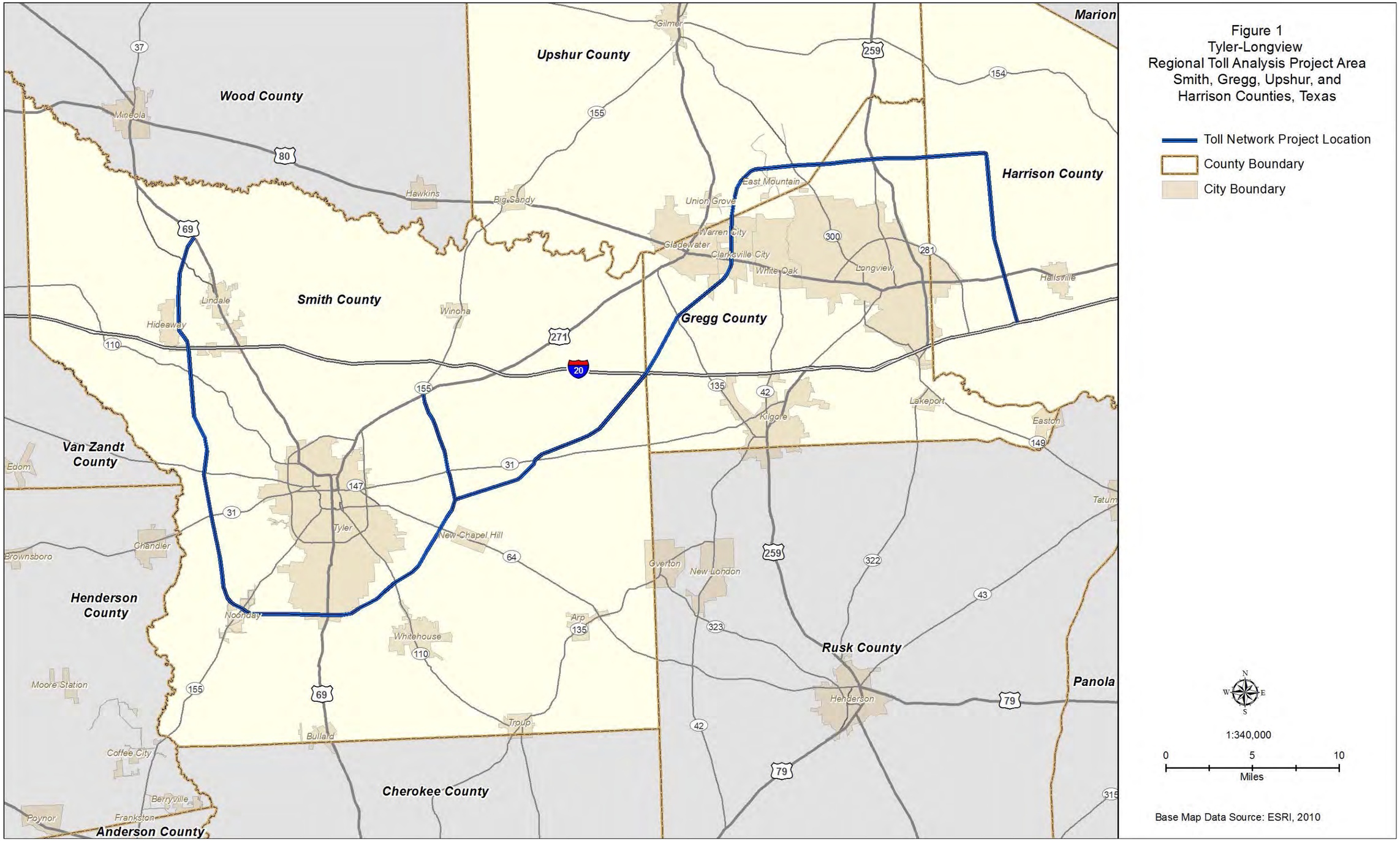


Figure 1
Tyler-Longview
Regional Toll Analysis Project Area
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
City Boundary
Wood County
Upshur County
Marion
Harrison County
Smith County
Gregg County
Van Zandt County
Henderson County
Rusk County
Panola
Cherokee County
Anderson County
Mineola
Hawkins
Big Sandy
Gilmer
Union Grove
East Mountain
Warren City
Gladewater
Clarksville City
White Oak
Longview
Hallsville
Lindale
Hideaway
Winona
Kilgore
Lakeport
Easton
Tatum
Edom
Tyler
New Chapel Hill
Chandler
Brownsboro
Gverton
New London
Noonday
Whitehouse
Arp
Moore Station
Henderson
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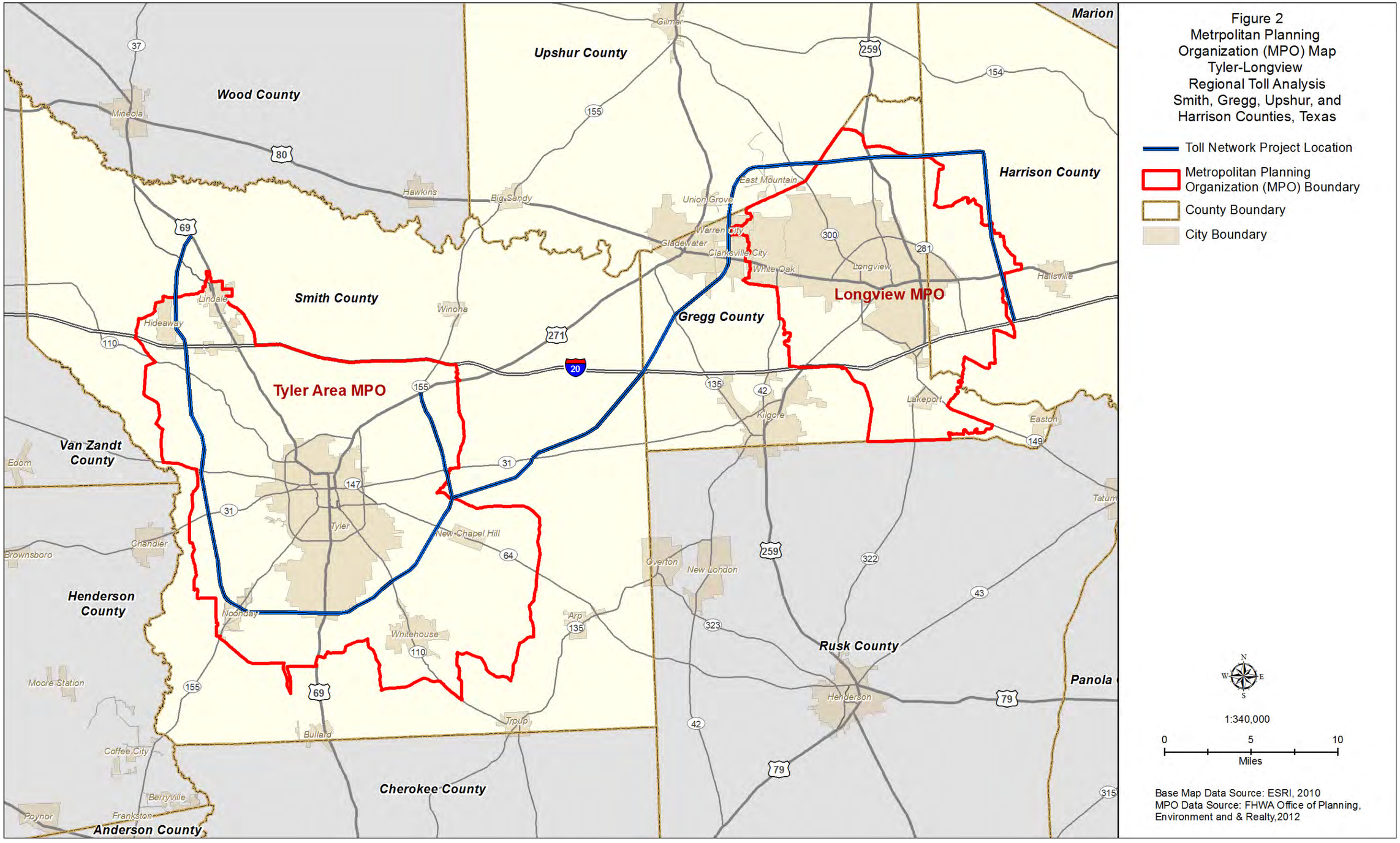


Figure 2
Metrpolitan Planning Organization (MPO) Map
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas
Toll Network Project Location
Metropolitan Planning Organization (MPO) Boundary
County Boundary
City Boundary
Wood County
Upshur County
Marion
Harrison County
Smith County
Gregg County
Van Zandt County
Henderson County
Rusk County
Panola
Cherokee County
Anderson County
Tyler Area MPO
Longview MPO
Mineola
Hawkins
Big Sandy
Gilmer
Union Grove
East Mountain
Warren City
Gladewater
Clarksville City
White Oak
Longview
Hallsville
Lindale
Hideaway
Winona
Kilgore
Lakeport
Easton
Edom
Tyler
New Chapel Hill
Tatum
Chandler
Brownsboro
Overton
New London
Noonday
Whitehouse
Arp
Moore Station
Henderson
Troup
Bullard
Coffee City
Berryville
Poynor
Frankston
1:340,000
0
5
10
Miles
Base Map Data Source: ESRI, 2010
MPO Data Source: FHWA Office of Planning, Environment and & Realty,2012

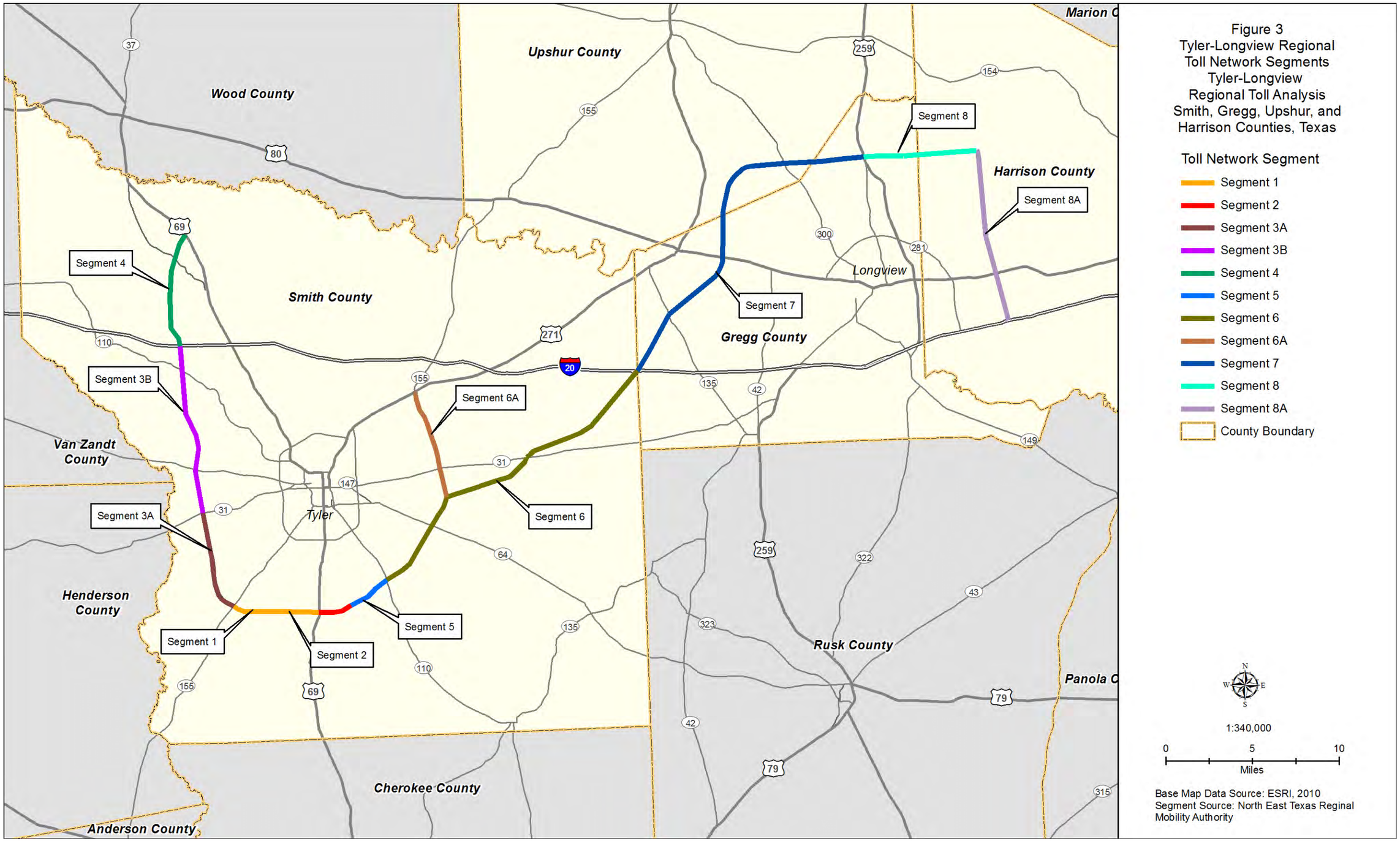


Figure 3
Tyler-Longview Regional
Toll Network Segments
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Segment
Segment 1
Segment 2
Segment 3A
Segment 3B
Segment 4
Segment 5
Segment 6
Segment 6A
Segment 7
Segment 8
Segment 8A
County Boundary
1:340,000
0
5
10
Miles
Base Map Data Source: ESRI, 2010
Segment Source: North East Texas Reginal
Mobility Authority
Wood County
Upshur County
Smith County
Gregg County
Harrison County
Van Zandt County
Henderson County
Rusk County
Cherokee County
Anderson County
Panola C
Marion C
Longview
Tyler
Segment 1
Segment 2
Segment 3A
Segment 3B
Segment 4
Segment 5
Segment 6
Segment 6A
Segment 7
Segment 8
Segment 8A

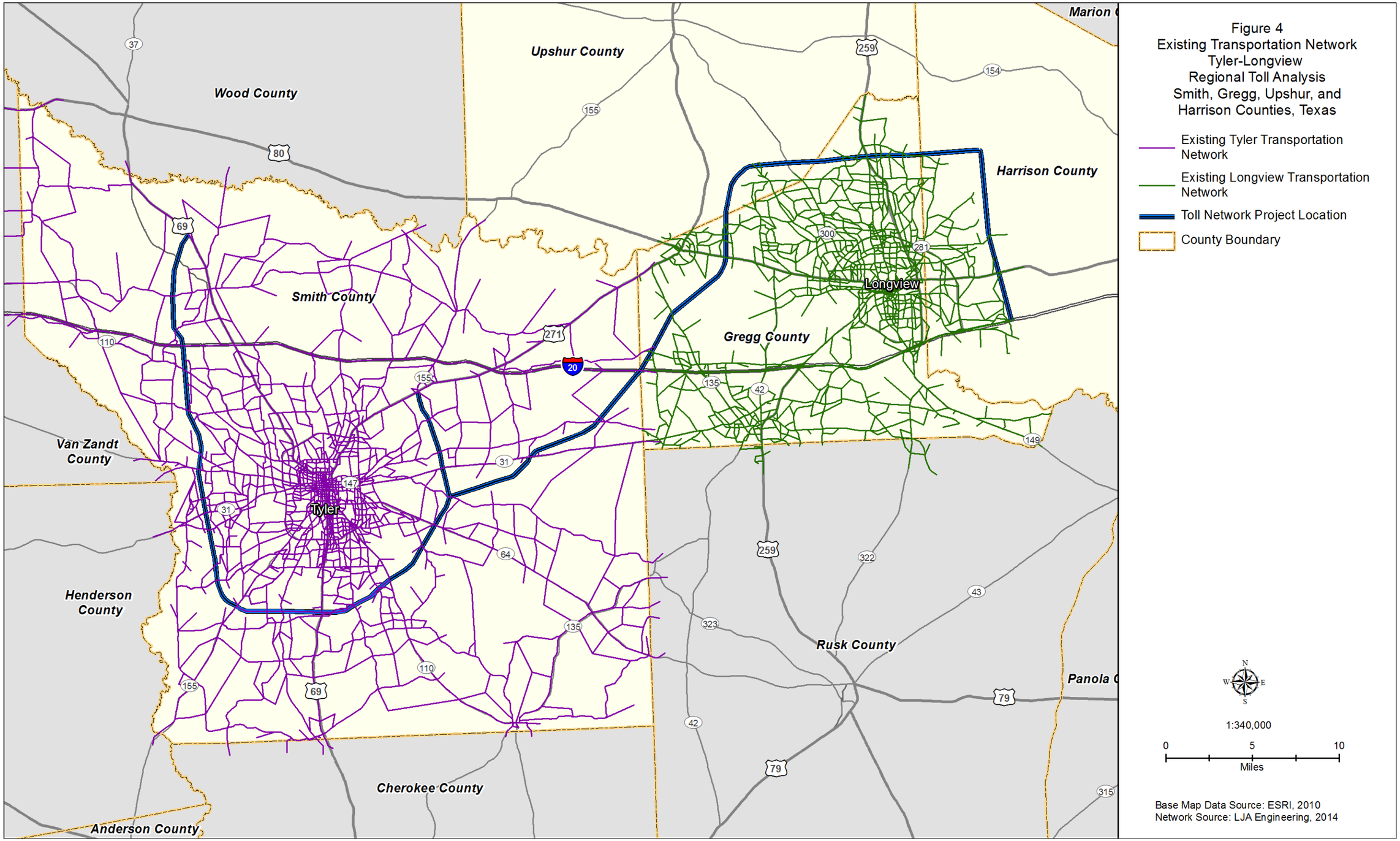


Figure 4
Existing Transportation Network
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Existing Tyler Transportation Network
Existing Longview Transportation Network
Toll Network Project Location
County Boundary
Wood County
Upshur County
Harrison County
Smith County
Gregg County
Van Zandt County
Henderson County
Rusk County
Cherokee County
Anderson County
Tyler
Longview
1:340,000
0
5
10
Miles
Base Map Data Source: ESRI, 2010
Network Source: LJA Engineering, 2014

Figure 5. Existing Toll 49 System Map and Toll Rates for cars, motorcycles and trucks (as of 3/29/2013 from toll49.org)

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY

TOLL RATES

TOLLING POINT	Cars, Motorcycles and Trucks		SUV, Passenger Car with Trailer		Unibody Truck		Tractor Trucks with one Trailer		Tractor Trucks with two Trailers	
	TxTag	PBM[1]	TxTag	PBM[1]	TxTag	PBM[1]	TxTag	PBM[1]	TxTag	PBM[1]
Mainlane Plaza North of Prairie Creek	$0.85	$1.13	$1.70	$2.26	$2.55	$3.39	$3.40	$4.52	$4.25	$5.65
Ramp Plazas South of SH 64	$0.30	$0.40	$0.60	$0.80	$0.90	$1.20	$1.20	$1.60	$1.50	$2.00
Mainlane Plaza South of SH 31	$0.70	$0.93	$1.40	$1.86	$2.10	$2.79	$2.80	$3.72	$3.50	$4.66
Mainlane Plaza East of Saline Creek	$0.60	$0.80	$1.20	$1.60	$1.80	$2.39	$2.40	$3.19	$3.00	$3.99
Ramp Plazas East of FM 2493	$0.30	$0.40	$0.60	$0.80	$0.90	$1.20	$1.20	$1.60	$1.50	$2.00
Ramp Plazas West of FM 756	$0.30	$0.40	$0.60	$0.80	$0.90	$1.20	$1.20	$1.60	$1.50	$2.00
Mainlane Plaza West of FM 2964	$0.54	$0.72	$1.08	$1.44	$1.62	$2.15	$2.16	$2.87	$2.70	$3.59

1 - PBM: Pay By Mail

Figure 6. Toll Rates by Tolling Point (as of 3/29/2013, from toll49.org)

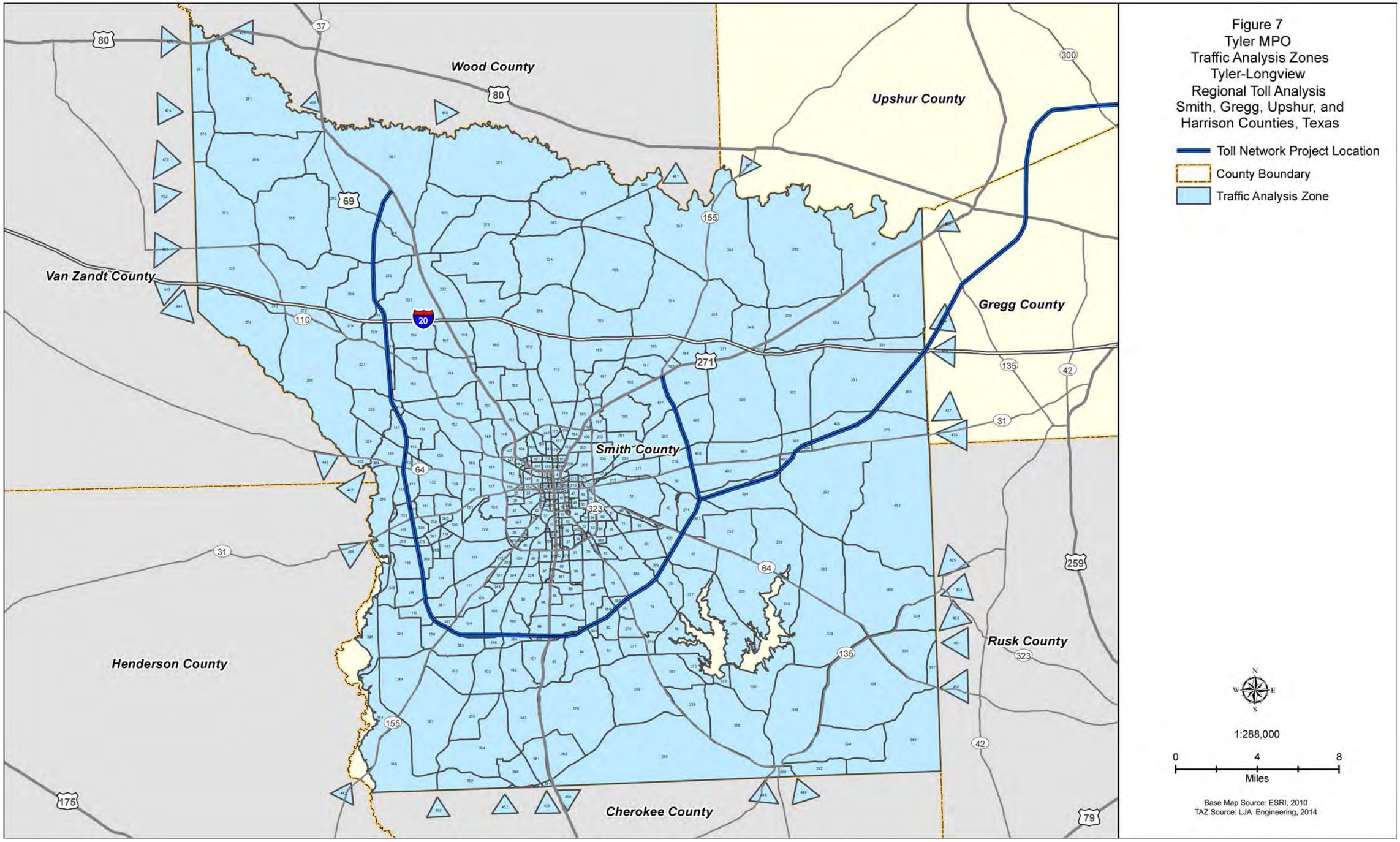


Figure 7
Tyler MPO
Traffic Analysis Zones
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas

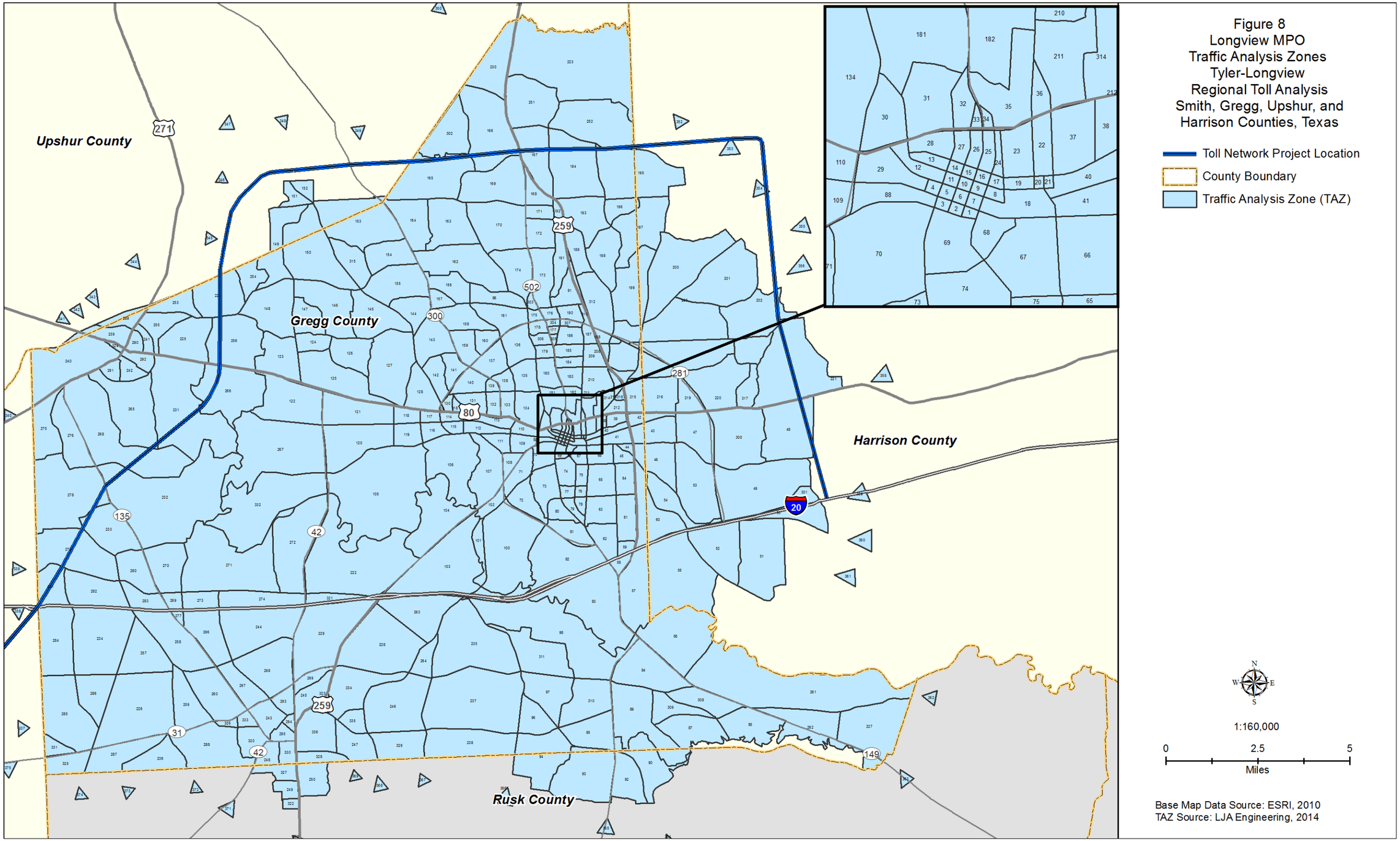


Figure 8
Longview MPO
Traffic Analysis Zones
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas

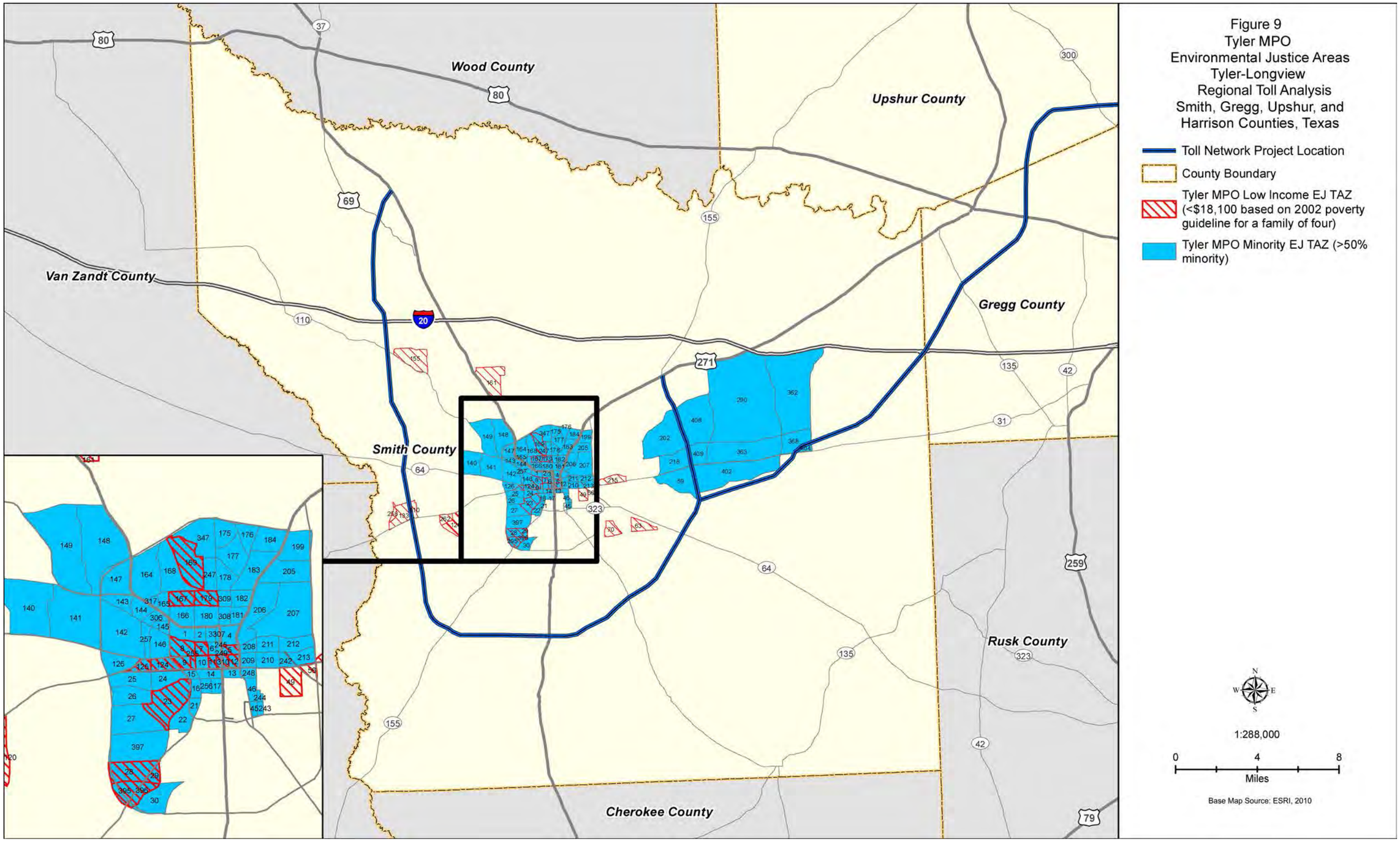


Figure 9
Tyler MPO
Environmental Justice Areas
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
Tyler MPO Low Income EJ TAZ (<$18,100 based on 2002 poverty guideline for a family of four)
Tyler MPO Minority EJ TAZ (>50% minority)
Wood County
Upshur County
Van Zandt County
Gregg County
Smith County
Rusk County
Cherokee County
1:288,000
0
4
8
Miles
Base Map Source: ESRI, 2010

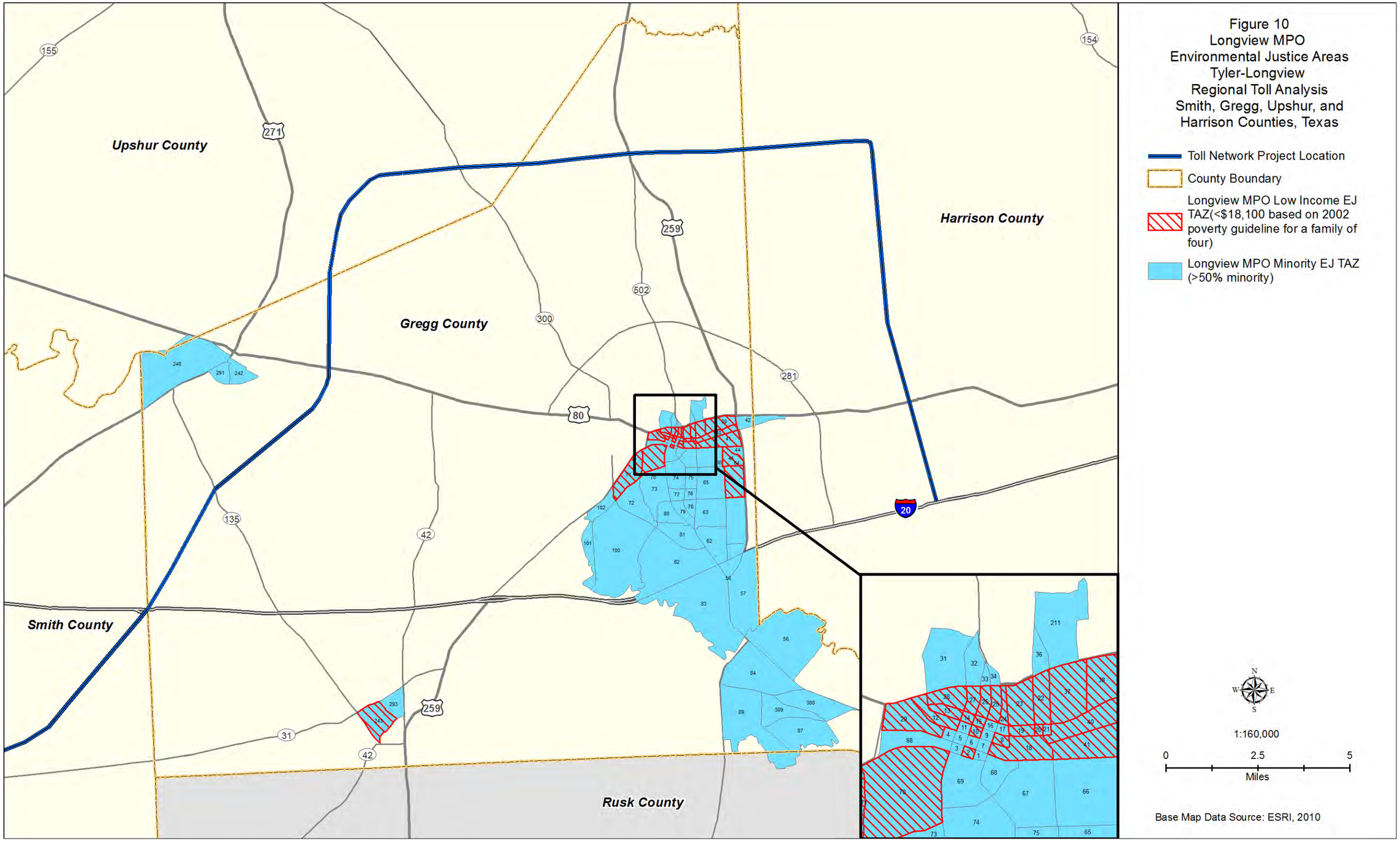


Figure 10
Longview MPO
Environmental Justice Areas
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
Longview MPO Low Income EJ TAZ(<$18,100 based on 2002 poverty guideline for a family of four)
Longview MPO Minority EJ TAZ (>50% minority)
Upshur County
Gregg County
Harrison County
Smith County
Rusk County
1:160,000
0
2.5
5
Miles
Base Map Data Source: ESRI, 2010

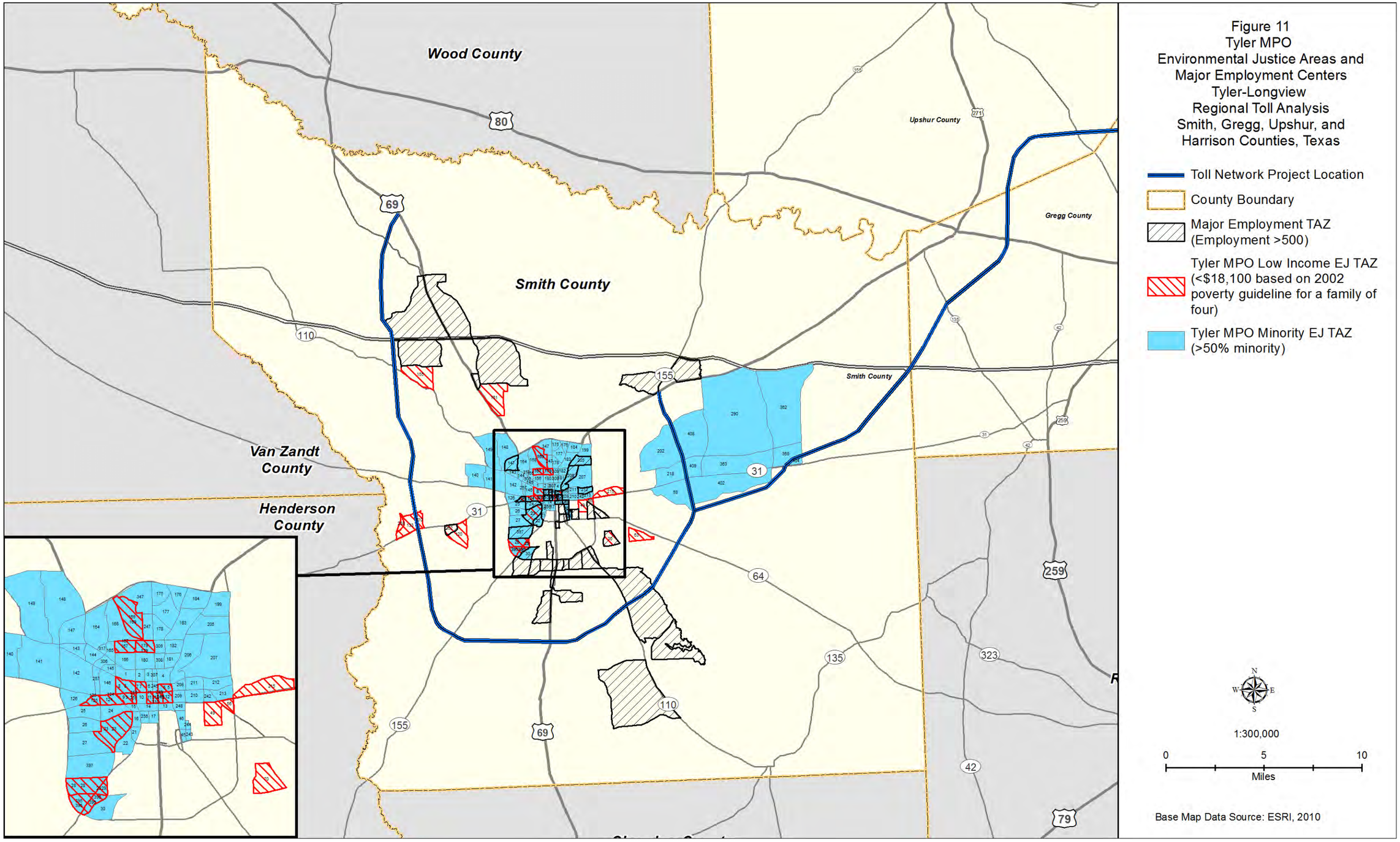


Figure 11
Tyler MPO
Environmental Justice Areas and Major Employment Centers
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas

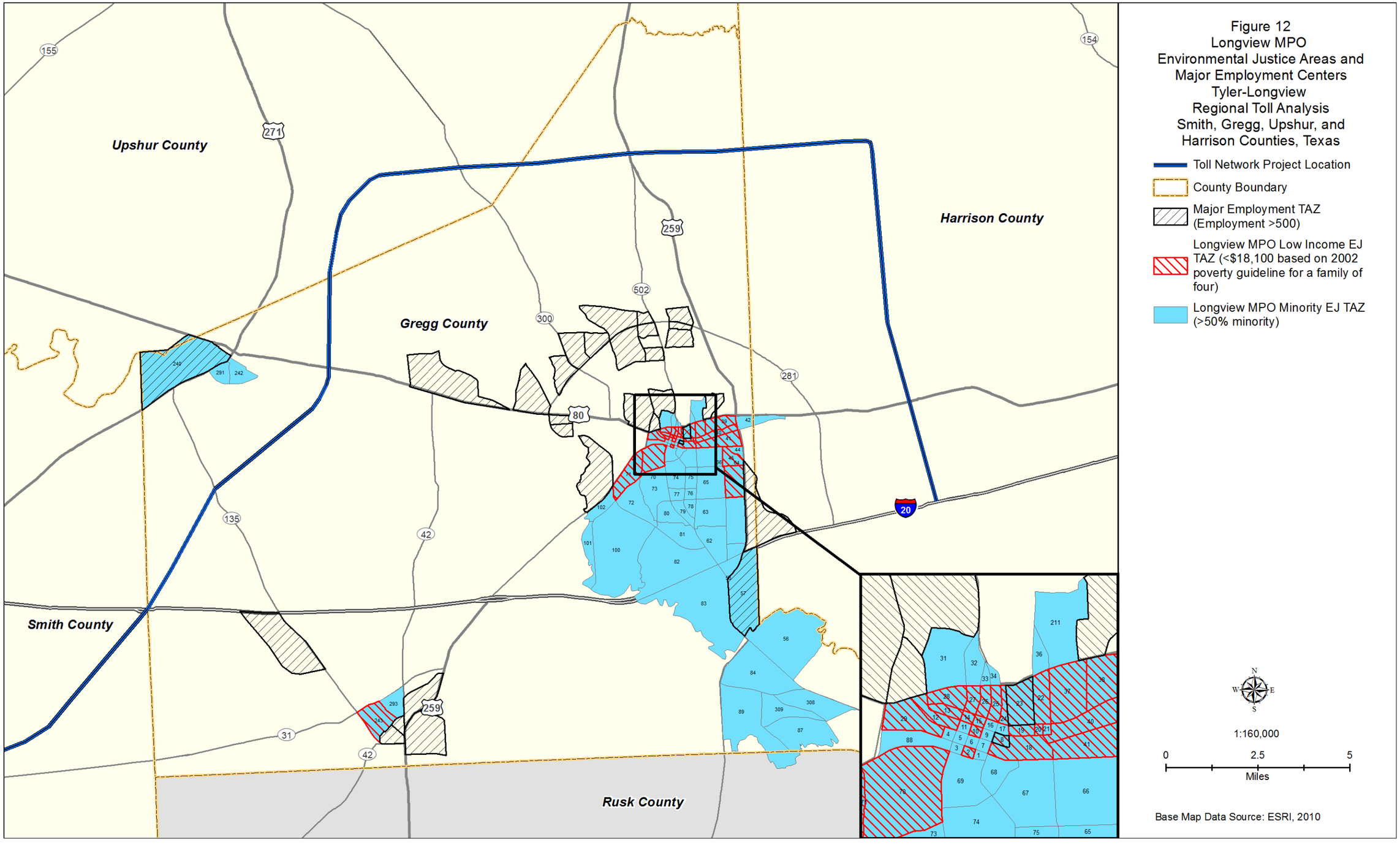


Figure 12
Longview MPO
Environmental Justice Areas and
Major Employment Centers
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
Major Employment TAZ
(Employment >500)
Longview MPO Low Income EJ
TAZ (<$18,100 based on 2002
poverty guideline for a family of
four)
Longview MPO Minority EJ TAZ
(>50% minority)
Upshur County
Gregg County
Harrison County
Smith County
Rusk County
1:160,000
0
2.5
5
Miles
Base Map Data Source: ESRI, 2010

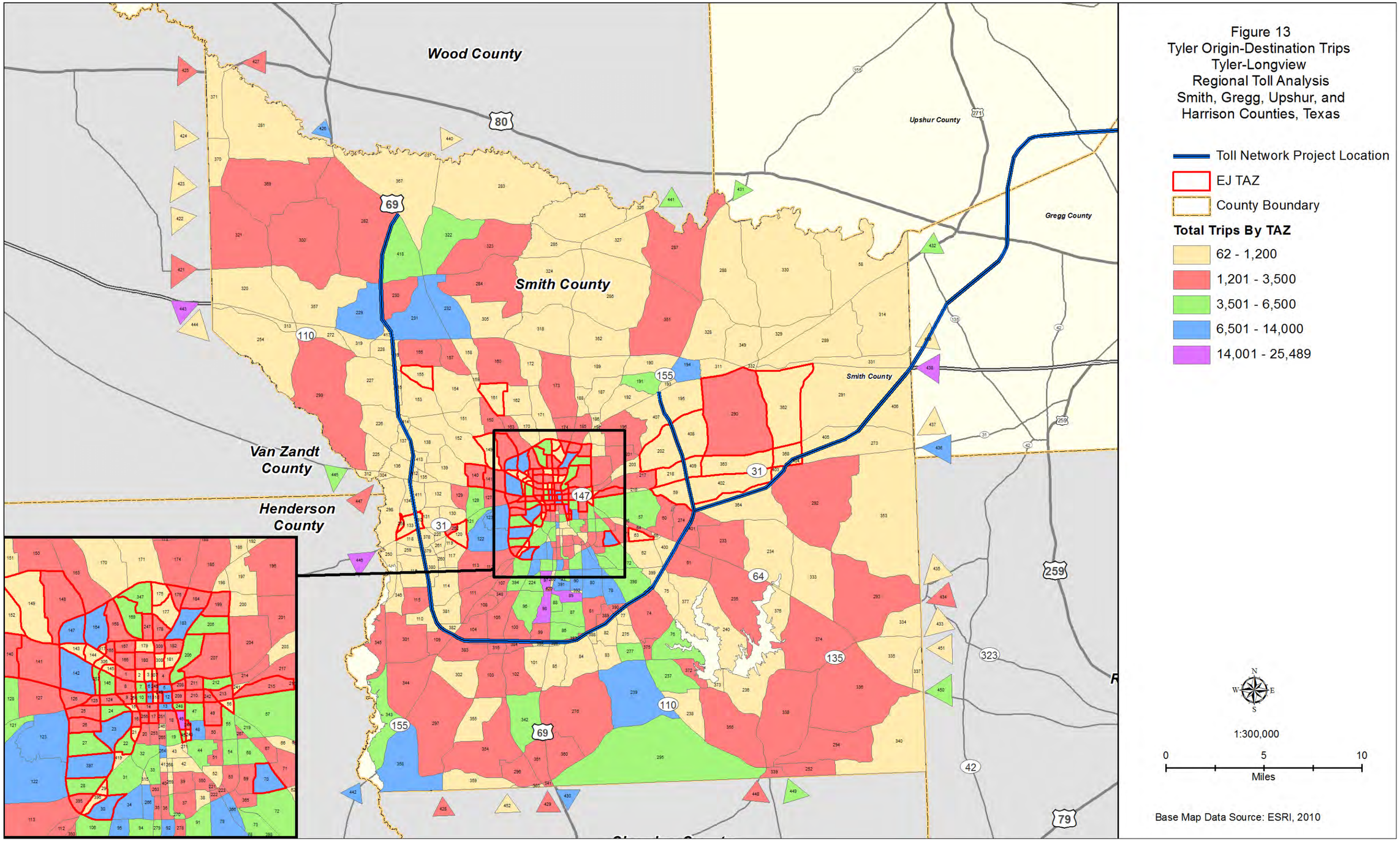


Figure 13
Tyler Origin-Destination Trips
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas

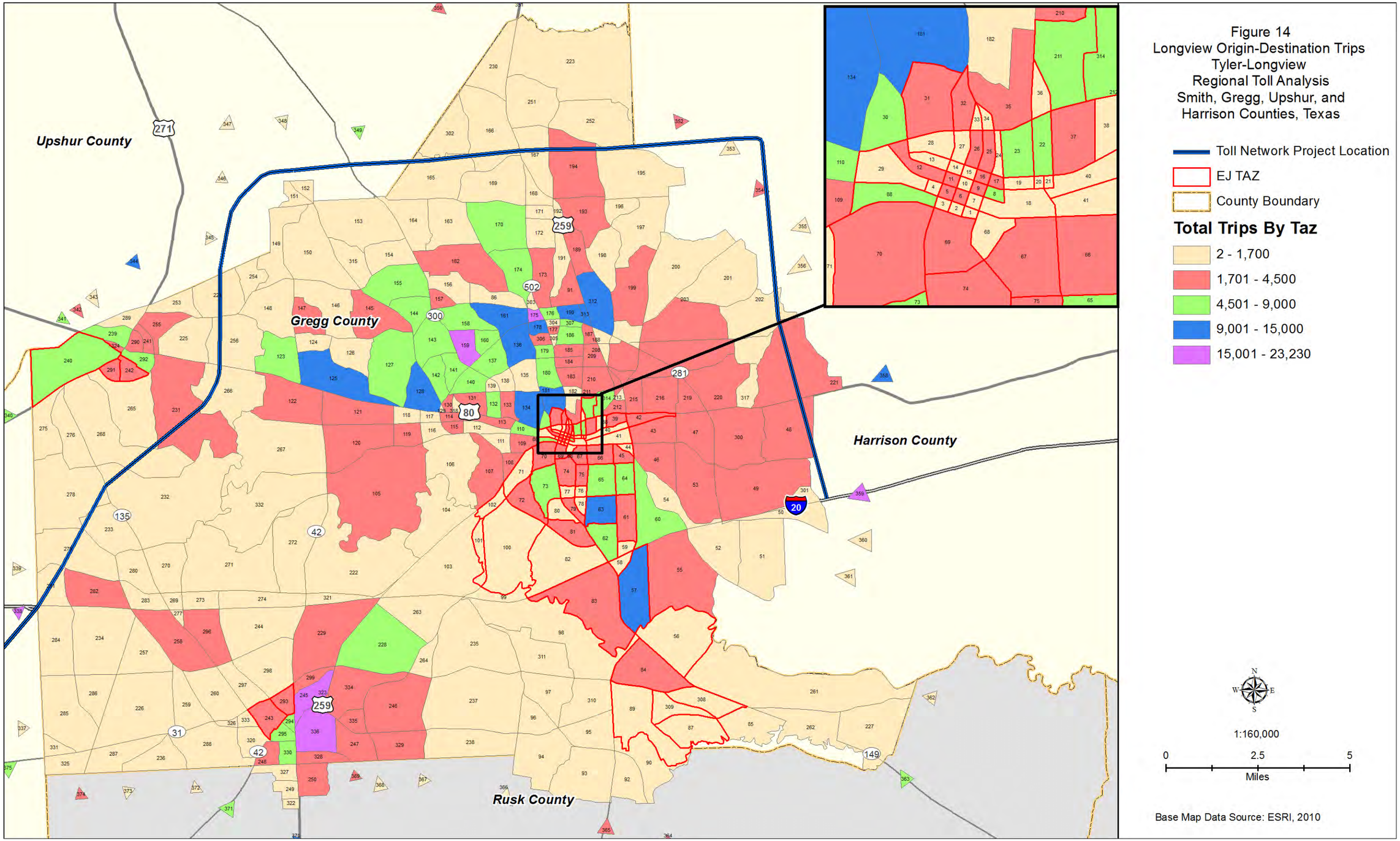
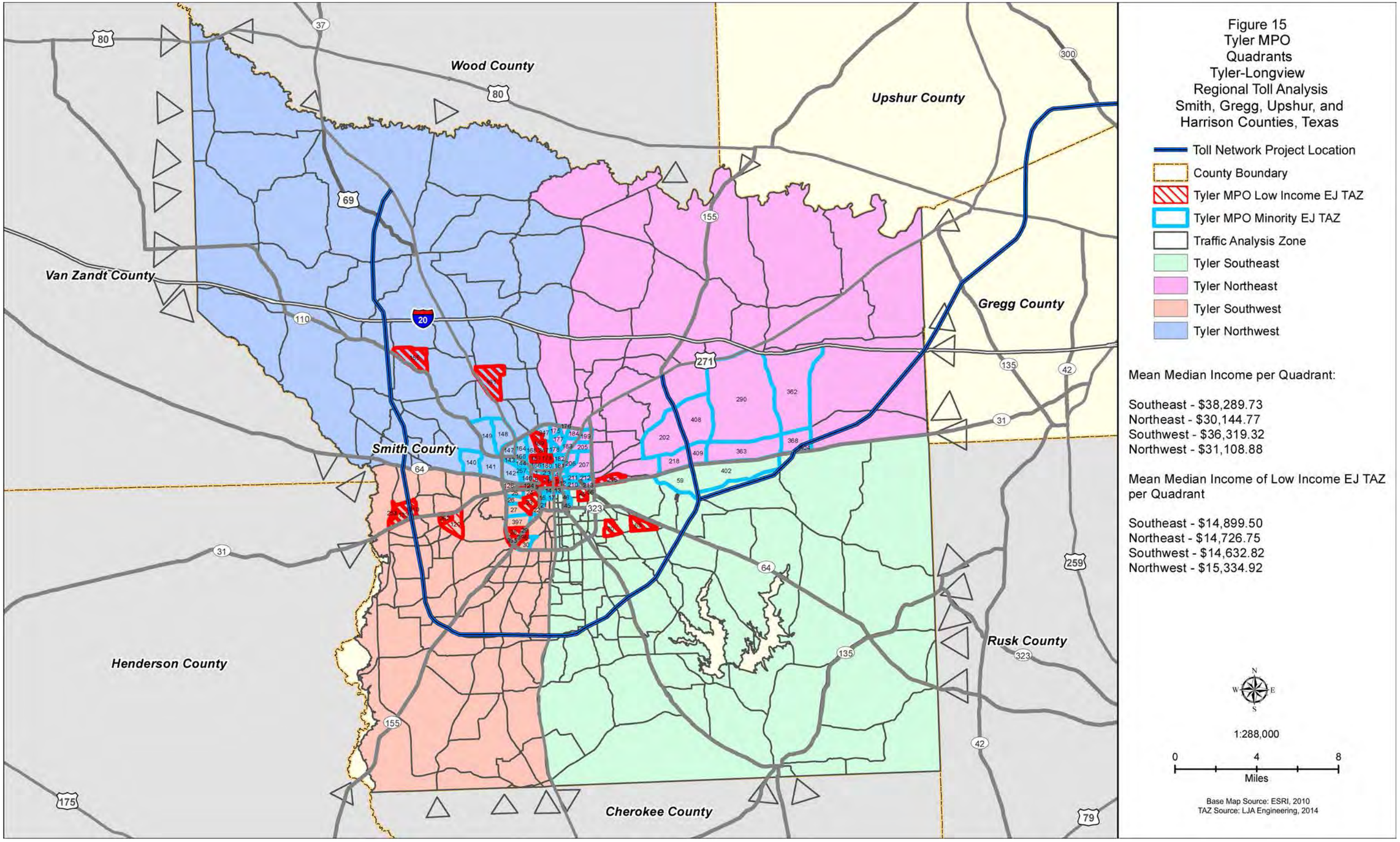


Figure 14
Longview Origin-Destination Trips
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas


Wood County
Upshur County
Van Zandt County
Gregg County
Smith County
Henderson County
Rusk County
Cherokee County
Figure 15
Tyler MPO
Quadrants
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
Tyler MPO Low Income EJ TAZ
Tyler MPO Minority EJ TAZ
Traffic Analysis Zone
Tyler Southeast
Tyler Northeast
Tyler Southwest
Tyler Northwest
Mean Median Income per Quadrant:
Southeast - $38,289.73
Northeast - $30,144.77
Southwest - $36,319.32
Northwest - $31,108.88
Mean Median Income of Low Income EJ TAZ per Quadrant
Southeast - $14,899.50
Northeast - $14,726.75
Southwest - $14,632.82
Northwest - $15,334.92
1:288,000
0
4
8
Miles
Base Map Source: ESRI, 2010
TAZ Source: LJA Engineering, 2014

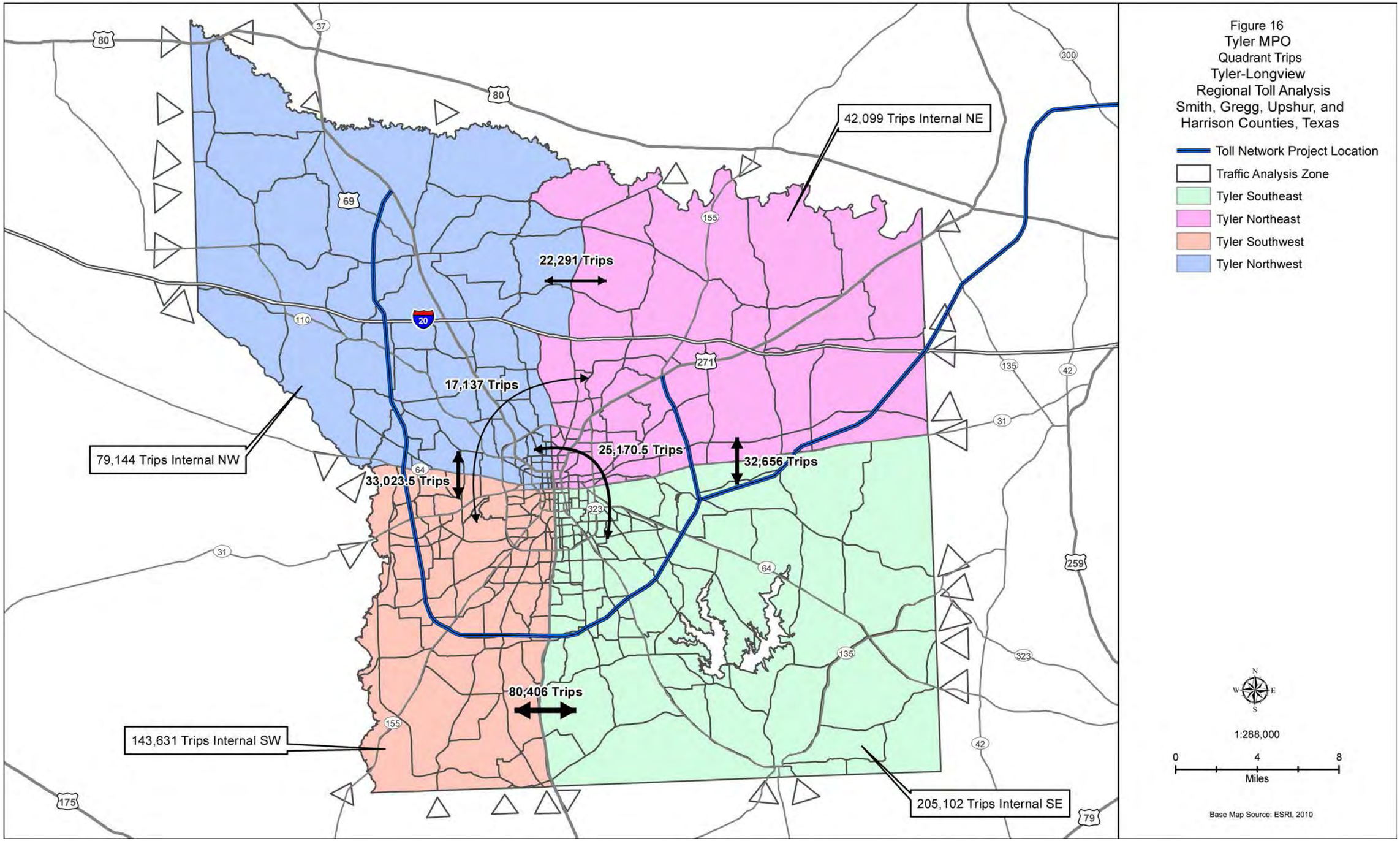


Figure 16
Tyler MPO
Quadrant Trips
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
Traffic Analysis Zone
Tyler Southeast
Tyler Northeast
Tyler Southwest
Tyler Northwest
42,099 Trips Internal NE
22,291 Trips
17,137 Trips
79,144 Trips Internal NW
25,170.5 Trips
32,656 Trips
33,023.5 Trips
80,406 Trips
143,631 Trips Internal SW
205,102 Trips Internal SE
1:288,000
0
4
8
Miles
Base Map Source: ESRI, 2010

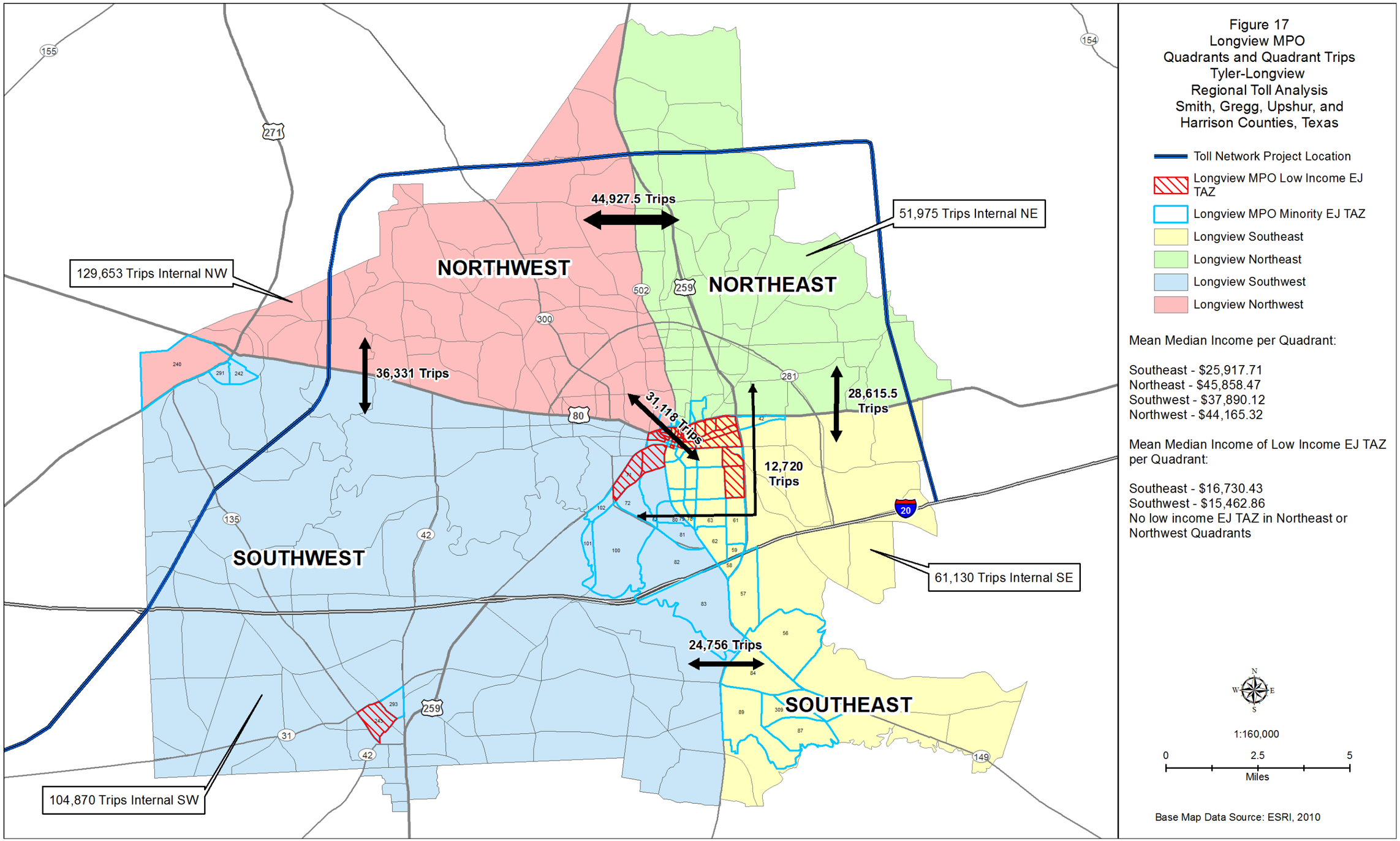


Figure 17
Longview MPO
Quadrants and Quadrant Trips
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
Longview MPO Low Income EJ TAZ
Longview MPO Minority EJ TAZ
Longview Southeast
Longview Northeast
Longview Southwest
Longview Northwest
Mean Median Income per Quadrant:
Southeast - $25,917.71
Northeast - $45,858.47
Southwest - $37,890.12
Northwest - $44,165.32
Mean Median Income of Low Income EJ TAZ per Quadrant:
Southeast - $16,730.43
Southwest - $15,462.86
No low income EJ TAZ in Northeast or Northwest Quadrants
1:160,000
0
2.5
5
Miles
Base Map Data Source: ESRI, 2010
NORTHWEST
NORTHEAST
SOUTHWEST
SOUTHEAST
44,927.5 Trips
51,975 Trips Internal NE
129,653 Trips Internal NW
36,331 Trips
31,118 Trips
28,615.5 Trips
12,720 Trips
61,130 Trips Internal SE
24,756 Trips
104,870 Trips Internal SW

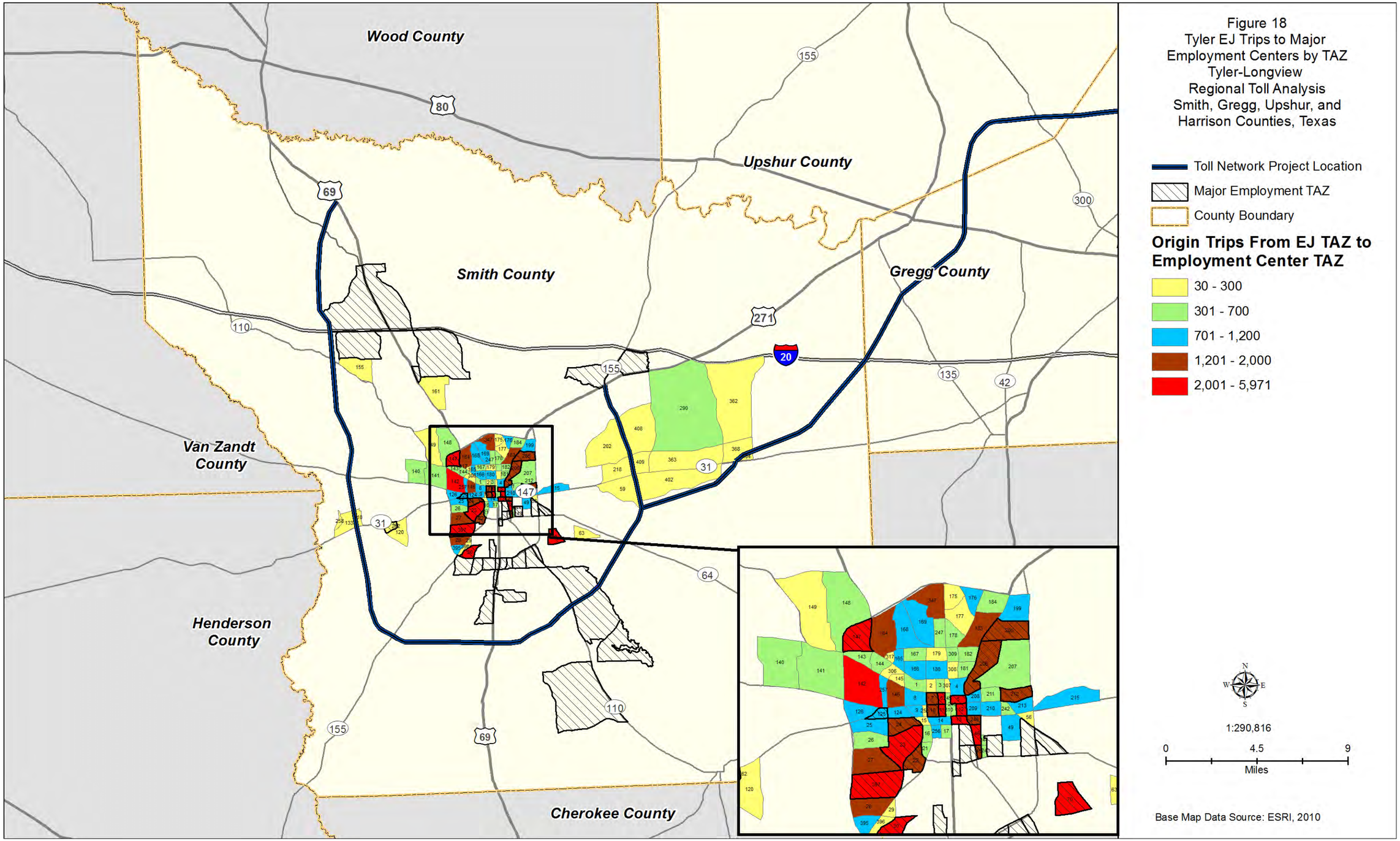
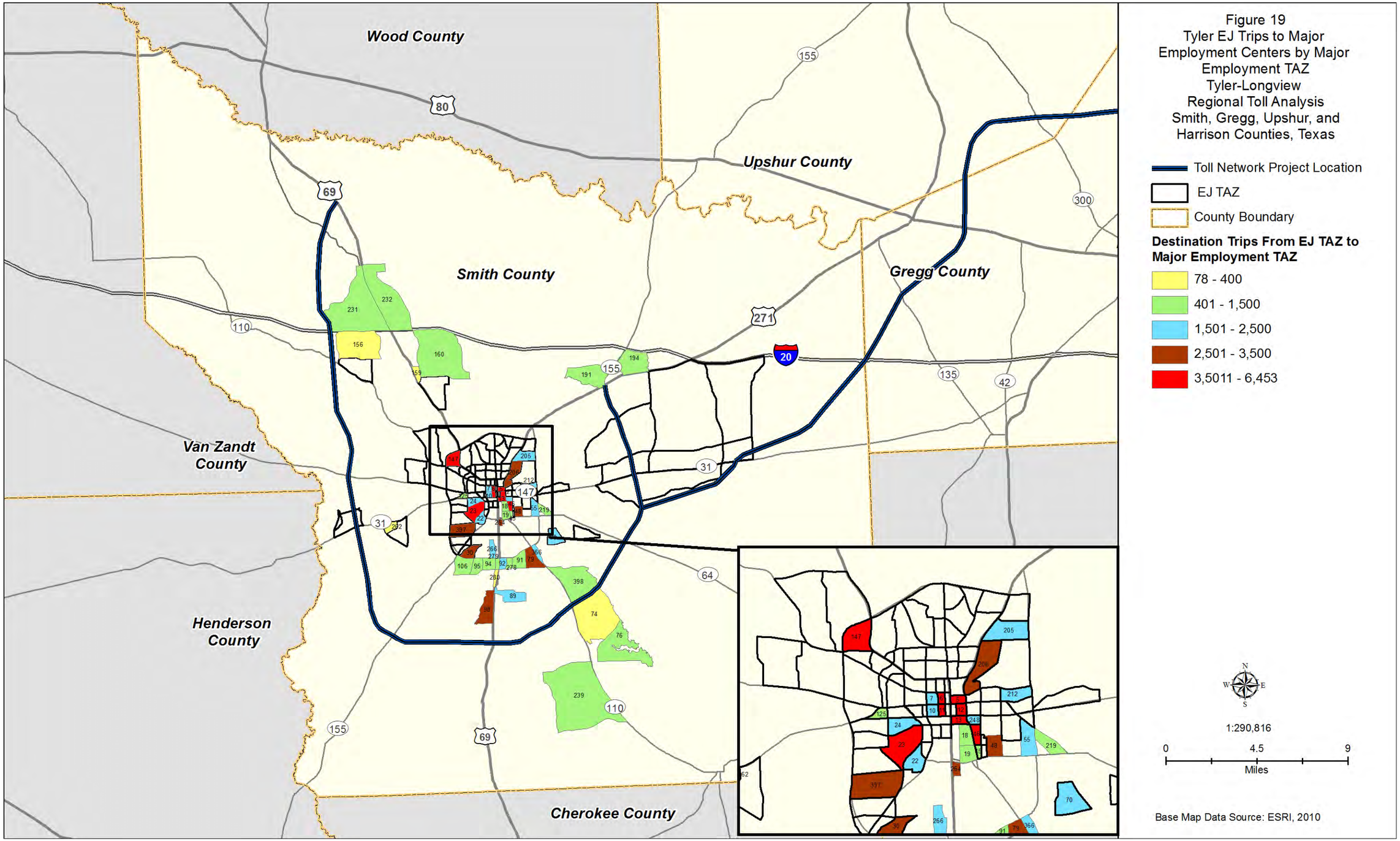


Figure 18
Tyler EJ Trips to Major Employment Centers by TAZ
Tyler-Longview Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas


Wood County
Upshur County
Smith County
Gregg County
Van Zandt County
Henderson County
Cherokee County
Figure 19
Tyler EJ Trips to Major Employment Centers by Major Employment TAZ
Tyler-Longview Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas
Toll Network Project Location
EJ TAZ
County Boundary
Destination Trips From EJ TAZ to Major Employment TAZ
78 - 400
401 - 1,500
1,501 - 2,500
2,501 - 3,500
3,5011 - 6,453
1:290,816
0
4.5
9
Miles
Base Map Data Source: ESRI, 2010

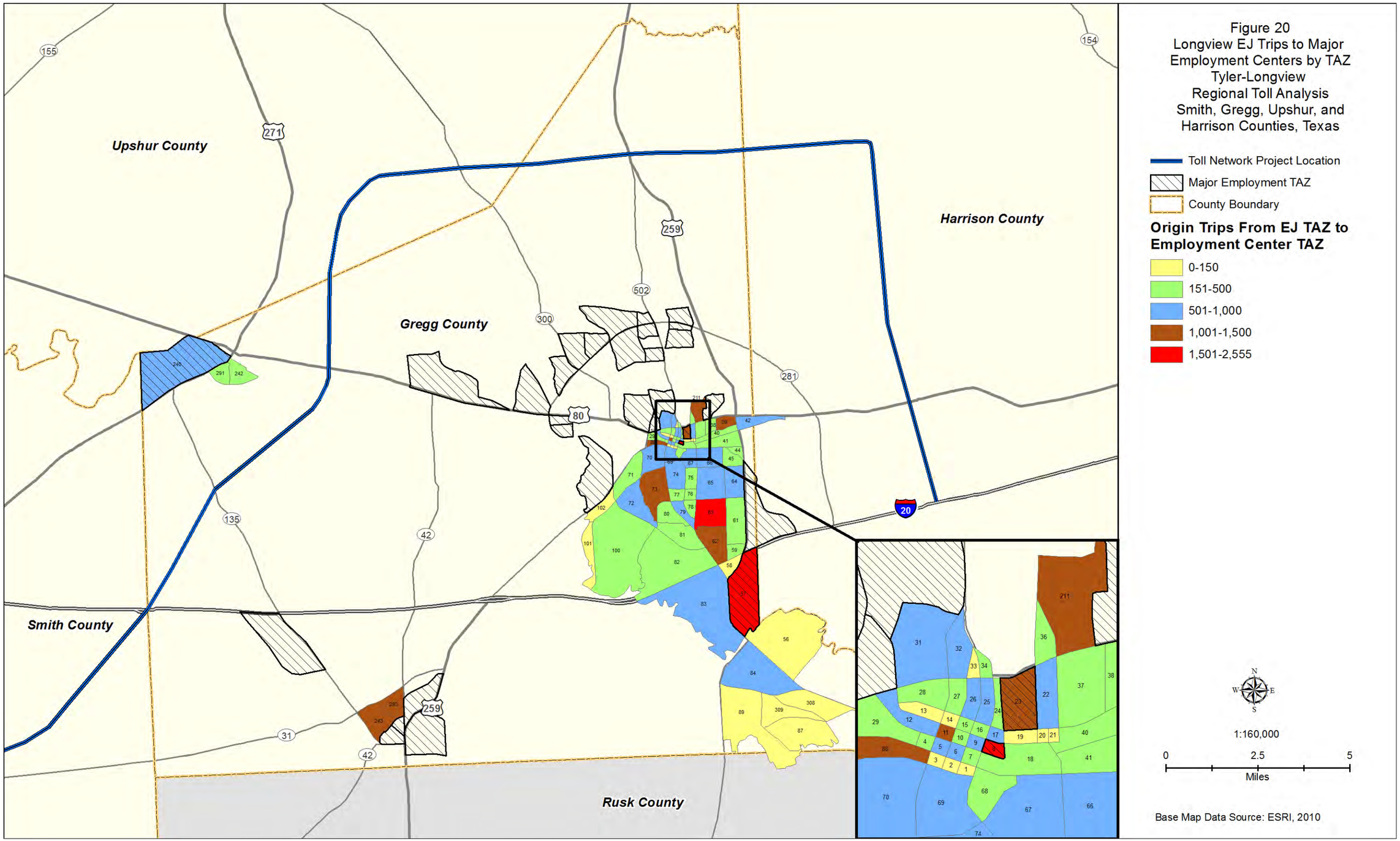
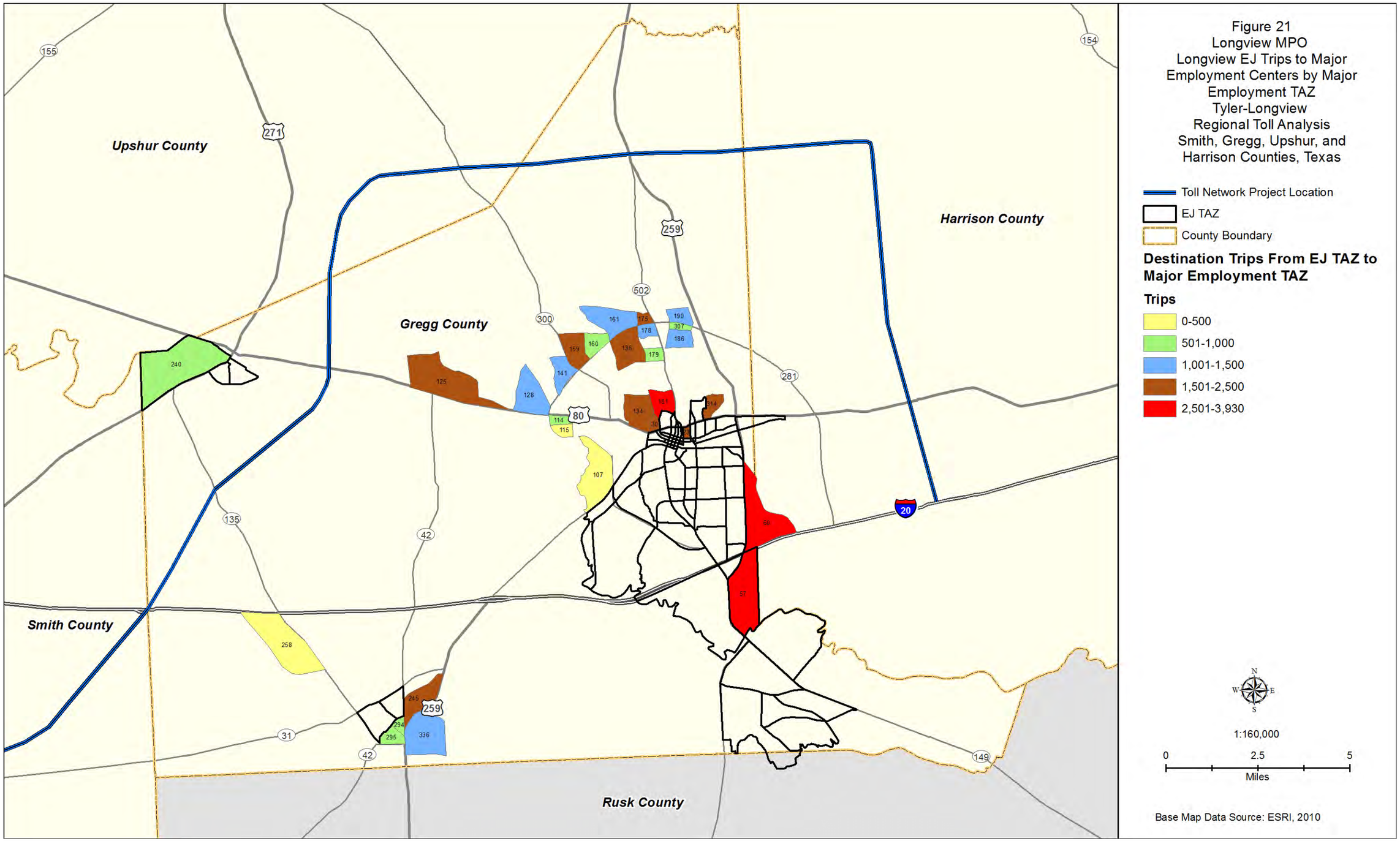


Figure 20
Longview EJ Trips to Major Employment Centers by TAZ
Tyler-Longview Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas


Upshur County
Gregg County
Harrison County
Smith County
Rusk County
155
271
154
259
502
300
281
80
20
135
42
31
149
Figure 21
Longview MPO
Longview EJ Trips to Major Employment Centers by Major Employment TAZ
Tyler-Longview Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas
Toll Network Project Location
EJ TAZ
County Boundary
Destination Trips From EJ TAZ to Major Employment TAZ
Trips
0-500
501-1,000
1,001-1,500
1,501-2,500
2,501-3,930
N
W
E
S
1:160,000
0
2.5
5
Miles
Base Map Data Source: ESRI, 2010

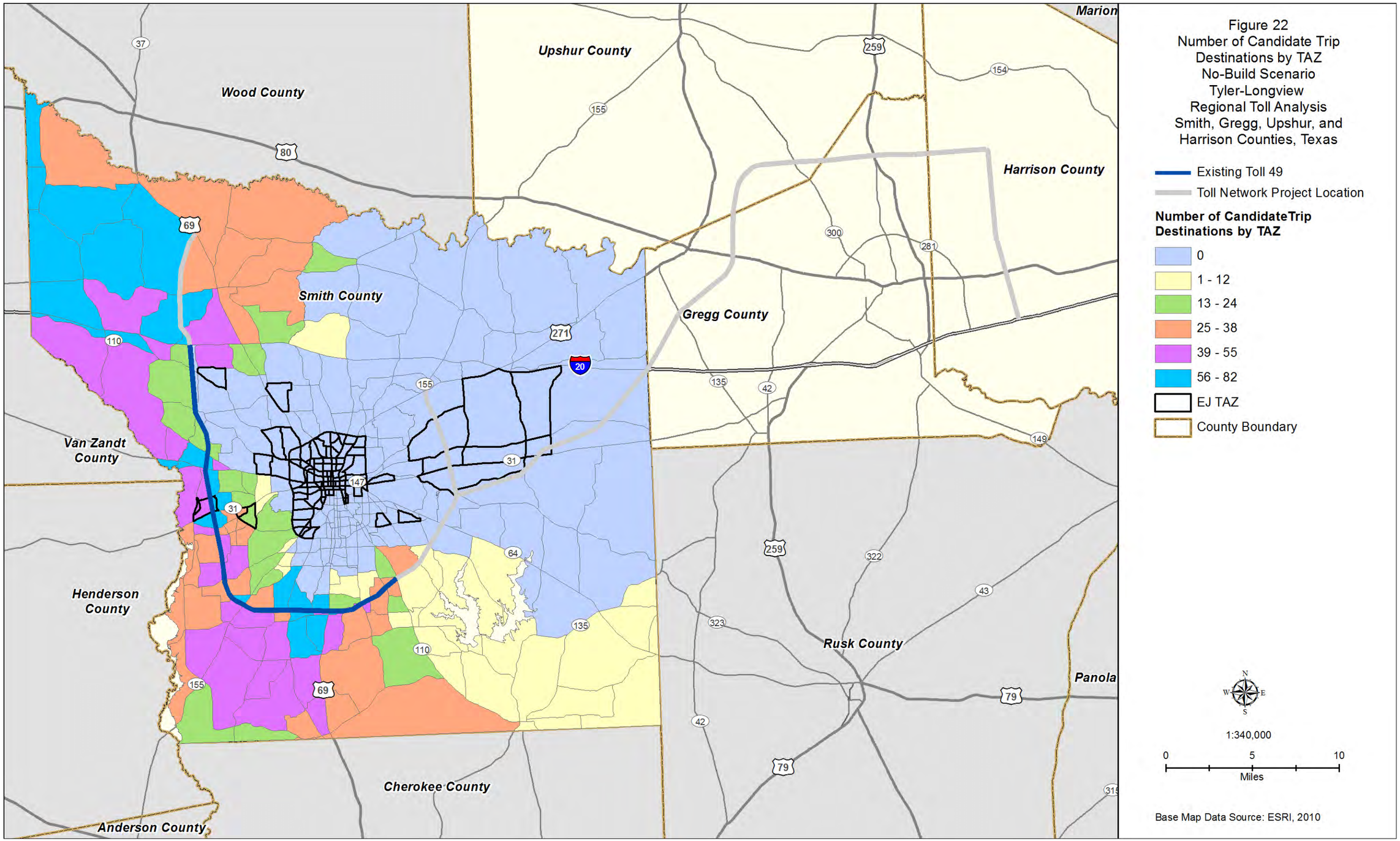


Figure 22
Number of Candidate Trip Destinations by TAZ
No-Build Scenario
Tyler-Longview Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas

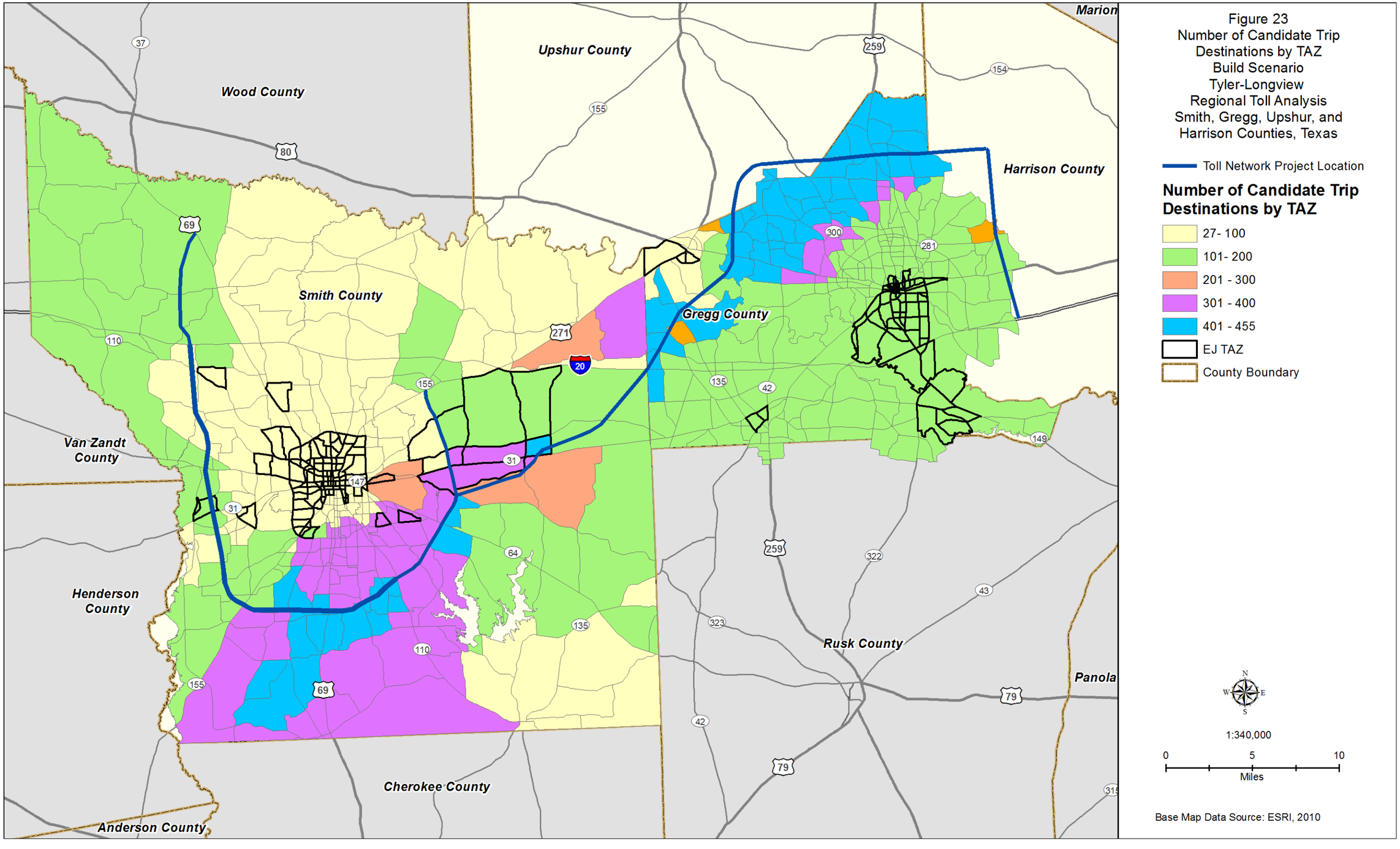


Figure 23
Number of Candidate Trip Destinations by TAZ
Build Scenario
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas

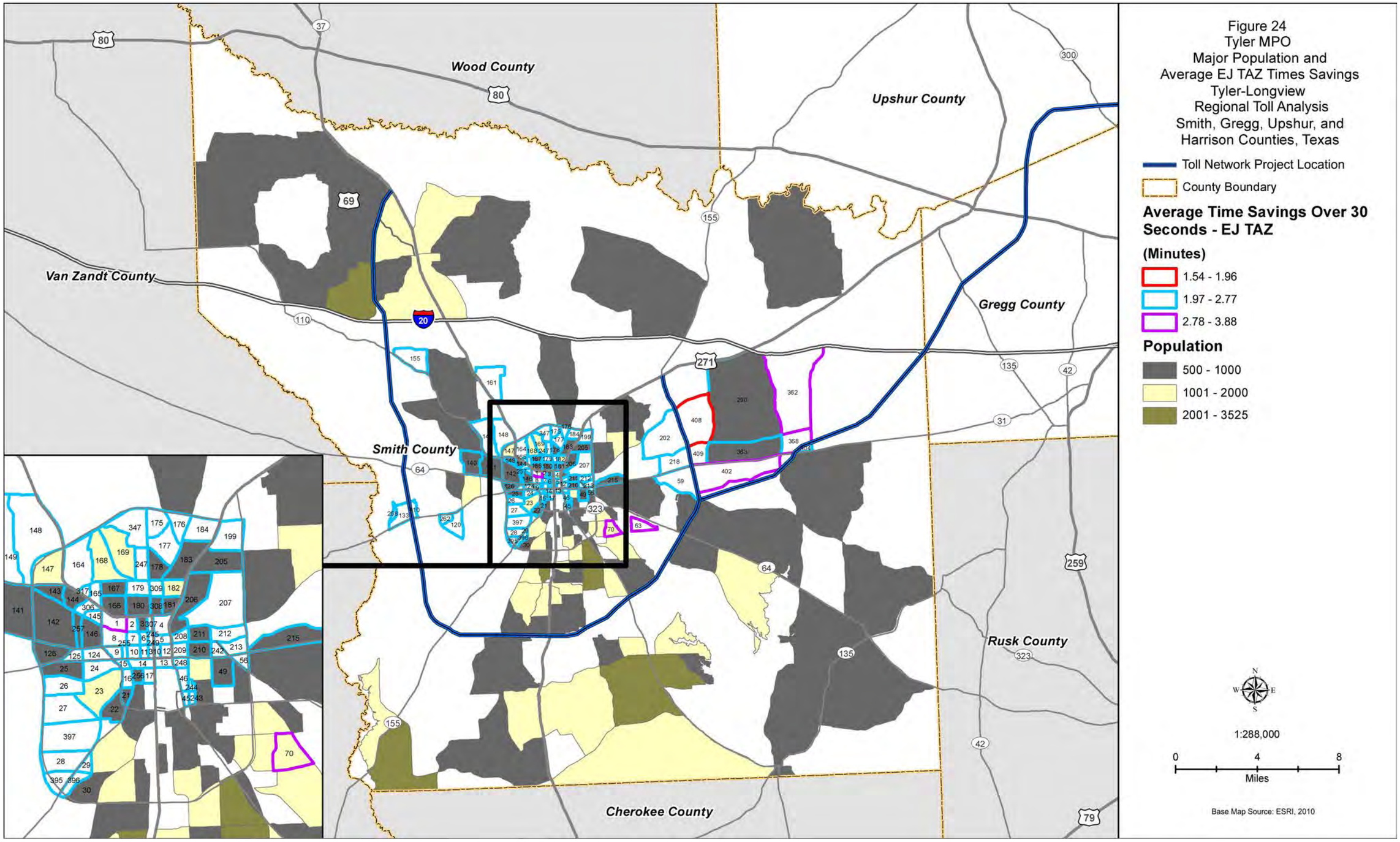


Figure 24
Tyler MPO
Major Population and
Average EJ TAZ Times Savings
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
Average Time Savings Over 30 Seconds - EJ TAZ
(Minutes)
1.54 - 1.96
1.97 - 2.77
2.78 - 3.88
Population
500 - 1000
1001 - 2000
2001 - 3525
1:288,000
0
4
8
Miles
Base Map Source: ESRI, 2010
Wood County
Upshur County
Van Zandt County
Gregg County
Smith County
Rusk County
Cherokee County

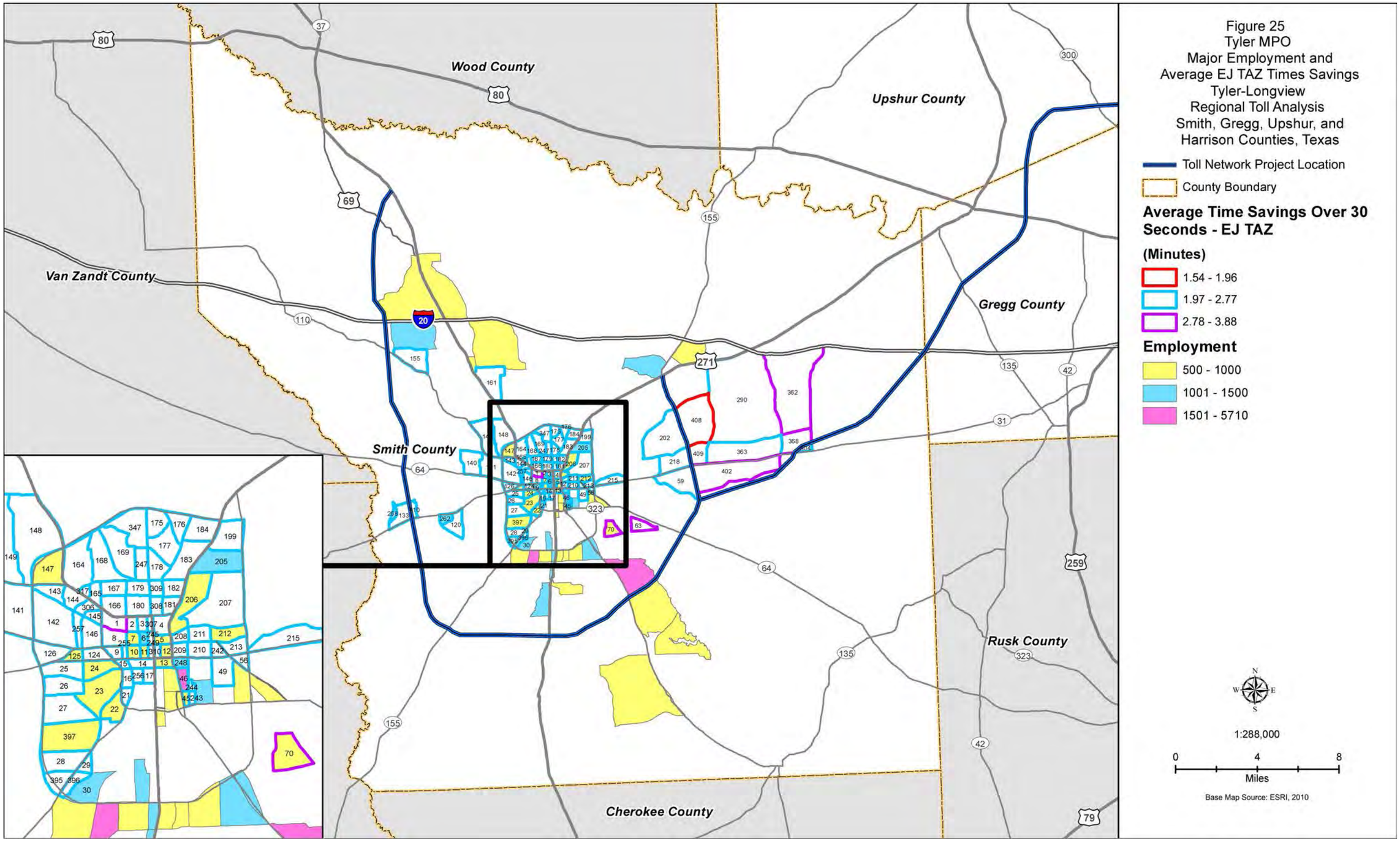


Figure 25
Tyler MPO
Major Employment and
Average EJ TAZ Times Savings
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
Average Time Savings Over 30 Seconds - EJ TAZ
(Minutes)
1.54 - 1.96
1.97 - 2.77
2.78 - 3.88
Employment
500 - 1000
1001 - 1500
1501 - 5710
Wood County
Upshur County
Van Zandt County
Gregg County
Smith County
Rusk County
Cherokee County
1:288,000
0
4
8
Miles
Base Map Source: ESRI, 2010

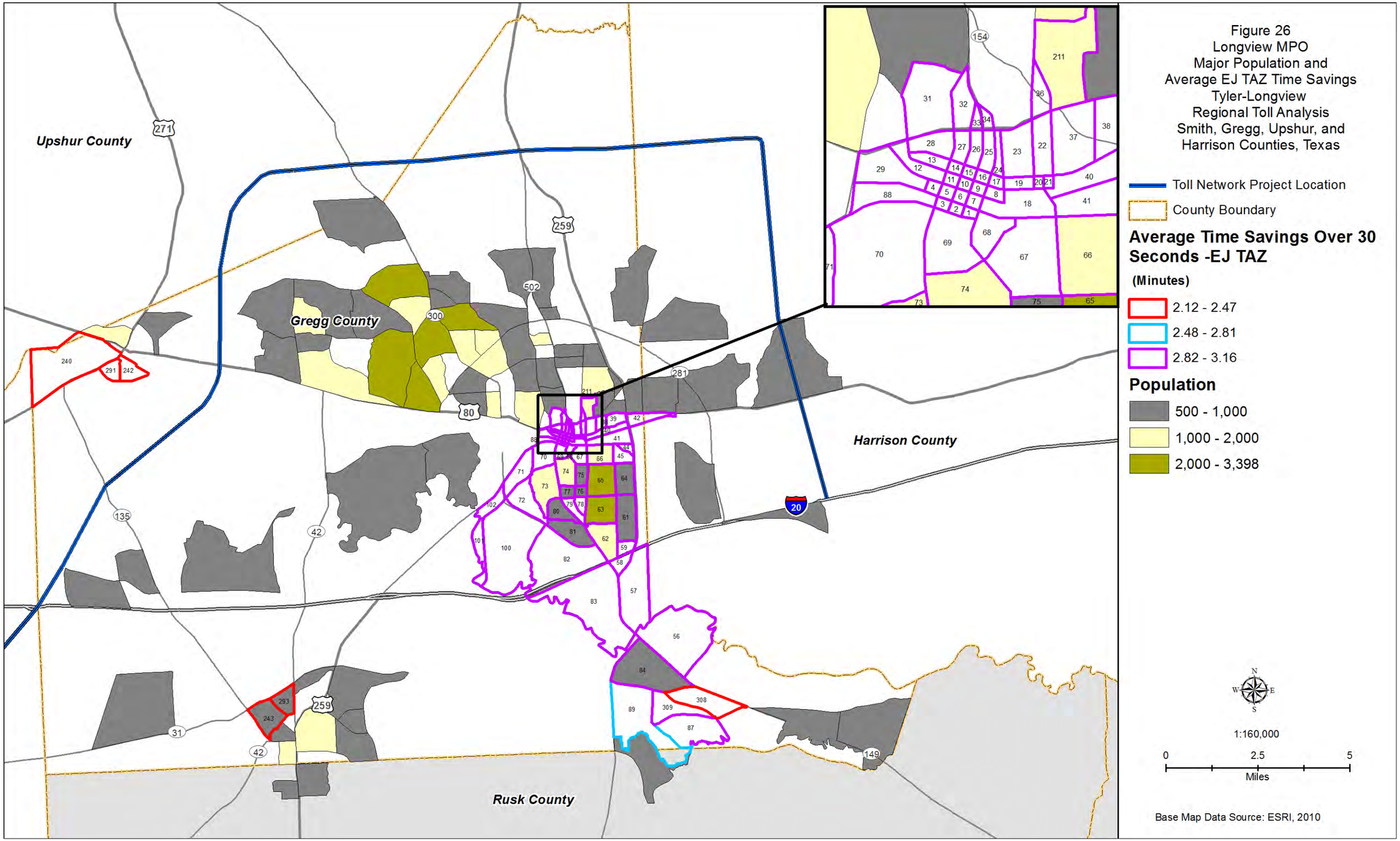
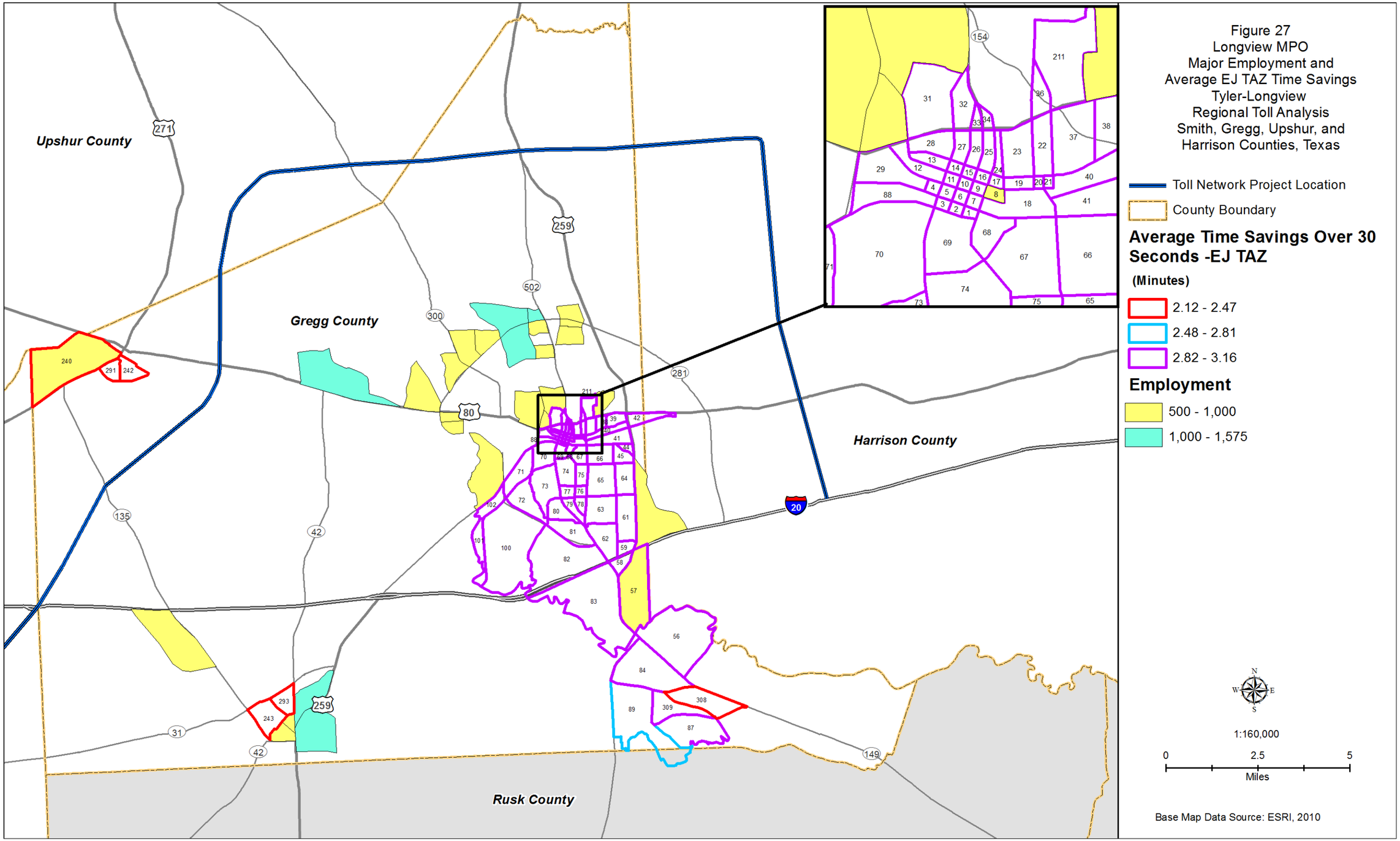


Figure 26
Longview MPO
Major Population and
Average EJ TAZ Time Savings
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
Average Time Savings Over 30 Seconds -EJ TAZ
(Minutes)
2.12 - 2.47
2.48 - 2.81
2.82 - 3.16
Population
500 - 1,000
1,000 - 2,000
2,000 - 3,398
1:160,000
0
2.5
5
Miles
Base Map Data Source: ESRI, 2010
Upshur County
Gregg County
Harrison County
Rusk County


Upshur County
Gregg County
Harrison County
Rusk County
Figure 27
Longview MPO
Major Employment and
Average EJ TAZ Time Savings
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas
Toll Network Project Location
County Boundary
Average Time Savings Over 30 Seconds -EJ TAZ
(Minutes)
2.12 - 2.47
2.48 - 2.81
2.82 - 3.16
Employment
500 - 1,000
1,000 - 1,575
1:160,000
0
2.5
5
Miles
Base Map Data Source: ESRI, 2010

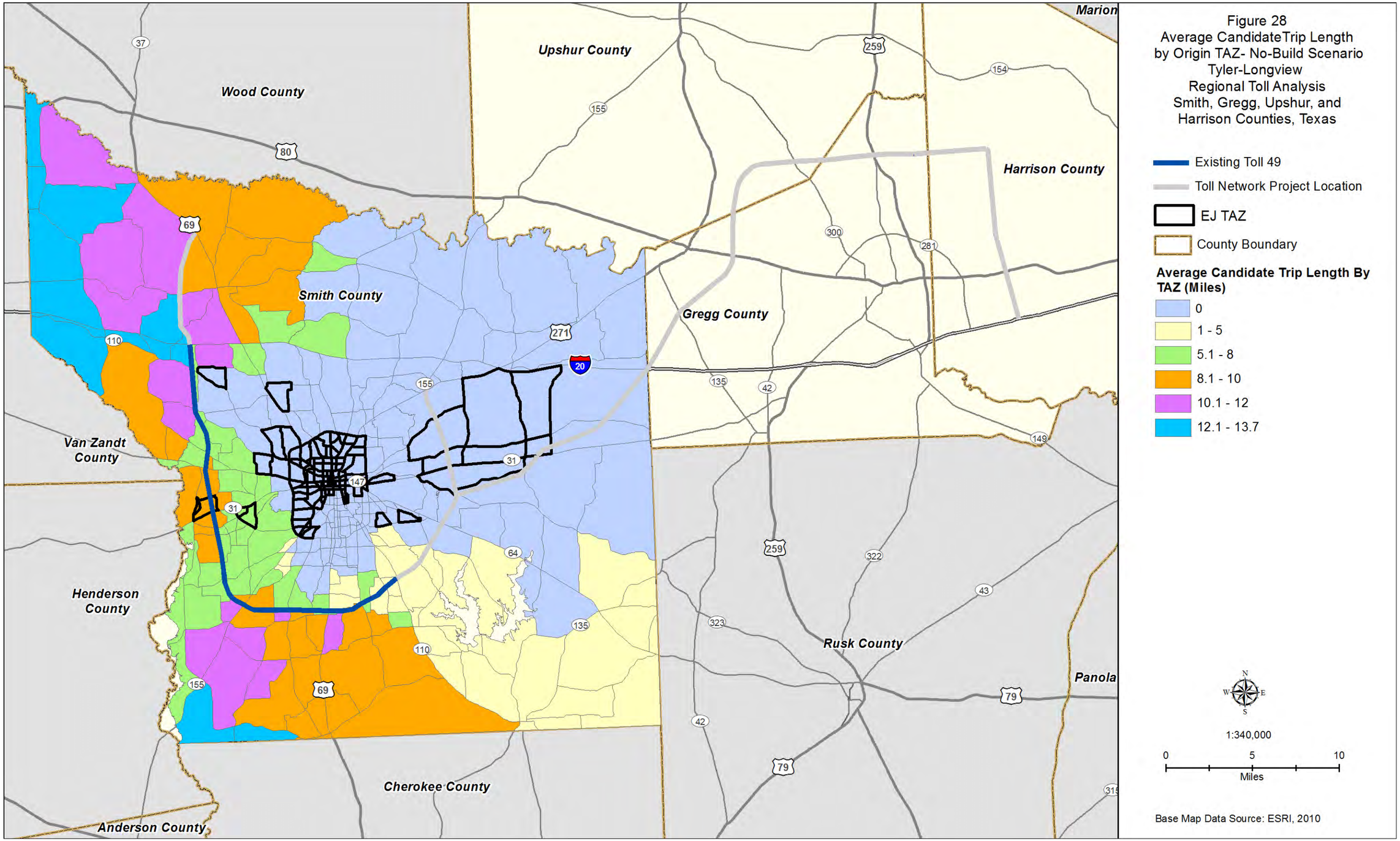


Figure 28
Average CandidateTrip Length
by Origin TAZ- No-Build Scenario
Tyler-Longview
Regional Toll Analysis
Smith, Gregg, Upshur, and
Harrison Counties, Texas

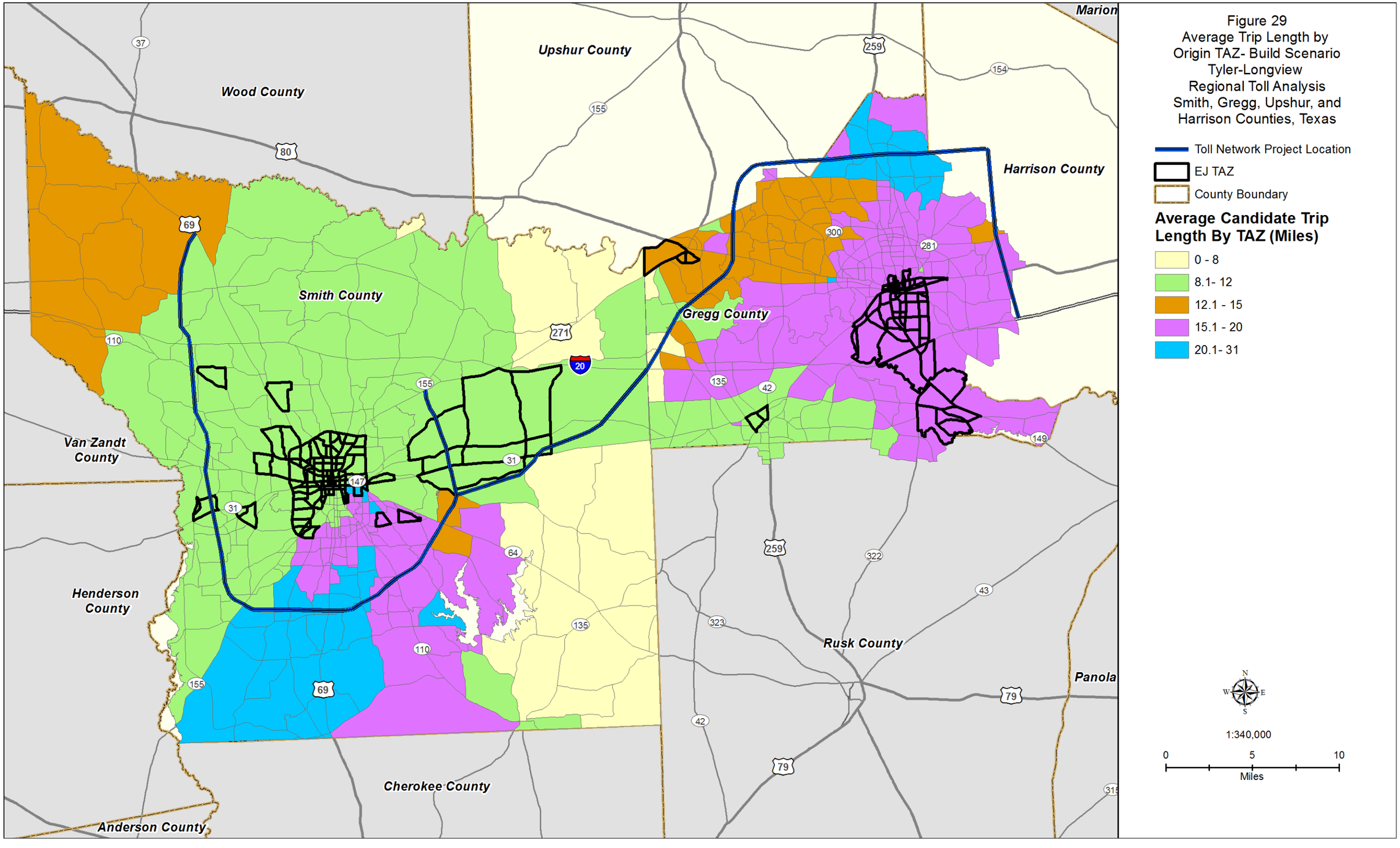


Figure 29
Average Trip Length by Origin TAZ- Build Scenario
Tyler-Longview Regional Toll Analysis
Smith, Gregg, Upshur, and Harrison Counties, Texas

Appendix B

NETRMA Toll Policy

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY

Toll Policies and Road Use

1.0 PURPOSE

The North East Texas Regional Mobility Authority (NET RMA) is an independent government agency created to accelerate the development of transportation projects in North East Texas. Our mission is to implement transportation solutions that will enhance the quality of life and the economic environment in our area. The policies identified within this document are applicable only to NET RMA toll facilities.

2.0 REVISIONS TO TOLL POLICIES

Policies reflected in this document may be revised by formal action of the NET RMA Board of Directors. Revisions may be necessary to address operational changes, changes in law that affect the NET RMA, or requirements and commitments related to project financing, among other program or project modifications.

3.0 TOLL COLLECTION POLICY

3.1 All Electronic Toll Collection

To promote a safe, efficient, and effective toll collection system, the NET RMA will utilize all-electronic toll collection methods, including the use of transponders (i.e. toll tags) and video capture methods. Under these electronic toll collection (ETC) methods, accommodations for cash toll transactions will not be provided. Rather, customers will be encouraged to utilize a transponder from the TxTag customer service center or other interoperable providers of transponders (Central Texas Regional Mobility Authority, North Texas Tollway Authority, or Harris County Toll Road Authority). The video toll collection (VTC) component of the ETC system shall utilize video images for customers without a transponder, wherein a toll bill is generated from video images of the customer's license plate and sent to the vehicle owner for payment of the toll transaction.

3.2 Interoperability

NET RMA toll facilities will be interoperable with all interoperable toll agencies in Texas. NET RMA recognizes TxTag as the statewide brand and trademark for interoperability in Texas, as well as the brand used by TxDOT for electronic toll collection. TxTag also refers to the physical transponder device that will be made available to customers. Transponders of other interoperable agencies that comply with applicable requirements set forth by the Interoperability Committee of the Team Texas organization (Team-Tx) will be accepted by NET RMA toll facilities.

NET RMA's ETC systems will fully comply with the established business requirements and interface control documents adopted by the Interoperability Committee of Team-Tx to process interoperable transactions.

3.3 Exemption from Payment of Tolls

Users of NET RMA toll facilities shall be required to pay a toll unless they are determined to be exempt under applicable law or, subject to commitments contained in any financing documents, or as authorized by the NET RMA Board of Directors.

3.3.1 Emergency and Military Vehicles

In accordance with the provisions of Sec. 370.177, 362.901, and 541.201 of the Texas Transportation Code, NET RMA will create technical procedures to ensure that authorized emergency vehicles, as well as state and federal military vehicles, are exempt from paying tolls on the NET RMA operated facilities.

3.3.2 Public Transit Vehicles

In accordance with the provisions of Sec. 370.177 of the Texas Transportation Code and to facilitate a multi-modal transportation system that ensures safe and efficient travel for all individuals in the Tyler region, the NET RMA shall allow "public transit vehicles" free usage of any toll facilities in operation by the NET RMA. Public transit vehicles are defined as transit buses and sixteen (16) passenger vans or larger that are operated by or on behalf of the City of Tyler (Tyler Transit) or the County of Smith. Public transit operators will be required to outfit public transit vehicles with transponders to receive any applicable benefits.

3.4 Toll Rates & Fees: Toll 49 Project

3.4.1 Annual Toll Rate Escalation

The toll rates and toll rate escalation methodology were established under the Memorandum of Understanding Regarding Market Valuation For Toll 49 ("Market Valuation") between TxDOT and the NET RMA, effective July 14, 2008. Upon opening of the Toll 49 facility to I-20 the base rate will be $0.12 per mile increased by $0.01 per mile annually every year until the underlying base rate is $0.15 per mile. The rate can be inflated using the Consumer Price Index ("CPI") every two years on December 31 of the applicable calendar year. For purposes of this policy document, CPI is defined as the most recently published non-revised index of Consumer Prices for All Urban Consumers (CPI-U) before seasonal adjustment, as published by the Bureau of Labor Statistics of the U. S. Department of Labor. The maximum annual CPI increase is 6%. If the change in CPI is greater than 6%, the percentage change in CPI over 6% is excluded from that period's inflation adjustment and will be applied in the next inflation adjustment period.

Toll Rate Multipliers	
Cars, motorcycles and trucks	1 X Base Rate
SUV, Passenger Car with Trailer	2 X Base Rate
Unibody Truck	3 X Base Rate
Tractor Trucks w/one Trailer	4 X Base Rate
Tractor Trucks w/two Trailers	5 X Base Rate
Emergency first responders	$0.00

3.4.1 Toll 49 Toll Rates

The toll for a passenger car (2 axles) charged at each Toll 49 toll gantry is as follows:

Toll 49 Toll Gantry	Transponder Customer Toll (e.g., TxTAG)	Pay By Mail (Video Tolling) Customer Toll
Mainlane Plaza North of Prairie Creek	$0.85	$1.13
Ramp Plazas South of SH 64	$0.30	$0.40
Mainlane Plaza South of SH 31	$0.70	$0.93
Mainlane Plaza East of Saline Creek	$0.60	$0.80
Ramp Plazas East of FM 2493	$0.30	$0.40
Ramp Plazas West of FM 756	$0.30	$0.40
Mainlane Plaza West of FM 2964	$0.54	$0.72

3.5 Administrative Fees for Unpaid Tolls

Section 370.177 of the Texas Transportation Code provides for the collection of an administrative fee to recover a regional mobility authority's cost of collecting unpaid tolls. The referenced "Administrative Fee" cannot exceed $100.00. NET RMA has determined that such fees may vary depending on how far in the collection process a delinquent account proceeds and shall be assessed as noted in this subsection.

For unpaid tolls, an Administrative Fee of $15.00 for the entire toll bill is assessed upon issuance of the first notice of non-payment, which shall be in addition to the tolls and fees accrued per Section 3.4 above.

In the event payment is not received in connection with the first notice of non-payment and a second notice of non-payment is sent, an additional $15.00 Administrative Fee shall become due. Therefore, full payment of a second notice of non-payment will require the payment of $30.00 in Administrative Fees, in addition to the actual tolls and fees accrued per Section 3.4 above.

In the event payment is not received in connection with either the first or second notice of non-payment, such account shall be considered for collection and an additional $30.00 Administrative Fee shall become due upon issuance of a third and final notice of non-payment, and the cumulative Administrative Fee shall be $60.00, in addition to the actual tolls and fees accrued per Section 3.4 above.

The NET RMA Board recognizes that the amount of the Administrative Fee may require periodic revision when collection costs and associated matters are considered. Therefore, the NET RMA may periodically reevaluate collection costs and may revise the associated Administrative Fees accordingly. Administrative Fees may also be waived by the NET RMA Board in accordance with procedures that enhance collection efforts for tolls due by delinquent customers.

3.6 Prosecution for Unpaid Notices of Non-Payment

If payment has not been made in response to the third and final notice of non-payment, and the toll amount and corresponding fees remain outstanding, the violating customer may be referred for prosecution. An offense for failure or refusal to pay a toll under Section 370.177, Transportation Code, is a misdemeanor subject to a fine of up to $250.00 for each offense.

If convicted of the offense, a violating customer may be liable for: (i) the unpaid toll amount and associated collection fees; (ii) a $100 Administrative Fee *per offense* in lieu of the Administrative Fees which accrued during the toll bill process; (iii) court costs; and (iv) a fine of up to $250.00.

In the prosecution of an offense under Sec. 370.177, proof that the vehicle passed through a toll collection facility without payment of the proper toll, together with proof that the defendant was the registered owner when the failure to pay occurred, establishes the nonpayment of the registered owner. The proof may be by testimony of a peace officer or NET RMA employee or contractor, video surveillance or any other reasonable evidence.

Under provisions of Sec. 370.177, there are certain exceptions to violation for failure to pay a toll regarding rental cars and vehicles sold but for which title has not been officially transferred by the applicable state agency. In addition, it is a defense to prosecution if the vehicle is stolen prior to the failure to pay a toll, but only if the theft is reported to the appropriate law enforcement agency within the required time period.

3.7 Toll Incentives, Discounts and Deferrals

To promote the use of NET RMA toll facilities and maximize the use of toll tags in lieu of the use of VTC transactions at its toll facilities, the NET RMA may from time to time conduct promotions and marketing activities. Accordingly, the NET RMA may offer customer incentives and discounts for use of NET RMA toll facilities. Similarly, the NET RMA may approve clearly defined introductory periods upon the opening of a new toll facility in which the initial toll rate may be less than the actual toll rate in place at the conclusion of such introductory period.

For any toll project to be developed in phases, and on a project specific basis in the discretion of the Board of Directors, the NET RMA may defer the commencement of toll collection operations on a phase of the project until additional phases of the project are constructed so as to provide continuous uninterrupted travel for a distance, or to a destination. In such event, the NET RMA shall install signage on or along the project (or any phase thereof) indicating that toll collection operations are being deferred and that tolls will be collected on the entirety (or any portion) of the project in the future.

Notwithstanding the preceding, the NET RMA may also adopt additional toll incentives, discounts and deferrals in the sole discretion of the NET RMA Board of Directors.

4.0 ROADWAY OPERATIONS POLICY

4.1 Statement of General Policy

Pursuant to Section 370.033(a) (12), Transportation Code, this section of the policy document adopts and establishes rules for the use of the NET RMA's toll facilities. These provisions are in addition to and an enhancement of the provisions of Subtitle C, Title 7, Transportation Code (the “Statutory Rules of the Road”). The NET RMA expressly adopts these provisions and those set forth in the Statutory Rules of the Road. To the extent any irreconcilable conflict arises between the provisions hereof and the Statutory Rules of the Road, the Statutory Rules of the Road shall control.

4.2 Speed Limits

Subchapter H, Chapter 545, Transportation Code, “Speed Restrictions,” governs speeds on highways in the State of Texas. Under Section 370.033, Transportation Code, the authority may alter prima facie speed limits on its toll roads, provided the Texas Department of Transportation Procedures for Establishing Speed Zones, current edition, are followed.

Guidelines established by Texas Department of Transportation Procedures for Establishing Speed Zones, current edition, will be used in conducting Speed Zone Studies and establishing Speed Limits on NET RMA operated toll facilities. The data collected during the Speed Zone Studies are analyzed to determine the 85th Percentile Speed. The 85th Percentile Speed is the speed at which 85% of the traffic at a specific test site is traveling at or slower. The 85th Percentile Speed will be the basis for how the posted speed limit is determined.

Maximum speeds within construction, transitional or reduced speed zones or during any period of adverse atmospheric or weather conditions shall be in accordance with signs displayed for such zones. All regulatory and zoning signs displayed on NET RMA operated toll facilities shall be obeyed.

Motor vehicles shall not be driven in excess of the mechanical limits of vehicles or tires. If traffic, weather, pavement or other conditions render the maximum allowable speed hazardous, the speed of motor vehicles shall be reduced consistent with such conditions.

4.3 Parking

Parking or stopping of vehicles on any traffic lane, deceleration lane, acceleration lane or on any bridge is prohibited with exceptions provided for vehicles which become disabled, law enforcement and emergencies. All wheels and projecting parts of the vehicle or load shall be completely clear of the traffic lane.

During the period beginning 30 minutes after sunset and ending 30 minutes before sunrise or at any other time when insufficient light or unfavorable atmospheric or weather conditions require, any parked or disabled vehicle shall display illuminated parking and tail lights or lighted flares to indicate its location.

Unnecessary parking or parking of vehicles for extended periods of time (in excess of 24 hours) is prohibited, and the driver of a disabled vehicle shall arrange for its prompt removal from NET RMA operated toll facilities.

For an offense under this section, it is presumed that the registered owner of the vehicle is the person who parked the vehicle at the time and place an offense under this section occurs.

4.4 Median Strip

The median strip is the area between the entrance/exit ramps and main traffic lanes for the purpose of separating traffic. Crossing, driving, parking or stopping on the median strip is prohibited on any NET RMA toll facilities except as necessary for official maintenance, operational, law enforcement and emergency uses.

4.5 No U-Turn

Except as specifically provided for as standard turnarounds, u-turns at any location on NET RMA operated toll facilities are prohibited with exceptions provided for official maintenance, operational, law enforcement and emergency responders.

4.6 Pedestrians

Pedestrians are not permitted on the main-lane roadways, access ramps or any interchange of NET RMA toll facilities. Solicitation of rides or “hitchhiking”, panhandling, passing of handbills, displaying signs or attempting to sell merchandise is prohibited on NET RMA operated toll facilities. Loitering on any NET RMA property is prohibited.

4.7 Prohibited Modes of Transportation

No person shall operate any of the following on any roadway or access ramp operated by the NET RMA:

- Animal drawn vehicles;
- Animals - led, ridden or driven;
- Vehicles loaded with animals or poultry not properly confined;
- Vehicles with flat pneumatic tires;
- Vehicles in the charge of intoxicated or otherwise incapacitated operators;
- Vehicles with improperly secured loads which may shift or litter the highway;
- Vehicles with metal tires or which have solid tires worn to metal;
- Farm implements;
- Disabled vehicles in tow by tow-rope or chain;

- Rollers, graders, power shovels, tractors or other construction or farm equipment, either self-propelled or in tow of another vehicle, unless such equipment is either: truck mounted, and such truck can be operated at a minimum speed of 45 miles per hour while traveling on the mainlane roadways of NET RMA operated toll roads, weather and road conditions permitting, or owned or controlled by the NET RMA or by any contractor in connection with the performance of work authorized by the NET RMA; or
- Vehicles exceeding the maximum weights allowed on State Highways under the motor vehicles laws of the State of Texas in effect from time to time. Additionally, vehicles including any load thereon exceeding the following maximum dimensions are prohibited:

Height	14 feet 6 inches
Width	8 feet 6 inches
Length	The maximum allowable lengths permitted on Interstate highways and other controlled access roadways in Texas pursuant to the motor vehicle laws of the State of Texas, as in effect from time to time, without an over-length permit.

4.8 Evasion of Fare

Entering or leaving NET RMA operated toll facilities or any part of its right of way except through the regular tolled lanes or entrance and exit points or committing any act with intent to defraud or evade payment of fare is prohibited.

4.9 State Laws

All laws, rules and regulations in the State of Texas pertaining to the use of public highways and policing thereof, including but not limited to the Statutory Rules of the Road, shall apply to NET RMA operated toll roads, except insofar as they may be supplemented by this policy document.

4.10 Penalties

Any violation of a provision of this policy document shall be deemed an offense as defined in the Statutory Rules of the Road and shall be subject to prosecution and penalties as set forth in the Statutory Rules of the Road.

5.0 ACRONYMS & DEFINITIONS

The following words and terms, when used in this policy document, shall have the following meanings, unless the context clearly indicates otherwise, including instances in which the terms are defined terms from an instrument referenced within this document:

Term	Definition
ETC	Electronic toll collection
NET RMA	North East Texas Regional Mobility Authority
CPI	Consumer price index
Toll Bill	An invoice summarizing video toll transactions for a set period of time. The bill is mailed to the registered owner of the vehicle based on data in the TxDOT division of Vehicle Title and Registration.
Toll Facility	Any facility, including but not limited to roads, bridges, tunnels and managed lanes, that are tolled
Transponder	The onboard device that identifies vehicles as part of a radio frequency system to automatically charge the toll to the customer/vehicle associated with the transponder read.
TxDOT	Texas Department of Transportation
TxTag	TxDOT's brand of toll transponders and the statewide brand and trademark of interoperability used by Texas interoperable toll agencies.
VTC	Video toll collection; a component of the ETC system that utilizes video images to generate a toll bill for customers without a transponder.

[END OF POLICY DOCUMENT]

Final Public Hearing Summary and Analysis with Attached TxDOT Certification

Public Hearing Summary and Analysis for the US 69/Loop 49 Lindale Reliever Route

CSJ# 0190-04-033
EIS# 08-01-D

Prepared by the
U.S. Department of Transportation (USDOT)
Federal Highway Administration (FHWA)
and
Texas Department of Transportation (TxDOT)

May 2014

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1.0 INTRODUCTION

In accordance with the Federal Highway Administration (FHWA) rules and regulations for implementing the National Environmental Policy Act of 1969 (NEPA), the Texas Department of Transportation (TxDOT) Tyler District conducted a public hearing for the US Highway (US) 69/Loop 49 Lindale Reliever Route Draft Environmental Impact Statement (EIS) (CSJ 0190-04-033). The meeting was held on January 9, 2014, at 5:30 PM in the Lindale High School cafeteria (920 E Hubbard Street, Lindale, Texas 75771).

1.1 PROPOSED PROJECT

The US 69/Loop 49 Lindale Reliever Route Draft EIS was developed for a new location, four-lane divided freeway extending from Interstate Highway (IH) 20 to US 69 north of Lindale. The proposed project is intended to provide relief to the existing US 69 through the city of Lindale and extend a proposed toll facility (Loop 49 West) from IH 20 southwest of Lindale to US 69 north of Lindale. The Preferred Alternative (Alternative G) was identified from a set of reasonable alternatives (including Alternative D and the No Build Alternative) based on its ability to meet the need for and purpose of the proposed project while minimizing impacts to the natural, physical, and human environments. The need for the proposed project includes safety concerns, system linkage, and capacity. These needs would be addressed by the proposed project by improving safety, increasing regional mobility, and providing capacity to meet future traffic demands and volumes along the existing US 69 roadway.

1.2 LEGAL NOTICES AND PUBLICATIONS

The Notice of Availability (NOA) for the US 69/Loop 49 Lindale Reliever Route Draft EIS was published in the Texas Register on November 8, 2013 (38 TexReg 8020) and Federal Register on November 20, 2013 (78 FR 69665) (see **Appendix A: Legal Notices and Publications**). In compliance with FHWA and TxDOT regulations, legal notices were published in three area newspapers on the following dates:

- *The Lindale News and Times*
    - November 21, 2013
    - December 5, 2013
    - December 26, 2013
- *Tyler Morning Telegraph*
    - December 7, 2013
    - December 28, 2013
- *La Opinión*
    - December 11, 2013
    - December 25, 2013

Copies of these newspaper notices are included in **Appendix A**. Information regarding the proposed project and public hearing was also published on TxDOT's website (https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings/tyler/010914.html) and on the Toll 49 project website (http://toll49.org/project/lindale-relief-route) (see **Appendix A**).

2.0 MEETING PURPOSE AND OVERVIEW

The purpose of the public hearing was to present the Draft EIS and schematic to the public and to solicit comments. The meeting included an open house and formal presentation, after which attendees were given the opportunity to voice their comments during the public hearing portion of the meeting.

Upon arrival, attendees were asked to sign in as a member of the general public, an elected official, or a staff member (see **Photos 1–2** and **Appendix B: Meeting Materials**). Attendees were given a comment sheet and handout providing an overview of the proposed project (see **Appendix B**) and were encouraged to sign up to provide public testimony if they wished to present their comments during the public hearing. Individuals were also given the option to submit comments to be included in the public record by filling out a comment sheet, providing their testimony directly to the court reporter following the hearing, or by mailing or emailing their comments to TxDOT during the 11-day comment period following the hearing.

The open house was held from 5:30 PM to 6:30 PM and was intended to afford attendees the opportunity to familiarize themselves with the details and progress of the proposed project. Exhibits including aerial photo-based maps of the build alternatives and environmental constraints, schematics, technical reports, and the Draft EIS were available for public review. TxDOT staff and the consulting team were available throughout the meeting and after to answer questions and provide information as needed (see **Photos 3–4**).

Photo 1: Sign-in tables with handouts and comment forms at entrance to Lindale High School cafeteria.

Photo 2: Staff members greeting a meeting attendee at the sign-in table.

Photo 3: Open house portion of the meeting, with exhibits visible in background.

Photo 4: Staff members with copies of the Draft EIS, technical reports, exhibit, and schematics, with public hearing presentation visible on screen in background.

At 6:30 PM, Randy Hopmann, the District Engineer for the TxDOT Tyler District, greeted attendees and began a presentation which discussed the proposed project, environmental process, and goals of the public hearing (see **Appendix C: Public Hearing Presentation**). Other presenters from the TxDOT Tyler District included Vernon Webb, the Director of Transportation Planning and Development; Dale Booth, Tyler District Planning Engineer; and Mike Lightfoot, representing TxDOT's Right-of-Way Division. A court reporter was present to transcribe the formal presentation and all spoken comments, including those spoken during and after the public hearing. Following the presentation, a short break was given in order to allow attendees to review the project materials prior to the public hearing portion of the meeting.

At 7:15 PM, individuals who had signed up to speak during the hearing provided their public testimony. A total of 12 individuals presented comments during the public hearing (see **Appendix D: Public Hearing Transcript**), including eight members of the general public, a representative of the North East Texas Regional Mobility Authority (NET RMA), a former Mayor of Lindale, the current Mayor of Lindale, and a representative of the Tyler Economic Development Council. Following the testimony of the last registered speaker, two members of the general public presented their comments directly to the court reporter (see **Appendix D**). The meeting was adjourned at approximately 8:30 PM following closing remarks from TxDOT.

3.0 PUBLIC HEARING COMMENTS

Comments regarding the Draft EIS were accepted until the close of business on January 20, 2014. A total of 39 comments were received either during the public hearing or within the 11-day comment period (January 9 through January 20, 2014). These included:

- 12 comments presented as public hearing testimony;
- 2 comments directly presented to the court reporter;
- 11 comment forms submitted during or immediately following the public hearing; and
- 14 comments submitted via email or mail following the public hearing.

An inventory of all of the public hearing comments and TxDOT's chosen comment-response method are included in **Table 1**. Copies of each of these comments are included in **Appendix E: General Public, Elected Official, and Agency Comments**, and copies of TxDOT's responses to these comments are included in **Appendix F: Responses to General Public, Elected Official, and Agency Comments**.

A summary of the main issues cited in the public hearing comments received from the general public, elected officials, and state and federal agencies is provided in **Section 3.1.**

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Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
1	Carol Kehl (Smith County Historical Commission)	As a member of Smith County Historical Commission, I have read and studied those portions of the Draft Environmental Impact Statement for the Lindale Reliever Route for Loop 49 North that are subject to our interests–potential adverse effects of cultural resources. I contacted one of our Smith County Historical Society members who has lived for decades in Lindale and also Carolyn Caldwell, City Secretary of Lindale, for additional information. It appears that the mitigation activities already performed in the Area of Potential Effects and those that would be performed, depending on which route is selected, satisfy legal requirements. Both Alternatives D and G seem to meet project needs and purposes, but G would be preferred by our Commission because the impact of known cultural resources in that area is less according to what is written in the impact statement.	Email (Email response from TxDOT–Tyler District)
2	William Cumbie (Citizen)	I believe the reduction in traffic on US-69 through Lindale to be provided by the Toll 49 Lindale Reliever Route is being overstated. This is particularly true as regards to the 18 wheel truck traffic. Primarily this is due to the proposal being for a toll road versus non-toll. That said, I oppose Route Alternative D. Route Alternative G is acceptable.	Email (Email response from TxDOT–Tyler District)
3	John Tweedell (Citizen)	My comments regarding the proposed Lindale Reliever Route are as follows: 1) No Smith County Citizen tax money should be spent on this project as the road will be turned over to non-elected individuals. 2) The proposed route is so close to Lindale that I see no advantage to spending this huge sum of money. 3) I do not think this road if built should be tolled because if our gasoline tax money had not been diverted by the elected servants then the toll would not be needed. If this road is needed it should be built as we build other roads. 4) Emergency event if one occurred would affect two cities instead of one city. More people would be hurt or killed if some chemical was released into the air. 5) The cost is more than the value derived from it.	Email (Letter from TxDOT–Tyler District)
4	Chris Banks (Citizen & Business Property Owner/Renter)	After listening to comments from residences the one common statement is that they all use the toll road that exists. Other land owners sacrifice their property for their use. I hear some complaints about cost. Well it's cheaper and safer than the time it takes to go through Tyler. I wonder what Lindale would look like if it stayed with a two lane highway 69? I bet there would be more people there in support, probably hundreds. We need the Relief Route now. Please no bicycles.	Comment Card (Letter from TxDOT–Tyler District)
5	Todd Richardson (Citizen & Real Estate Broker)	I hope the State will get this project started and completed ASAP. The Loop 49 going south is wonderful, saves time and gas for us going to Tyler. There is so much traffic on Hwy 69 in town the Reliever Route will make it safer for everyone. Thank you.	Email (Letter from TxDOT–Tyler District)

Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
6	Stephen R. Spencer, Ph.D. (U.S. Department of the Interior)	Please find attached the Department of the Interior comment letter for the US 69/Loop 49 North Lindale Reliever Route, Smith County, TX. I would appreciate confirmation by return e-mail that this has been received. The U.S. Department of the Interior has reviewed the Draft Environmental Impact Statement for the US 69/Loop 49 North Lindale Reliever Route, Smith County, Texas. In this regard, we have no comment.	Email, Letter (Letter from TxDOT–Tyler District)
7	Garrett Henderson (Citizen)	I am looking for information on the US 69/Loop 49 Lindale Reliever. I am just wanting some basic information as to when the project plans to let, is it funded, date of acquisition of ROW, which route it will take, who is doing the project.	Email (email)
8	Lisa Baker (United Keetoowah Band of Cherokee Indians in OK)	The United Keetoowah Band of Cherokee Indians in Oklahoma has reviewed your project under Section 106 of the NHPA. At this time, we have no comments or concerns. However, if any human remains are inadvertently discovered, please cease all work and contact us immediately.	Email (Letter from TxDOT–Tyler District)
9	Dr. Howard Beggs (Affected Land & Business Owner)	I am a landowner whose property apparently lies in the proposed path of the Lindale Reliever Route extension of Loop 49. The purpose of this letter is to give you a concrete example of the hardships you are imposing on people in my position by refusing to specify a final location of the right-of-way. My partner and I are in the business of developing residential subdivisions in the Lindale area. We have successfully developed the Meadow Crest Subdivision, which contains 26 lots and is located on FM 16, two miles west of Lindale. We also own a 155-acre tract that is adjacent to this subdivision and contains a 40-acre lake. We were in the process of developing the 155-acre tract to contain about 155 lots, when it came to our attention that one of the possible routes of the reliever route passed though the east end of this property. We had already progressed to the point of spending a considerable amount of money having the property surveyed and platted, and obtaining preliminary approval from the County to proceed with development. However, the next stage, which consisted of constructing streets and a water distribution system, would require a considerable expenditure, and therefore we sought outside financing. Due to the fact that the final route of the reliever route was not specified, we were unable to obtain this financing. If the final location of the right-of-way had been specified, we could have altered our plans and worked around the reliever route location. As both TxDOT and the NET RMA have refused to do this, you are costing me several million dollars. To put this in perspective, I invite you to refer to page 312, or Plate 5, in the EIS that you have published. From this plate, you will see that the latest proposed route will eliminate approximately 50 of the proposed 155 lots, for which I will expect to be compensated. This is just one example of the type of problem you are causing by keeping the landowners in the possible paths of the highway in limbo. I urge you to please specify a definite and final route as soon as possible.	Email (Letter from TxDOT–Tyler District)

Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
10	Karen Hardin (Texas Parks and Wildlife Department)	The Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project. TPWD, as the state agency with primary responsibility for protection the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code 12.0011, hereby provides the following recommendations to minimize the potential adverse impacts to the state's fish and wildlife resources for the proposed project reference above. Based on the information presented in the DEIS, TPWD does not anticipate that adverse impacts to fish and wildlife resource would be of enough significance to eliminate either of the build alternatives from consideration: however, TPWD strongly encourages implementation of the recommendations presented in this review to reduce potential adverse impacts to fish and wildlife resources. Thus TPWD has no objection to the No Build alternative and finds build alternatives D or G acceptable. Because lack of direct access lessens the amount of development along roadways which also reduces impact to fish and wildlife habitat, TPWD supports the proposed full control-of-access for the project. **The remainder of this letter can be found in **Appendix E**.*	Email with attached letter (Letter from TxDOT ENV)
11	Sean Edwards (U.S. Fish & Wildlife Service)	We have received and reviewed TxDOT's Draft EIS regarding the US 69/Loop 49 North Lindale Reliever Route. There are no federally listed species currently known to occur in Smith County, Texas. Therefore, we have no comments or recommendations to offer at this time. Thank you for the opportunity to participate in this process. Please contact me with any additional needs.	Email (Letter from TxDOT–Tyler District)
12	Linda Henderson (Texas Historical Commission)	Thank you for sharing copies of the DEIS for the US 69/Loop 49 North Lindale Reliever Route in Smith County (CSJ 0190-04-033). Our review staff has reviewed the materials, and we have no comments at this time. Please let us know if you have any questions for us or if any unanticipated discoveries come up that were not covered in cultural and historic resource surveys reviewed to date.	Email (Letter from TxDOT–Tyler District)
13	Mark McDaniel (City Manager, City of Tyler)	Thank you for allowing the City of Tyler to comment on this project. We appreciate the opportunity to comment, but have no concerns regarding the statement provided.	Email (Letter from TxDOT–Tyler District)
14	Lindsay Bilyeu (Choctaw Nation of Oklahoma)	The Choctaw Nation of Oklahoma thanks the Texas Department of Transportation for the correspondence regarding the above references project. Smith Co, TX lies within the Choctaw Nation of Oklahoma's area of historic interest. After reviewing the Draft EIS, the Choctaw Nation Historic Preservation Department would like to request a copy of the archeological survey performed for this project and a color topo map of the APE showing all archeological sites within a 1 mile radius. If you have any questions, please contact our office at 580-924-8280 ext. 2631.	Email (Letter from TxDOT ENV)

Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
15	Joe Mea (Affected Land & Business Owner)	The Mea family supports infrastructure and economic development but we also believe that government should not unnecessarily trample on private property rights and small business. The Meas' seek a meaningful dialogue with TxDOT and the Regional Mobility Authority to create a win/win path forward to at least mitigate the negative impact of the Lindale Reliever Route on our family business. We work hard to be successful in an environment where we fiercely compete for business with large international organizations. This project is more than government taking land—it is about the disruption of a family business where operational inefficiencies created by the proposed route threaten its viability. **Background**: The Mea Family began purchasing land in the 1960's with the intent to develop it for both agricultural use and residential development. The first parcel of land was purchased by the Mea Family with subsequent tracts being purchased until as recently as the late 90's. Today the Mea Family property consists of approximately 500 contiguous acres. Substantial value has been created by blocking up the property and making it suitable for residential development, commercial, and horticultural operations. **Concerns**: The Lindale Reliever Route will eliminate direct access to the irrigation pond that services Mea Nursery; The Reliever Route will run through the middle of the Mea property. Obviously, the property will be divided by the Reliever Route preventing the development of the property as a whole. This will diminish the value of the land for residential development as only a proportion of the original tract will be available; The Reliever Route will physically subdivided the Mea property blocking direct access from one side to the other; The land on the west side of the route will diminish in value as it will be too small for development; The Reliever Route runs through the "high" ground of the property which is the prime spot for residential lots making it less attractive for potential lot and home buyers; The Reliever Route runs through Mea Nursery's commercial and horticultural operation; A winery and vineyard planted by the Mea Family will be materially impacted; The value of the Mea Family home will be negatively impacted by the construction of the Reliever Route and the proximity to the house. **Proposed Solutions**: By moving part of the Reliever Route by approximately 1000 feet to the West several of our concerns can be addressed; A plan can be developed where we could enter at or near the designated controlled access point from the Mea property; An additional access point between 120 and Hwy 69 be identified, perhaps on and off access to CR 431, which would benefit everyone, including the City of Lindale, by allowing circulation to the whole area. **Summarize**: To summarize, the Lindale Reliever Route will materially diminish the value of the Mea Property; but, more importantly, it will place unnecessary hardship on Mea Nursery that threatens the viability as an ongoing business. Your consideration of our concerns is appreciated. Thank you for your service to our great State.	Letter (Letter from TxDOT–Tyler District)

Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
16	Bob Garrett (Affected Landowner)	We are in favor of the project moving forward. We note that the exhibits shown at the 1/9/14 public hearings do not depict the "access points" agreed to in our conveyance to NET RMA. Thank you.	Comment Card (Letter from TxDOT–Tyler District)
17	Mr. D.M. Edward (Affected Landowner)	I write in support of the Lindale Relief Project as a board member and treasurer of Timberline Baptist Camp & Conference Center on Mt. Sylvan Road (also FM-849). Our board of trustees and camp staff recognize the importance of this project and are willing to work with TxDOT and the City of Lindale on this. Please keep us apprised on the project.	Comment Card (Letter from TxDOT–Tyler District)
18	Gary Jackson (Citizen)	Good visual presentation of planned extension of Loop 49. Urge completion as soon as possible.	Comment Card (Letter from TxDOT–Tyler District)
19	Derrell Cooper (Citizen)	I support the Loop generally.	Comment Card (Letter from TxDOT–Tyler District)
20	Chris Banks (Citizen)	Please build the relief loop and no bicycles.	Comment Card (Letter from TxDOT–Tyler District)
21	John Etheridge (Affected Landowner)	Please contact me concerning a business and property acquisition. My phone # is 214-215-2958. Question: Entire width of right of way cuts across my east border (525 feet). Can we split the difference with my neighbor and move road east 250 feet?	Comment Card (Letter from TxDOT–Tyler District)
22	Sandra Rowan (Citizen)	This loop would be of great benefit to many people. However, the route which has the least impact on existing home owners is always best.	Comment Card (Letter from TxDOT–Tyler District)
23	Owen Scott (Citizen)	As a citizen of Lindale, I feel it is imperative the relief route is constructed ASAP to relieve the traffic on hwy 69. I do not feel it will destroy the downtown development.	Comment Card (Letter from TxDOT–Tyler District)
24	A.E. Shull (Citizen)	I am a contractor in Tyler. Many materials we use are shipped to use from OK & KS and came down Hwy 69. This project would allow 18 wheelers to miss Lindale and Tyler.	Comment Card (Letter from TxDOT–Tyler District)
25	Tom Mullins (Tyler Economic Development Council)	I represent the Tyler Economic Development Council and we support the completion of Toll 49. It will help alleviate traffic congestion, improve safety and promote economic development	Comment Card (Letter from TxDOT–Tyler District)

Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
26	Rhonda Smith (Environmental Protection Agency)	In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) prepared by the Federal Highway Administration (FHWA), and the Texas Department of Transportation (TxDOT) for the US 69/Loop 49 North Lindale Reliever Route. The proposed action is intended to provide relief to the existing US 69 through the city of Lindale and extend a proposed toll facility (Loop 49 West) from IH 20 southwest of Lindale to US 69 north of Lindale. EPA has rated the DEIS as LO "Lack of Objections". The EPA's Rating System Criteria can be found here: http://www.epagov/oecaerth/nepa/comments/rating.html. EPA appreciates the opportunity to review the DEIS. Our classification will be published on the EPA website, http://www.epa.gov/compliance/nepa/eisdata.html, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. Please send our office one copy of the Final (FEIS). If you have any questions or concerns, please contact me at 214-665-8006 or Michael Jansky of my staff at jansky.michael@epa.gov or 214-665-7451 for assistance.	Letter (No response necessary)
Public Hearing Comment Summary* *Note: these comments have been paraphrased and can be read in their entirety in Appendix D: Public Hearing Transcript.			
27	Howard Beggs (Affected Land & Business Owner)	Mr. Beggs is the owner of a 155-acre tract impacted by the project. Mr. Beggs would like the project planners to have a definitive answer for the location of the right of way, claiming planners are suggesting the right of way may be slightly different than the drawings. Mr. Beggs' main concern is for land owners to no longer be in limbo regarding the future of their property due to the back and forth of exactly where the takes will occur.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)

Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
28	Robert Rozen (Citizen & Affected Landowner)	Mr. Rozen's concern is with the livelihoods of the people whose properties are being impacted by the project. He suggests project planners take into consideration not only the property value but the value of their home and history of the people. Mr. Rosen would like to know directly how people's businesses are affected and what percentage of the businesses would be lost. Mr. Rosen states that the citizens have the right to ask personal questions regarding how the project is going to increase the value of the citizens in the town. He would like to know if the citizens are going to be involved in the project, such as the hiring of local contractors for the construction of the project. He would like to make sure his driveway would be fixed along the roadway if construction were to take place on his property (Mr. Hopmann comments the referred to driveway issue regards recent construction on FM 16). Mr. Rosen is concerned that the recently constructed Toll 49 project is already beginning to deteriorate and appears incomplete, and he would like to be reassured the proposed project is going to be a finished project.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
29	Jeff Head (Citizen)	Mr. Head lives in Country Manor off of 849. Mr. Head is still unclear of the impact the project will have on Lindale. He is concerned if people are going to be able to bypass Lindale, there will be detrimental impacts on the taxes that are received from revenues of purchased products such as gasoline and other materials and businesses for stores. He is concerned that no other person has mentioned the impact on Lindale if visitors now bypass Lindale. Mr. Head's second concern is why the project will only be two lanes instead of four. He is concerned that the project will cost more if only two lanes are constructed now and later in time there is a need to add lanes. In his opinion, this project is not really efficient transportation.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
30	Bobby McClenny (Citizen)	Mr. McClenny appreciates the work that has been done on this project. He acknowledges people will have issues pertaining to right of way, etc. He states that studies indicate that traffic will increase in Lindale and also cites congestion on US 69 during certain hours of the day. He expresses sympathy for those who are going to be directly affected through right of way acquisition but urges the project to move forward. He also states he hopes he "will be around to make the full trip from beginning to end" once the project is finished.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
31	Bill Liebbe (Affected Property Owner)	Mr. Liebbe's property will be taken by the proposed project. He asks Mike Lightfoot, the representative for TxDOT's Right of Way Division, "Isn't it true that the State must pay us fair-market value for the property taken? Can you tell us what fair-market value means?" Mr. Lightfoot responds that it is true the State must pay fair market value. Mr. Liebbe states the legal definition of fair market value is "the current value under its current use and the reasonably foreseeable use in the future." Mr. Liebbe continues on to say that TxDOT must also pay the homeowner not only the value of the home taken but also the damages, and the State will hire appraisers to find the value of the home. Mr. Liebbe is concerned the appraisers will be biased and prejudiced because they work for the State, and he is concerned the appropriate value will not be awarded. He asks if the offer from the State must be accepted. Mr. Lightfoot states the offer does not	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)

Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
		have to be accepted. Mr. Libbe then continues to say if the offer is rejected from the landowner, the State must file a condemnation lawsuit in the County Court at Law, and then three landowners will be appointed by the Court to hear testimony for the awarded value for the Commissioner to make an award. Based on his evaluation, he explains that 93 percent of the time, the Commissioner's award is higher than what is offered by the State, and if either side is dissatisfied with the award, then they can file an appeal to the County Court at Law and get a jury trial. Mr. Lightfoot confirms. Mr. Liebbe states that people can hire lawyers to challenge on a contingency fee basis, and most of the time if landowners challenge the value from the State, "they come out much better." Mr. Lightfoot did not have statistics to back Mr. Liebbe's claim. Mr. Liebbe informs the attendees of the hearing that he was a lawyer, provided his phone number, and offered to speak with the citizens over concerns they may have pertaining to offers from the State.	
32	Gary Halbrooks (Northeast Texas Regional Mobility Authority Board of Directors)	Mr. Halbrooks has served on the Northeast Texas Regional Mobility Authority (NET RMA) Board of Directors since its founding and has had a long-standing relationship with TxDOT on the Lindale project. Mr. Halbrooks notes the growth that has taken place on Loop 323 and notes the continued growth already occurring on Loop 49. He believes that Toll 49 will be an economic generator of growth. Mr. Halbrooks looks forward to taking over the Relief Reliever Route as part of the NET RMA in the future and working with the citizens on the project.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
33	Tom Mullins (Tyler Chamber of Commerce & Tyler Economic Development Corporation)	Mr. Mullins represents the Tyler Area Chamber of Commerce and Tyler Economic Development Council. In conjunction with these organizations, Mr. Mullins has been working with the Lindale project for a number of years. He sees future growth in the area based on the statistic of 400,000 people moving to Texas each year as well as several other statistics for the area. He states "growth requires more infrastructure, water and sewer, schools, and of course, roads." Mr. Mullins described the length of time and extent of planning that goes into transportation projects and congratulates TxDOT for being diligent in terms of public input and meetings. He addressed the concern of citizens for the roadway only being two lanes, stating additional lanes will cost money the State simply cannot allocate to this project, and the tolled lanes will generate revenue for potential future expansion. Mr. Mullins states this project will improve traffic flow, safety, and be a driver for economic growth and development.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
34	Jim Mallory (Citizen & Former Lindale Mayor)	Mr. Mallory is the former mayor of Lindale. He expressed his sympathy with the people who will be impacted negatively; however, he recognized the current condition of Lindale and future projects with the increased truck traffic and his concern for safety. He urges people to push this project forward because it is a great thing for Smith County and for Texas.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)

Table 1. US 69/Loop 49 Lindale Reliever Route Public Hearing Comments			
Comment Number	**Name of Commenter (Affiliation)**	**Comment**	**Method Comment was Received (Response)**
35	Kevin Freudiger (Affected Land & Business Owner)	Mr. Freudiger represents Fox Run Estates and Sammy and J.B. Fox. Mr. Freudiger has two primary concerns. The first is the loss of land for families and property owners. He is concerned that the toll road will not bring economic growth, partly based on his experience with toll roads in Dallas. He is concerned with the increase in business expenditures for his electrical company, because his vehicles must use toll roads and incur costs of approximately $1,200 to $1,500 per month. Mr. Freudiger noted his understanding that toll roads are expected to charge tolls until the roadway is paid off; however, he has yet to see a toll road become non-tolled. He expresses his concern over tolls costs for individuals and families throughout the Lindale area.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
36	Mayor Robert Nelson (Lindale Mayor)	Mr. Nelson thanked TxDOT for the people who had the vision for the project 20 years ago and how they are continuing the project today. He states the current traffic situation as problematic and only to get worse. He encouraged the people to work together to have a win-win situation for everybody. He urges the citizens to have an open mind and support the project.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
37	Donna Liebbe (Affected Landowner)	Mrs. Liebbe's concern is the timeline of the project and the implications the delayed acquisition dates have had on property owners. She is concerned for the land owners and their future plans to improve their property, but it is unclear when their property will be purchased. Mrs. Liebbe has made a request if the acquisition date for the property were to change again to notify the home owners.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
38	W.D. Craig (Citizen)	Mr. Craig referred to the widening project of US 69 in Mineola nearly 50 years ago. At the time, he sold part of his property for right of way and was told that part of his land would be used for where Alternative D is located. Mr. Craig believes the ideal route would not be D; instead, he proposes an alternative that is located between D and G to avoid a sweeping overpass. Mr. Craig is also concerned about selling his property and would like a definitive answer regarding the location of the roadway as soon as possible.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)
39	Demetrio Capello (Affected Property Owner)	Mr. Capello would like to see a compromise between D and G to protect his property in the future. Mr. Capello believes if there were an alternative between D and G, there wouldn't be as many business impacts and one overpass would suffice. He states he believes that the construction of an overpass would take a few years, during which crossing US 69 will pose a safety concern.	Spoken comment, recorded by court reporter (Letter from TxDOT–Tyler District)

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3.1 COMMENT SUMMARY

Table 2 summarizes the main issues cited in the comments received during and after the public hearing from the general public, elected officials, and state and federal agencies. These main issues include: general opposition to the proposed project; issues regarding tolling; and issues regarding right of way acquisition and/or access changes. Comments that express general support of or no opposition to the proposed project are also included in the table below. Each reference to a main issue is included in the table; therefore, comments that mention multiple issues may be included in the table more than once. Two comments requesting further information regarding the proposed project are not included in this tally.

Table 2. Summary of Main Issues Cited in Public Hearing Comments

Issue	Number of Comments*
General support and/or no opposition	25
General opposition	1
Issues regarding tolling	2
Issues regarding right of way acquisition and/or access changes	10

*Number of comments indicates the number of times an issue is referenced. Some comments may reference more than one issue. Not all issues referenced in comments are included in this table. **Appendix E** includes all comments in their entirety.

Comments from the General Public and Elected Officials

Comments received from the general public and elected officials during and after the public hearing regarding the US 69/Loop 49 Draft EIS generally indicate support for the proposed improvements; however, some individuals express concern regarding specific elements of the project. These concerns include:

- opposition to tolling the facility;
- issues regarding right of way acquisition; and
- the long-term economic impacts of traffic bypassing Lindale.

Statements indicating support for the improvements cite the following as potential benefits of the proposed project:

- support and promotion of future economic growth in the Lindale area;
- safety improvements, particularly with regard to truck traffic; and
- travel time savings.

All general public and elected official comments can be found in **Appendix E**. TxDOT's responses to these comments are included in **Appendix F**.

Comments from State and Federal Agencies

Correspondence received from state and federal agencies indicates overall support of the proposed project, with only a small number of agencies providing comments. The Texas Parks and Wildlife Department (TPWD) provided comments regarding TxDOT-TPWD 2013 Memorandum of Understanding (MOU) coordination; implementation of Best Management Practices for rare species; consideration of impact avoidance measures for all aquatic organisms (including all native freshwater mussel species); and recommendations regarding bridge span and culvert design (see **Appendix E**). The Smith County Historical Commission expressed its support for Alternative G and its assessment that the mitigation activities recommended by the Draft EIS would, depending on which route is selected, satisfy legal requirements. Correspondence with the U.S. Department of the Interior, U.S. Fish and Wildlife Service, and Environmental Protection Agency indicates the agencies reviewed the Draft EIS and have no comments to provide. All agency correspondence can be found in **Appendix E**; responses to agency comments are included in **Appendix F**.

4.0 CONCLUSION

The majority of comments received during and after the public hearing indicates overall support of the proposed project by the general public, elected officials, and agencies. Some individuals or agencies expressed a preference for Alternative G (the Preferred Alternative); however, no comments were received in support of Alternative D. Opposition to specific elements of the proposed project was expressed by some members of the general public, typically with regard to right of way acquisition. TxDOT has responded to the comments received (see **Appendix F**) and will address remaining issues in the Final Environmental Impact Statement, if necessary and appropriate.

APPENDIX A

LEGAL NOTICES AND PUBLICATIONS

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of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Under the provisions of national Program Development and Approval Guidance implementing section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) which was jointly developed and published by EPA and the National Oceanic and Atmospheric Administration (NOAA), 29 coastal States and 5 coastal Territories with federally approved Coastal Zone Management Programs have developed and submitted to EPA and NOAA Coastal Nonpoint Pollution Programs. Another State (Illinois) is developing its program for submittal to EPA and NOAA in early 2014. EPA and NOAA have fully approved 17 States and 5 Territories, and conditionally approved 11 States. Another State that was conditionally approved (Alaska) ceased its participation in this program in 2011.

Form Numbers: None.

Respondents/affected entities: Entities affected by this action are 11 coastal States with conditionally approved Coastal Nonpoint Pollution Control Programs and 1 coastal State that will submit its program for federal approval in 2014.

Respondent's obligation to respond: Required to obtain or retain benefits.

Estimated number of respondents: 12 States (total).

Frequency of response: On occasion.

Total estimated burden: 1,500 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $55,500 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 125 hours (per year) in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is the result of progress that States which are not yet unconditionally approved have made that have resulted in the reduction in the number of conditions imposed on them by EPA and NOAA, offset by the addition of a new State coastal nonpoint program (Illinois), as well as the sunsetting of one State program in 2011 (Alaska).

Dated: November 6, 2013.

Benita Best-Wong,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. 2013–27830 Filed 11–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9011–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements.

Filed 11/04/2013 through 11/08/2013.

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20130329, Draft EIS, FHWA, TX, US 69/Loop 49 North Lindale Reliever Route, Comment Period Ends: 01/20/2014, Contact: Gregory Punske 512–536–5960.

EIS No. 20130330, Final EIS, NRC, 00, Generic—License Renewal of Nuclear Plants (NUREG–1437), Review Period Ends: 12/16/2013, Contact: Jeffrey Rikhoff 301–415–1090.

EIS No. 20130331, Final EIS, USFS, NE., Allotment Management Planning in the Fall River West and Oglala Geographic Areas, Review Period Ends: 12/16/2013, Contact: Robert Novotny 605–745–4107.

EIS No. 20130332, Final EIS, FHWA, CALTRANS, CA, Interstate 5 North Coast Corridor Project, Review Period Ends: 12/16/2013, Contact: Manuel Sanchez 619–699–7336.

EIS No. 20130333, Final EIS, USFS, OR, Fox Canyon Cluster Allotment Management Plans, Review Period Ends: 12/16/2013, Contact: Jeffrey Marszal 541–416–6436.

EIS No. 20130334, Draft EIS, BIA, MA, Mashpee Wampanoag Tribe Fee-to-Trust Acquisition and Casino Project, Comment Period Ends: 12/30/2013, Contact: Chester McGhee 615–564–6500.

EIS No. 20130335, Final EIS, BLM, NV, Pan Mine Project, Review Period Ends: 12/16/2013, Contact: Miles Kreidler 775–289–1893.

EIS No. 20130336, Draft EIS, FHWA, FL, SR 997/SW 177th Avenue/Krome Avenue South, Comment Period Ends: 12/30/2013, Contact: Cathy Kendall 850–553–2225.

EIS No. 20130337, Draft EIS, USACE, CA, Southport Sacramento River Early Implementation Project, Comment Period Ends: 01/06/2014, Contact: Tanis Toland 916–557–6717.

Amended Notices

EIS No. 20130261, Draft Supplement, NPS, CA, Golden Gate National Recreation Area Draft Dog Management Plan, Comment Period Ends: 01/11/2014, Contact: Michael B. Edwards 303–969–2694.

EIS No. 20130324, Final EIS, BLM, CA, Stateline Solar Farm Project, Proposed Final Plan Amendment, Review Period Ends: 12/16/2013, Contact: Jeffery Childers 951–807–6737. Revision to FR Notice Published 11/08/2013; Correction to change Review Period from 02/05/2014 to 12/16/2013.

Dated: November 12, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–27441 Filed 11–18–13; 11:15 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0001; FRL–9902–31]

SFIREG Full Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG), Full Committee will hold a 2-day meeting, beginning on December 9, 2013 and ending December 10, 2013. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, December 9, 2013 from 8:30 a.m. to 5 p.m. and 8:30 a.m. to noon on Tuesday, December 10, 2013.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at EPA. One Potomac Yard (South Bldg.)

Notice of Request for Proposals for Third Party Drug and Alcohol Testing Services

South East Texas Regional Planning Commission (SETRPC) is seeking proposals for Third Party Administrators for drug and alcohol testing to administer the federally mandated and drug free workplace drug testing program for a period of five (5) years. SETRPC is seeking a third party provider for on-site/collection site drug and alcohol testing of transit employees in the rural areas of Jefferson, Orange, and Hardin Counties.

The primary objective of the service is to comply with the Federal Transit Administration prevention of alcohol misuse and prohibited drug use in transit operations (49 CFR Part 655) effective August 1, 2001.

Copies of the Request for Proposals (RFP) can be downloaded from the SETRPC website at www.setrpc.org on or after October 28, 2013. The RFP can also be obtained by calling (409) 899-8444, ext 7520.

Proposals and bids received after the deadline will be returned unopened. If envelope is not marked properly, proposal may not be considered. It is not necessary to be present at the proposal/bid opening. If you have any questions regarding this matter, please contact our agency at the above web address or telephone (409) 899-8444, ext 7520.

Disadvantaged Business Enterprises will be afforded full opportunity to submit proposals. Proposers will not be discriminated against on the grounds of race, color, sex, disability, age, or national origin in considering an award.

SETRPC reserves the right to reject any and all proposals.

Proposals will be accepted until 2:00 p.m. CST, November 19, 2013, at South East Texas Regional Planning Commission, Attention: Bob Dickinson, 2210 Eastex Freeway, Beaumont, Texas 77703. Facsimile submittals will not be accepted.

TRD-201304888
Bob Dickinson
Director, Transportation and Environmental Resources
South East Texas Regional Planning Commission
Filed: October 28, 2013

♦ ♦ ♦

Texas Department of Transportation

Notice of Availability - Draft Environmental Impact Statement

The Texas Department of Transportation (TxDOT) is advising the public of the availability of the approved Draft Environmental Impact Statement (DEIS) for the proposed construction of the new location, full control of access reliever route around the city of Lindale in Smith County, Texas, referred to as U.S. Highway (US) 69/Loop 49 North Lindale Reliever Route (Lindale Reliever Route). The proposed action is intended to provide relief to the existing US 69 through the city of Lindale and extend a proposed toll facility (Loop 49 West) from IH 20 southwest of Lindale to US 69 north of Lindale. This proposed facility would extend north from the completed Loop 49 West terminus at Interstate Highway (IH) 20, bypassing Lindale and terminating at US 69 north of Lindale. The proposed action was developed, analyzed and vetted through an extensive feasibility and routing process which included many public involvement opportunities from 1999 through the 2013 date of this Draft Environmental Impact Statement (DEIS). The proposed project began National Environmental Policy Act (NEPA) compliance activity as an Environmental Assessment (EA) and was elevated to an Environmental Impact Statement (EIS), due in part to proximity of western alternative corridors to the city of Hideaway and eastern alternative corridors to the city of Lindale and youth camp facilities.

Over the course of three steering committee meetings, four public meetings, two public scoping meetings, three public participating agency meetings and three affected property owner meetings, a technically preferred alignment with broad support was identified (Alternative G). Alternatives to the proposed action include taking no action or building alternative alignments D or G, which range in length from 7.0 to 7.4 miles, respectively. Alternatives D and G would both be new location roadways consisting of a four-lane divided freeway ultimate section in a usual minimum 450-foot right-of-way. The project would most likely be built in phases, with an interim design consisting of a two-lane section, similar to existing Loop 49 West. Neither the interim nor ultimate design provides for continuous access or frontage roads. Alternative G is identified as the technically preferred alternative primarily due to fewer impacts to the human environment. Environmental impacts caused by the construction and operation of the proposed roadway would vary according to the alignment utilized. Direct impacts of the build alternatives would include construction detours, construction traffic, air and noise impacts from construction equipment and operation of the roadway, surface water impacts from construction activities and roadway storm water runoff, impacts to waters of the US including wetlands, impacts to wildlife habitat, impacts to cultural resources, and impacts to residents and businesses based on potential relocations. The project alternatives, including no action, would have indirect and cumulative impacts on the environment. The build alternatives would result in safety, mobility, and capacity improvements to the regional transportation system that would not be provided by the No Build Alternative.

Copies of the DEIS and other information about the project can be obtained by contacting Mr. Dale Booth at the TxDOT Tyler District at (903) 510-9113 or by email at Dale.Booth@txdot.gov. The document is on file and available for review at the following locations: (1) Robert R. Muntz Library, 3900 University Boulevard, Tyler, Texas 75799; (2) Tyler Public Library, 201 South College Avenue, Tyler, Texas 75702; (3) TxDOT Tyler District, 2709 West Front Street, Tyler, Texas 75702; (4) East Texas Council of Governments, 3800 Stone Road, Kilgore, Texas 75662; (5) Tyler City Hall, 423 W. Ferguson, Tyler, Texas 75702; (6) Lindale City Hall, 105 Ballard Dr., Lindale, Texas 75771; (7) Hideaway City Hall, 101-B Hideaway Lane Central, Hideaway, Texas 75771-5001; (8) North East Texas Regional Mobility Authority (NETRMA), 909 ESE Loop 323, STE 360, Tyler, Texas 75701. You may view the DEIS at the following addresses: http://www.txdot.gov/inside-txdot/district/tyler.html; http://ftp.dot.state.tx.us/pub/txdot-info/tyl/draft-eis.pdf.

Copies of the DEIS and other information about the project may also be requested from Hicks & Company in writing at 1504 West 5th Street, Austin, Texas 78703 or by email at info@hicksenv.com. Paper copies may be obtained for a fee of approximately $350.00.

Comments regarding the DEIS may be submitted to TxDOT, Attention: Lindale Reliever Route Project Manager, 2709 West Front Street, Tyler, Texas 75702. Comments will also be accepted by email to TYL_LindaleRelieverRoute@txdot.gov. A public hearing concerning the DEIS is scheduled for January 9, 2014 at 5:30 p.m. at the Lindale High School Cafeteria, 920 East Hubbard (FM 16), Lindale, Texas 75771. The public comment period will close January 20, 2014. TxDOT will publish notice of the public hearing in a local newspaper, in accordance with TxDOT rules.

TRD-201304916
Leonard Reese
Office of General Counsel Lead Attorney
Texas Department of Transportation
Filed: October 30, 2013

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS, }
}
COUNTY OF SMITH }

I, Kimberly Richards do solemnly swear that I am Advertising Manager of the TYLER MORNING TELEGRAPH, printed and published in the City of Tyler, County of Smith, State of Texas, and that from, my own personal knowledge and reference to the files of said publication. The notice stating "PUBLIC HEARING NOTICE The Texas Depa", was inserted in the Tyler Morning Telegraph on the dates as follows: 12/07/13

Kimberly Richards

Subscribed and sworn to before me this 12/09/13 A.D.

SHERRY C SHOEMAKER
NOTARY PUBLIC
State of Texas
Comm. Exp. 02-07-2016

Sherry C. Shoemaker
Notary Public, Smith County, Texas

My Commission Expires 2/7/2016

Invoice # 1446311

Ad Clerk REECE

PUBLIC HEARING NOTICE

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From 5:30 to 6:30 there will be an open house to allow the public time to review exhibits of the proposed project and ask TxDOT and consultant personnel questions regarding the proposed project. The formal hearing with presentations and public comments will begin at 6:30. Citizens will have the opportunity to make formal comments con-

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Alternative G is identified as the technically preferred alternative primarily due to fewer impacts to the human environment. Environmental impacts caused by the con-

Tyler Morning Telegraph **12/30/13**
410 W. Erwin St.
Tyler, TX 75702

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Account:		Account:	12/30/13
		Start Date:	12/28/13
		Stop Date:	12/28/13
Name:		Class:	Public Notices
Company:	TxDOT Accounting ATTN: DONNA WEST	Ad ID:	1447499
		Ad Seller:	REECE
Address:	2709 West Front ST. Tyler, TX 75702-7712	Salesperson:	01
		Words:	824
		Lines:	223
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		Depth:	18.569
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Other Charges:	$4.00	Gross:	$174.02
Discount:			
Surcharge:		Paid Amount:	- $0.00
Credits:	$0.00		
Bill Depth:	18.569	Amount Due:	$174.02

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Persons interested in attending the hearing who have special communication or accommodation needs are encouraged to contact Jay Tullos at (903) 510-9153 at least two days prior to the hearing. Since the public hearing will be conducted in English, any requests for language interpreters or other special communication needs should be made at least two days prior to the public hearing. TxDOT will make every reasonable effort to accommodate these needs.

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS, }
}
COUNTY OF SMITH }

I, Kimberly Richards do solemnly swear that I am Advertising Manager of the TYLER MORNING TELEGRAPH, printed and published in the City of Tyler, County of Smith, State of Texas, and that from, my own personal knowledge and reference to the files of said publication. The notice stating "PUBLIC HEARING NOTICE The Texas Depa", was inserted in the Tyler Morning Telegraph on the dates as follows:

TMT 12/28/13

Kimberly Richards

Subscribed and sworn to before me this 12/30/13 A.D.

SHERRY C SHOEMAKER
NOTARY PUBLIC
State of Texas
Comm. Exp. 02-07-2016

Sherry C. Shoemaker
Notary Public, Smith County, Texas

My Commission Expires 2/7/2016

Invoice # 1447499

Ad Clerk REECE

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Kilgore, Texas 75662; (5) Tyler City Hall, 423 W. Ferguson, Tyler, Texas 75702; (6) Lindale City Hall, 106 Ballard Dr., Lindale, Texas 75771; (7) Hideaway City Hall, 101-B Hideaway Lane, Central Hideaway, Texas 75771-5001; (8) North East Texas Regional Mobility Authority (NETRMA), 909 ESE Loop 323, STE 360, Tyler, Texas 75701. You may view the DEIS at the following addresses:
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The Lindale News & Times
P.O. Box 1559/ 104 S. Main
Lindale, Texas 75771
903-882-8880

Publisher's Affidavit

The State of Texas
County of Smith

Before me, the undersigned authority, on this day personally appeared Maria Attaway, known to me, who, being duly sworn, on his/her oath deposes and says he/she is the publisher of the Lindale News & Times newspaper of general circulation published in said county; that said newspaper has been continuously and regularly published in said county for a period of more than one year, that a copy of the within and foregoing was published in said newspaper on the following date(s):

Nov 21, 2013 — Dec 5, 2013

Dec 12, 2013

20 14 and a newspaper copy of which is hereto attached.

Publisher

Sworn to and subscribed to before me this 8th day of January, 20 14

Notary Public, State of Texas

Commission expires: 7-25-16

DORIS A. NEWMAN
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires July 25, 2016

Miscellaneous

For Sale

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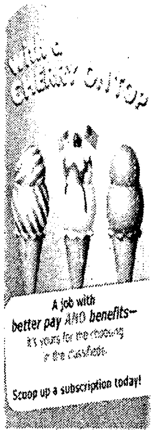

Public Notice

LAND FOR SALE
The Lindale Independent School District provides the following notice of its intent to sell surplus real property. On October 21, 2013, the Lindale ISD Board of Trustees determined that the following real property was surplus and no longer necessary for school purposes 81 319 acres, M Morris survey, abstract A0676, located at the corner of Highway 16 and CR 498. Persons interested in purchasing the property should submit a sealed and signed bid marked "LISD 81 Acre Land Bid" on or before the following deadline 10:00 a m , January 10, 2014. Bids should be submitted to Lindale Independent School District, ATTN: Stan Surratt, Superintendent, P.O. Box 370, Lindale, Texas 75771. Bids may also be delivered to the District's physical address. 505 Pierce Street, Lindale, Texas 75771. The district reserves the right to reject all bids and to reopen or extend the time for receiving bids. Questions should be directed to Stan Surratt, Superintendent, P.O Box 370, Lindale, Texas, (903) 881-4001.

Notice to Real Estate Agents
Lindale ISD is seeking a licensed real estate agent to assist in the sale of an 81 acre tract of land. Qualifications are due in the Lindale ISD Administration Building by 10 a.m., Tuesday, January 7th. Specifications for submittal of qualifications are posted on the district website lindaleeagles.org

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Employment

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Part-time sports reporter needed immediately to work a couple nights a week and occasional Saturdays. Must possess writing, computer, photography and people skills. Send your resume to the Grand Saline Sun Attention: Dan Moore at P.O. Box 608 Grand Saline, TX 75140 or email to dmoore@grandsalinesun.com

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Look for those GREAT DEALS in the CLASSIFIEDS!

Miscellaneous

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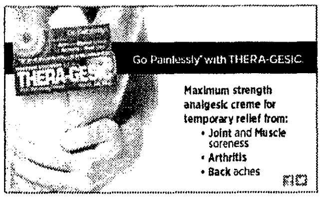

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Texas Department of Transportation

PUBLIC HEARING NOTICE

The Texas Department of Transportation will hold a Public Hearing at 5:30 on January 9, 2014 at the Lindale High School Cafeteria located at 920 East Hubbard (FM 16), Lindale, Texas 75771 The hearing will pertain to the proposed U.S. Highway (US) 69/Loop 49 North Lindale Reliever Route (Lindale Reliever Route) with limits from Loop 49 West at IH 20 southwest of Lindale to US 69 north of Lindale The purpose of the hearing is to discuss the Draft Environmental Impact Statement (DEIS), the status of planning on the project to date, and to solicit comment from the public.

From 5:30 to 6:30 there will be an open house to allow the public time to review exhibits of the proposed project and ask TxDOT and consultant personnel questions regarding the proposed project. The formal hearing with presentations and public comments will begin at 6:30 Citizens will have the opportunity to make formal comments concerning the project via a microphone, court reporter or in writing.

The proposed action is intended to provide relief to the existing US 69 through the city of Lindale and extend a proposed facility (Loop 49 west) from IH 20southwest of Lindale to US 69 north of Lindale Over the course of three steering committee meetings, four public meetings, two public scoping meetings, three public participating agency meetings and three affected property owner meetings, a technically preferred alignment with broad support was identified (Alternative G) Alternatives to the proposed action include taking no action or building alternative alignments D or G, which range in length from 7.0 to 7.4 miles respectively. Alternatives D and G would both be new location roadways consisting of a four-lane divided freeway ultimate section in a usual minimum 450-foot right-of-way. The project would most likely be built in phases, with an interim design consisting of a two-lane section similar to existing Loop 49 West Neither the interim nor ultimate design provides for continuous access or frontage roads. The proposed project is estimated to cost approximately $82.3 million (with a construction cost of $63.0 million)

Alternative G is identified as the technically preferred alternative primarily due to fewer impacts to the human environment Environmental impacts caused by the construction and operation of the proposed roadway would vary according to the alignment utilized. Direct impacts of the build alternatives would include construction detours, construction traffic, air and noise impacts from construction equipment and operation of the roadway, surface water impacts from construction activities and roadway storm water runoff, impacts to floodplains and waters of the US including wetlands, impacts to wildlife habitat, impacts to cultural resources, and impacts to residents and businesses based on potential relocations The project alternatives, including no action, would have indirect and cumulative impacts on the environment. The build alternatives would result in safety, mobility, and capacity improvements to the regional transportation system that would not be provided by the No Build Alternative

Information concerning the State's Relocation Assistance Program, including benefits and services available to affected property owners will be presented at the hearing.

Copies of the DEIS containing maps, drawings, environmental studies and other information about the project can be obtained by contacting Mr. Dale Booth at the TxDOT Tyler District at (903) 510-9113 or by email at Dale.Booth@txdot.gov The document is on file and available for review at the following locations: (1) Robert R. Muntz Library, 3900 University Boulevard, Tyler, Texas 75799; (2) Tyler Public Library, 201 South College Avenue, Tyler, Texas 75702; (3) TxDOT Tyler District, 2709 West Front Street,Tyler, Texas 75702; (4) East Texas Council of Governments 3800 Stone Road, Kilgore, Texas 75662; (5) Tyler City Hall, 423 W. Ferguson Tyler, Texas 75702; (6) Lindale City Hall, 105 Ballard Dr., Lindale Texas 75771, (7) Hideaway City Hall, 101-B Hideaway Lane Central, Hideaway, Texas 75771-5001; (8) North East Texas Regional Mobility Authority (NETRMA), 909 ESE Loop 323, STE 360, Tyler, Texas 75701 You may view the DEIS at the following addresses: http://www.txdot.gov/inside-txdot/district/tyler.html; http://ftp.dot.state.tx.us/pub/txdot-info/tyl/draft-eis.pdf

Copies of the DEIS and other information about the project may also be requested from Hicks & Company in writing at 1504 West 5th Street, Austin, Texas 78703 or by email at info@hicksenv.com Paper copies may be obtained for a fee of approximately $350.00
Comments regarding the DEIS may be submitted to TxDOT, Attention: Lindale Reliever Route Project Manager 2709 West Front Street Tyler, Texas 75702. Comments will also be accepted by email to TYL_LindaleRelieverRoute@txdot.gov. Verbal or written comments may be presented either at the hearing or within 10 days after the hearing.

Persons interested in attending the hearing who have special communication or accommodation needs are encouraged to contact Jay Tullos at (903) 510-9153 at least two days prior to the hearing. Since the public hearing will be conducted in English, any requests for language interpreters or other special communication needs should be made at least two days prior to the public hearing. TxDOT will make every reasonable effort to accommodate these needs

Applicant Name: TxDOT
Project: Public Meeting
Highway: US 69/LP 49
PO: C442014003162033

ALTERNATIVE LANGUAGE
PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §
COUNTY OF Harrison §

Before me, the undersigned notary public, on this day personally appeared

Adolfo Cantua, who being by me duly sworn, deposes
(name of person representing newspaper)

and says that (s)he is the Manager of the
(title of person representing newspaper)

La Opinion; that said newspaper is
(name of newspaper)

generally circulated in Smith County, Texas and
(same county as proposed public meeting)

is published primarily in SPANISH language; that the
(alternative language)

enclosed notice will be published in said newspaper on the following date(s):

December 11, 2013.

Subscribed and sworn to before me this the 30 day of December,

2013, by _____
(newspaper representative's signature)

(Seal)

Shirley A. Winn
Notary Public
STATE OF TEXAS
My Comm. Exp. 11/24/2015

Shirley A. Winn
Notary Public in and for the State of Texas

Shirley A. Winn
Print or Type Name of Notary Public

My Commission Expires 11/24/2015

IMAGEN . . .

Viene de la Pág. 1A

de Estados Unidos.

A la inversa, Arizona ocupa el tercer lugar entre las entidades a donde los estadunidenses se trasladaron en 2012, sólo después de Texas y Florida.

Pero muchos estadunidenses que se están instalando en Arizona son mayores de 55 años.

Phoenix ocupa el primer lugar entre las áreas metropolitanas de Estados Unidos para los traslados de personas de 55 años o más, pero no está incluida entre los 20 principales destinos para las personas de entre 20 y 30 años de edad que buscan inmigrar a otra ciudad.

NOTICIAS
DEL DISTRITO DE TYLER

TEXAS DEPARTMENT OF TRANSPORTATION

CONTACTO: Dale Booth, P.E. - Tel. 903-510-9113

AVISO DE AUDIENCIA PUBLICA

El Departamento de Transportes de Texas estará llevando una audiencia pública el 9 de Enero del 2014 a las 5:30, en la cafetería de la High School de Lindale, Texas, ubicada en el 920 East Hubbard (FM 16), en Lindale, Texas 75771. El tema de la audiencia será la propuesta Ruta de Alivio de la Carretera Federal (US 69), al norte de Lindale (Lindale Reliever Route), dentro de los límites desde el periférico 49 oeste (Loop 49), hasta la Carretera Interestatal 20 (IH20), al suroeste de Lindale, hasta la Carretera 69 al norte de Lindale. El propósito de la audiencia es para discutir el Bosquejo de la Declaración del Impacto Ambiental (DEIS), el estado de planeación del proyecto y solicitar comentarios del público.

De las 5:30 a las 6:30 p.m., habrá una audiencia informal para permitir al público tiempo para la revisión de los esquemas del proyecto propuesto y para hacer preguntas a TxDOT y su personal de consulta sobre el proyecto propuesto. La audiencia formal con presentaciones y comentarios públicos, dará inicio a las 6:30 p.m. Los asistentes tendrán la oportunidad de hacer comentarios formales con respecto al proyecto vía micrófono, reportero de la corte o por escrito.

La acción propuesta está orientada a proveer alivio a la Carretera 69 existente a través de la Ciudad de Lindale y extender la facilidad propuesta (loop 49 oeste), desde la Carretera Interestatal 20, al surooeste de Lindale, hasta la Carretera 69 al norte de Lindale. sobre el curso de tres años de juntas de directores, cuatro juntas públicas, dos consultas públicas, tres juntas de agencias participantes y tres juntas con dueños de propiedades afectadas, una alineación técnicamente alineada con amplio soporte fue identificada como (Alternativa G). Las alternativas de la acción propuesta incluyen no tomar acción o la construcción de la alineación de la alternativas D y G con un rango de de 7.0 a 7.4 millas de longitud. Las Alternativas D y G serán ambas ubicadas en nuevas carreteras que consistirían de una autopista de cuatro carriles con una sección terminal en una medida usual de 450 pies de dercho de vía. El proyecto será construído mayormente en fases, con diseño interino que consiste de una sección de dos carriles, similar al existente loop 49 Este. Ni el diseño interino ni el diseño último provee de continuo circulación a carreteras de acceso. El costo aproximado

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del proyecto esta estimado en $82.3 millones (con un costo de construcción de $63 millones).

La Alternativa G está identificada como la alternativa técnnnicamente preferida debido al poco impacto al medio ambiente humano. El impacto al medio ambiente causado por la construcción y operación de las carreteras propuestas variarían de acuerdo a la alineación utilizada. Los impactos directos a las construcciones alternantes incluirían la construcción de desvíos, construcción de tráfico, impactos al aire y ruido del equipo de operación y construcción de las carreteras, impactos al agua superficial debido a a las actiividades de dicha construcción y aguas de lluvia, impactos de zonas de tierras bajas y aguas federales que incluyen humedades. Los impactos al hábitat de la vida silvestre, impactos a los recursos culturales y el impacto a los residentes y dueños de negocios con potenciales reubicaciones. Las alternativas del proyecto incluyen no tomar ninguna acción que no tendrían ningún impacto directo y acumulativo en el medio ambiente. Las alternativas de construcción resultarían en seguridad, moblidad y capacidad de mejoras al sistema regional de transportación que no sería proveído por La Alternativa No Construcción.

La información concerniente al Programa de Asistencia en la Reubicación, incluyendo beneficios y servicios disponibles a los poropietarios, serán presentados en la audiencia.

Copias del DEIS que contienen mapas, dibujos, estudios del medio ambiente y otra información sobre el proyecto, puede ser obtenidas al ponerse en contacto con Mr. Dale Booth en la Oficina Regional de TxDOT ó en al 903-510-9113 o correo electrónico en Dale.Booth@txdot.gov. Los documentos están en archivo y disponibles para su revisión en las siguientes direcciones: (1) Robert R. Muntz Library, 3900 University Boulevard, Tyler, Texas 75799; (2) Tyler Public Library, 201 South College Avenue, Tyler, Texas 75702; (3) Oficina Regional de TxDOT, 2709 West Front, Tyler, Texas 75702; (4) East Texas Council of Goverments, 3800 Stone Road, Kilgore, Texas 75662; (5) Tyler City Halll 423 W. Ferguson, Tyler, Texas 75702; (6) Lindale City Hall, 105 Ballard Dr., Lindale, Texas 75771; (7) Hideway City Hall, 101-B Hideway Lane Central, Hideway, Texas 75771-501; (8) North East Texas Regional Mobility Authority (NETRMA), 909 ESE loop 323, STE 360, Tyler, Texas 75701. Used puede ver DEIS el las siguientes direcciones: http://www,txdot.gov/inside-txdo/district/tyler.html; http//ftp.dot.state.txus/pub/txdot-info/tyler/draft-eis.pdf.

Las copias del DEIS y otra información sobre el proyecto, también puede ser requerida de Hicks & Company por escrito en 1504 West 5th Street, Austin, Texas 78703 ó por correo electrónico en info@hicksenv.com. Las copias en papel pueden ser obtenidas con una cuota de aproximadamente $350.00

Los comentarios respecto al DEIS pueden ser sometidos al TxDOT, Atención: Lindale Reliever Route Project Manager, 2709 West Front Street, Tyler, Texas 75702. Los comentarios también serán aceptados por correo electrónico a TYL_LindaleRelieverRoute@txdot.gov. Los comentarios verbales y por escrito pueden ser presentados en la Audiencia o dentro de 10 días de la Audiencia.

Las personas interesadas en asistir a la audiencia y que tengan necesidades de comuinicación y acomodación especiales, favor de ponerse en contacto con Jay Tullos al (903) 510-9153, por lo menos dos días anteriores a la junta. Debido a que la audiencia se llevará a cabo en inglés, cualquier pedido de intérpretes de idiomas u otras necesidades especiales de comunicación, también deberán ser hechos por lo menos dos días anteriores a la junta pública. TxDOT hará cualquier esfuerzo razonable para satisfacer estas necesidades.

Applicant Name: TxDOT
Project: Public Meeting
Highway: US 69/LP 49
PO: C44201401465000

ALTERNATIVE LANGUAGE
PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §
COUNTY OF Harrison §

Before me, the undersigned notary public, on this day personally appeared

Adolfo Cantua, who being by me duly sworn, deposes
(name of person representing newspaper)

and says that (s)he is the Manager of the
(title of person representing newspaper)

La Opinion; that said newspaper is
(name of newspaper)

generally circulated in Smith County, Texas and
(same county as proposed public meeting)

is published primarily in SPANISH language; that the
(alternative language)

enclosed notice will be published in said newspaper on the following date(s):

December 25, 2013.

Subscribed and sworn to before me this the 30 day of December,

20 13, by
(newspaper representative's signature)

(Seal)

Shirley A. Winn
Notary Public
STATE OF TEXAS
My Comm. Exp. 11/24/2015

Notary Public in and for the State of Texas

Shirley A. Winn
Print or Type Name of Notary Public

My Commission Expires 11/24/2015

NOTICIAS

DEL DISTRITO DE TYLE

TEXAS DEPARTMENT OF TRANSPORTATION

CONTACTO: Dale Booth, P.E. - Tel. 903-510-9113

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del proyecto está estimado en $82.3 millones (con un costo de construcción de $63 millones).

La Alternativa G está identificada como la alternativa técnnnicamente preferida debido al poco impacto al medio ambiente humano. El impacto al medio ambiente causado por la construcción y operación de las carreteras propuestas variarían de acuerdo a la alineación utilizada. Los impactos directos a las construcciones alternantes incluirían la construcción de desvíos, construcción de tráfico, impactos al aire y ruido del equipo de operación y construcción de las carreteras, impactos al agua superficial debido a a las actividades de dicha construcción y aguas de lluvia, impactos de zonas de tierras bajas y aguas federales que incluyen humedades. Los impactos al hábitat de la vida silvestre, impactos a los recursos culturales y el impacto a los residentes y dueños de negocios con potenciales reubicaciones. Las alternativas del proyecto incluyen no tomar niriguna acción que no tendrían ningún impacto directo y acumulativo en el medio ambiente. Las alternativas de construcción resultarían en seguridad, mobilidad y capacidad de mejorar el sistema regional de transportación que no sería provisto por La Alternativa No Construcción.

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Copias del DEIS que contienen mapas, dibujos, estudios del medio ambiente y otra información sobre el proyecto, puede ser obtenidas al ponerse en contacto con Mr. Dale Booth en la Oficina Regional de TxDOT ó en al 903-510-9113 ó correo electrónico en Dale.Booth@txdot.gov. Los documentos están en archivo y disponibles para su revisión en las siguientes direcciones: (1) Robert R. Muntz Library, 3900 University Boulevard, Tyler, Texas 75799; (2) Tyler Public Library, 201 South College Avenue, Tyler, Texas 75702; (3) Oficina Regional de TxDOT, 2709 West Front, Tyler, Texas 75702; (4) East Texas Council of Governments, 3800 Stone Road, Kilgore, Texas 75662; (5) Tyler City Hall 423 W. Ferguson, Tyler, Texas 75702; (6) Lindale City Hall, 105 Ballard Dr., Lindale, Texas 75771; (7) Hideway City Hall, 101-B Hideway Lane Central, Hideway, Texas 75771-501; (8) North East Texas Regional Mobility Authority (NETRMA), 909 ESE loop 323, STE 360, Tyler, Texas 75701. Usted puede ver DEIS el las siguientes direcciones: http://www.txdot.gov/inside-txdot/district/tyler.html; http://ftp.dot.state.tx.us/pub/txdot-info/tyler/draft-eis.pdf.

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Public Hearing - US 69 / Loop 49 Lindale Reliever

Where: Lindale High School
920 East Hubbard
Lindale, TX 75771

When: Thursday, Jan. 9, 2014
Open house at 5:30 p.m.
Hearing presentation at 6:30 p.m.

Purpose: The purpose of the hearing is to present the draft environmental impact statement and the schematic and to solicit comments from the public.

Description: The project is a four-lane divided freeway in a new location. It is intended to provide congestion relief to existing US 69 through Lindale and improve regional mobility by extending Loop 49 from I-20 southwest of Lindale to US 69 north of Lindale.

Downloads:

- Schematic Part 1
- Schematic Part 2
- Draft Environmental Impact Statement (DEIS)

Contact: TxDOT Tyler District
(903) 510-9113
Email

Segment 1 - 2
Segment 3A
Segment 3B
Lindale Relief Route
Segment 5
East Texas Hourglass

Toll 49 MAP
Toll 49 Rates
Toll 49 Rate Chart
Public Notices
Traffic Notices
Photo Gallery
FAQs
Contact Us

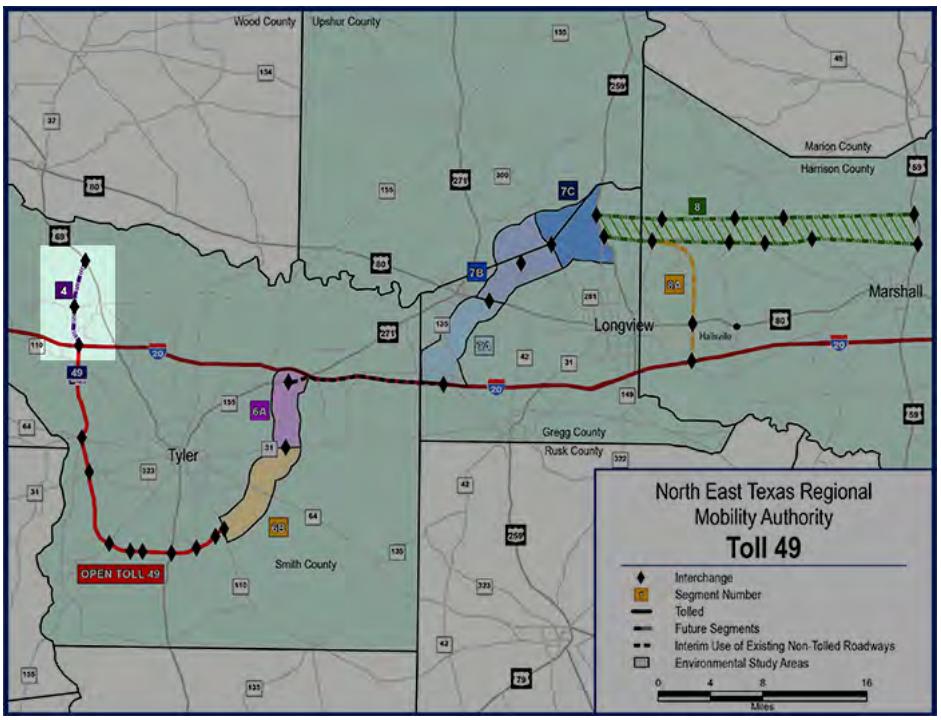
Like 2

Get a TxTag
Register Online

Pay Online

MSB
GOVERNMENT SERVICES
TOLL DIVISION

Lindale Relief Route



Project Details

Length: 6.7 miles

Responsible Entity: TxDOT

Project Type: TOLL ROAD

From: I-20
To: US 69 North of Lindale
Initial Section: 2-Lane Undivided
Ultimate Section: 4-Lane Divided

Status: In Environmental Corrdination
Segment 4 Construction: *Environmental Public Hearing is set for January 9, 2014 at the Lindale High School cafeteria beginning at 5:30 PM*

APPENDIX B

MEETING MATERIALS

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Public Hearing Information Sheet
US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale
Smith County
Thursday, January 9, 2014

Reasonable Alternatives Considered in Draft Environmental Impact Statement (DEIS):
No Build, Alternative D, and Alternative G

Project Hearing Purpose: receive and consider public comments.

Project goals: transportation safety, linkage, and capacity.

Alternative G identified as the Technically Preferred Alternative due to minimal impacts to the natural environment and fewer economic and social impacts.

Project Design: similar to IH 20, a controlled access facility.

Project Cost: engineering and construction cost estimated at $82.3 Million for Alternate G.

Project Funding and Development: anticipate the NETRMA to develop the project as a toll road using toll revenue bonds.

Project Development Schedule:
Jan. 20, 2014 – Comment Period closes
Spring 2014 – Develop Draft FEIS
Summer 2014 – TxDOT Draft FEIS review
Fall 2014 – FHWA Draft FEIS review
Winter 2014/15 – FHWA Record of Decision (ROD)
Spring 2015 or later – ROW acquisition
Fall 2015 or later - Construction

Public Hearing Comment Form
US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale
Smith County
Thursday, January 9, 2014

This form is provided to receive your comments regarding the proposed project. Please use the space provided below attaching additional pages as necessary. Either deposit the form in the comment box tonight or mail it to the address provided. You may also email comments to the address provided below. **Comments must be received or postmarked by January 20, 2014.**

(PLEASE PRINT)

NAME: _____

ADDRESS: _____

I am primarily interested in the project from the standpoint of a:

❑ Residential Property Owner or Renter ❑ Business Property Owner or Renter

❑ Roadway User ❑ Other_____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

❑ I am employed by TxDOT

❑ I do business with TxDOT

❑ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS: _____

_____

_____

_____

_____

_____

_____

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

SIGN-IN SHEET (PUBLIC)

Print Name	Mailing Address	City	Zip Code
CHARLES LANE	19537 CR 431	LINDALE	75771
Keath Lattery / Timberline Baptist Camp	15363 FM 849	Lindale	75771
Todd Buchanan	1410 Cedar Glen	Flint	75762
Juan M Medina	13097 CR 499	Lindale	75771
[illegible]	601 Yesterday	Lindale	75771
[illegible]	5027 Mossford	Wallace	75232
Shane Steen		Mineola	75773
Shelbi Steen		Mineola	75773
Som Steen			
Misty Holey (& John)	12993 CR 433, Tyler 75706	Tyler	75706
Barney Coubert	18541 CR 4116 Lindale		
Charlotte A Fauss	PO Box 100	Lindale	75771

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

SIGN-IN SHEET (PUBLIC)

Print Name	Mailing Address	City	Zip Code
Linda Akin	1107 Donna Dr, Whitehouse, Tx	Whitehouse	75791
Jeff Voyles	19577 Hwy 69N.	Lindale	75771
[illegible]		Lochner	
Diana Awbrey	1906 Belmont	Tyler	75701
M. F. Denkins		LINDALE, TX	75771
Walter L Jones	Po Box 5016 Lindale	Lindale	75771
Margaret L Jones	" "		
Kay Loucks	644 North Gate, ~~Hideaway~~	Hideaway	75771
Howard Rowan	PO Box 2397 Lindale	Lindale	75771
Sandra Rowan	✓	✓	✓
Mr. D. M. Edwards	3600 Jill Circle	Tyler, Tx	75701
[illegible] Etheridge	3805 Silverwood Dr.	Tyler Tx	75701

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

SIGN-IN SHEET (PUBLIC)

Print Name	Mailing Address	City	Zip Code
Donna Liebbe	15191 FM 849	Lindale	75771
Sam Beeler	15934 CR 431	Lindale	75771
Gene Shull	P.O. Box 6673	Tyler	75711
Harold Voyles	P.O. Box 247	Lindale	75771
John Tuttedell	1606 Pineview LN	Hideaway	75771
Noelle Kennon	19721 US Hwy 69N	Lindale	75771
Shirley Kennedy	17233 Aspenwood	Lindale	75771
Jeanie Cumbie	17910 Autrey Ln.	Lindale	75771
Demetrio Capello	19588 Hwy. 69N.	Lindale	75771
Mark Voyles	19577 Hwy 69N.	Lindale	75771
David F. Hay	15309 FM 849	Lindale	75771
Howard Beggs	16539 FM 16 W	"	"

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

SIGN-IN SHEET (PUBLIC)

Print Name	Mailing Address	City	Zip Code
Joe Mea	P.O. 668	Lindale	75771
Charlie Varnell	19970 Holly Hills Dr.	Lake TX	75770

2

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

SIGN-IN SHEET (PUBLIC)

Print Name	Mailing Address	City	Zip Code
Randall Ricketts	16198 CR 434	Lindale	75771
Carroll R. Anderson	1322 Bridlepath Ln	Hideaway	75771
John Clary	613 Northgate	Hideaway	75771
Todd Richardson	22761 US HWY 69 N.	MINEOLA	75773
Robert McGee	321 Hideaway East	Lindale	75771
Erich C. Haseemeier	18978 CR 484	Mineola	75773
Judy Crews	P.O. Box 12	LINDALE	75771
Barham Folmar	330 Hideaway Ln East	Hideaway	75771
Jimmy Hawley	17705 Brair Patch	Lindale	75771

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

~~SPEAKER~~ SIGN IN SHEET (PUBLIC)

Print Name	Mailing Address	Organization
Carla Bateman	P.O. Box 1241 Lindale, TX 75771	
Silvia Campbell	Lions RV Park, 443 FM 16 W. Tyler	
[illegible]	15461 Country Manor Lindale	
[illegible]	PO Box 896, Lindale TX 75771	
[illegible]	" " "	
Mary McClenny	PO Box 1358 " "	
Bobby McClenny	✓ ✓ ✓	
[illegible]	1001 [illegible] Rd Lindale, TX 75771	
JOE DON TERRY	P.O. Box 1 LINDALE, TX 75771	
Brenda Horton	17194 CR 476 Lindale TX 75771	
Robin Daugherty	610 Pierce Lindale, TX 75771	
Dan Sowell	13001 LAUREN LINDALE TX 75771	

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

[redacted] SIGN IN SHEET (PUBLIC)

Print Name	Mailing Address	Organization
W. O. Craig	P.O. Box 956 Lindale, TX	
John Loucks	644 North Gate Lindale, TX	
Dorothy Rowan	13506 CR 433 - Tyler, TX	
Kimberly Ashley	1222 S. Donnybrook, Tyler, TX	UT Health NE
DAVID Vively	1608 Morningside TRL	
Ralph + Judy Page	16385 CR 473 Lindale, TX	
Roger Barton	15092 CR 4148 LINDALE TX	
TRAVIS HENDERSON	5633 FM 555 GILMER	—
Doug Arnold	14421 F.M. 849 Lindale TX	
ZSR. Vaycles	POX. BOX 1112 Lindale Tex	
Mrs. Cullipher	PO Box. 19680. CR 4118 Lindale Tex.	
Jeff & Deborah Nail	17900 Autrey Ln. Lindale, TX	

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

~~SPEAKER~~ SIGN IN SHEET (PUBLIC)

Print Name	Mailing Address	Organization
Dervell Cooper	602 Dolden Rd apt 229 75701	
KEVIN FREUDIGER	1319 BRUNDIDGE DRIVE WYLIE, TX	75098
Brad Kennon	19721 Hwy 69 N Lindale Tx	
HAROLD SPIDLE	22FR CR. 471 LINDALE	75771
DAVID and Judy Cox	12810 Wrecking Oak Lindale	75771
Bill Cumbie	17910 AUTREY LINDALE	75771
DANNY BOONE	19265 HWY 69N Lindale	75771
Greg Evans	3744 Long Leaf Tyler	75707
Owen Scott	211 Jeffries PO Box 834 Lindale	75771
Tom Mullins	315 N Broadway, Tyler	75702
Annett Bruner	19440 Hwy 69 N Lindale	75771
Jennefer Bruner	19448 Hwy 69 N Lindale	75771

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

~~SPEAKER~~ SIGN IN SHEET (PUBLIC)

Print Name	Mailing Address	Organization
Greg Simmons	304 Robinwood Whitehouse 75791	—
MIKE TOMLINSON	19591 HWY 69 N 75771	
JEANNIE TOMLINSON	" "	
Jerry Lockhart	16053 CR472, Tyler 75706	
Joe Mea	P.O. Box 666 Lindale, TX 75771	Joe M
Tony Istinnecke	6105 Wilkerson 75703	TJC
MIKE & LINDA McCleary	BOX 213 LINDALE Tex	
Robert Rogers	16445 FM 16W Lindale Tx.	
Corey Hogue	3307 Gray Ln 75701	Lochner
Glenn Mallory	P.O. BOX 336 LINDALE, TX 75771	
Chris Banks	Box 2613 75771	—
Charles Tucker	PO Box 926 Lindale TX 75771	Barnes.

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

~~SPEAKER~~ SIGN IN SHEET (PUBLIC)

Print Name	Mailing Address	Organization
Jerry Terry	P.O. Box 2 Lindale Tx 75771	None
Jim Auss	P.O Box 100 " "	Calvary Commission
Chris Moore	P.O. Box 689, Tyler, TX, 75710	Fair Management
GARY D. JACKSON	PO Box 1210 Lindale TX 75771	Attorney
Annie Baldwin	P.O. Box 522, Lindale, TX 75771	
Neil Boitnott	13732 FM 2661 Flint TX 75762	RS+H
Michael Thomas	6113 Sutherland Tyler, TX 75703	NETRMA
Nicholas Allegretto	11784 FM 16 W Lindale TX 75771	None

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

ELECTED OFFICIALS SIGN IN SHEET

Print Name	Representing	Contact Information
DUANE B. SPAETH	CITY OF HIDEAWAY	
BOB TARDIFF	CITY OF LINDALE	
ROBERT NELSON	MAYOR CITY OF LINDALE	
Terry Phillips	County Commissioner	
Joel Baker Joel Baker	County Judge	
Jeff Daugherty	Mayor Pro Tem Lindale	

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

ELECTED OFFICIALS SIGN IN SHEET

Print Name	Representing	Contact Information
CLYDE HARPER	LINDALE CITY COUNCIL	

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

ELECTED OFFICIALS SIGN IN SHEET

Print Name	Representing	Contact Information
Bryan Summerville	Lindale City Council	

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

SPEAKER SIGN IN SHEET (ELECTED OFFICIALS)

Print Name	Mailing Address	Organization
James Cowart	PO Box 1075 Lindale 75771	JP#5

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

STAFF SIGN IN SHEET

Print Name	Mailing Address	Organization
Pamela C. Born	TxDot	ROW
Mary fletcher	tx DOT	APD
PAUL SCHNEIDER	TX DOT	AREA OFFICE
Bryan Lutz	Tx DOT	Mineola AO
Willie G. Akin	TxDOT	CPD
Luis Wam	TX DOT	CPD
Mark Sturrock	TxDOT	CPD
Matt Jennings	TxDOT	CPD
Vernon Webb	TxDOT	TPD
Larkin Shaw	TXDOT	Admin
Jackie Thompson	TXDOT	CPD
SHANE CUNNINGHAM	TXDOT	AREA OFFICE

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

STAFF SIGN IN SHEET

Print Name	Mailing Address	Organization
Eric Fisher	2709 W. Front St Tyler	TXDOT
Dale Booth	2709 W. Front St. Tyler	TxDOT
Tom Van Zandt	Hicks + Co. 1504 W. 5th Austin	Hicks + Co.
John J. Kuhl	" " " "	" "
John B. Goodwin	1828 E. SE Loop 323 Suite 202 Tyler, Tx. 75701	Lochner
Samantha Champion	Hicks+Co 1504 W. 5th Austin	Hicks+Co
Jay Tullos	2709 W. Front, Tyler 75702	TxDOT
CHRISTINE CROSBY	2709 W. Front St, Tyler, Tx 75702	TxDOT/Tyler
Shelley K. Mathis	2709 W. Front Street	TxDOT - N/RWPD
Ted Pittinger	" "	TxDot
Michael Lightfoot	701 E. MAIN Atlanta, Tx 75551	TxDOT
Kristy Fincher	" " " " "	"

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

STAFF SIGN IN SHEET

Print Name	Mailing Address	Organization
Randy Hopkraum	TxDOT 2709 W Front	TxDOT
Bryan Hodge	" "	"
Carlen Kranz	"	"
Bill Hicks	1828 ESE LP 323 TYLER 75701	LOCHNER
Glenn Green	TxDOT 2709 W. Front	TxDOT
Mike Battles	NET RMA 909 ESE Lp 323, Tyler	Atkins
Jeffrey Harmon	TxDOT	Tyler AO

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

SPEAKER SIGN IN SHEET (PUBLIC)

Print Name	Mailing Address	Organization
John Etheridge		
~~Kimberly Ashby~~		
KEVIN FREUDIGER		
~~John Tolleson~~		
~~Bill Cumbie~~		
Howard Beggs		
Robert Rozeg		
Jeff Head		
Bobby McCleery		
Bill Liebbe		
Gary Halbrooke		NETRMA
Jim Mallory		

PUBLIC HEARING

US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale

SPEAKER SIGN IN SHEET (PUBLIC)

Print Name	Mailing Address	Organization
Tom Mellinic	315 N Broadway, Tyler TX 75702	Tyler Com Dev
Robert Nelson		
Mrs. Liebbe		

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APPENDIX C

PUBLIC HEARING PRESENTATION

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TEXAS DEPARTMENT OF TRANSPORTATION

LINDALE RELIEVER ROUTE

PUBLIC HEARING

Purpose

- Receive and consider comments from the public regarding the US 69/Loop 49 North Lindale Reliever Route Project
  - Hearing Notices published locally for tonight's Hearing
  - Draft Environmental Impact Statement (DEIS) available for public review beginning on November 20, 2013.

TxDOT - RMA

- TxDOT initiated planning for this project before the NET RMA was chartered.
- Feb 2012 the Texas Transportation Commission authorized transfer of LP 49 to the NET RMA.
- TxDOT is completing it's planning work, then turning the project over to the NET RMA.
- NET RMA has proposed a variety of finance mechanisms including Toll Revenue Bonds.

Procedure

- Review and Consider All Public Comments
- Incorporate All Public Comments into the Project Record
- Develop the Final Environmental Impact Statement (FEIS) for Review and Approval by FHWA

Procedure

- Project Presentation
- 15 Minute Break
- Public Comment Period
- Court Reporter used to develop tonight's verbatim transcript
- Adjourn
- Hearing Comment Period closes January 20, 2014

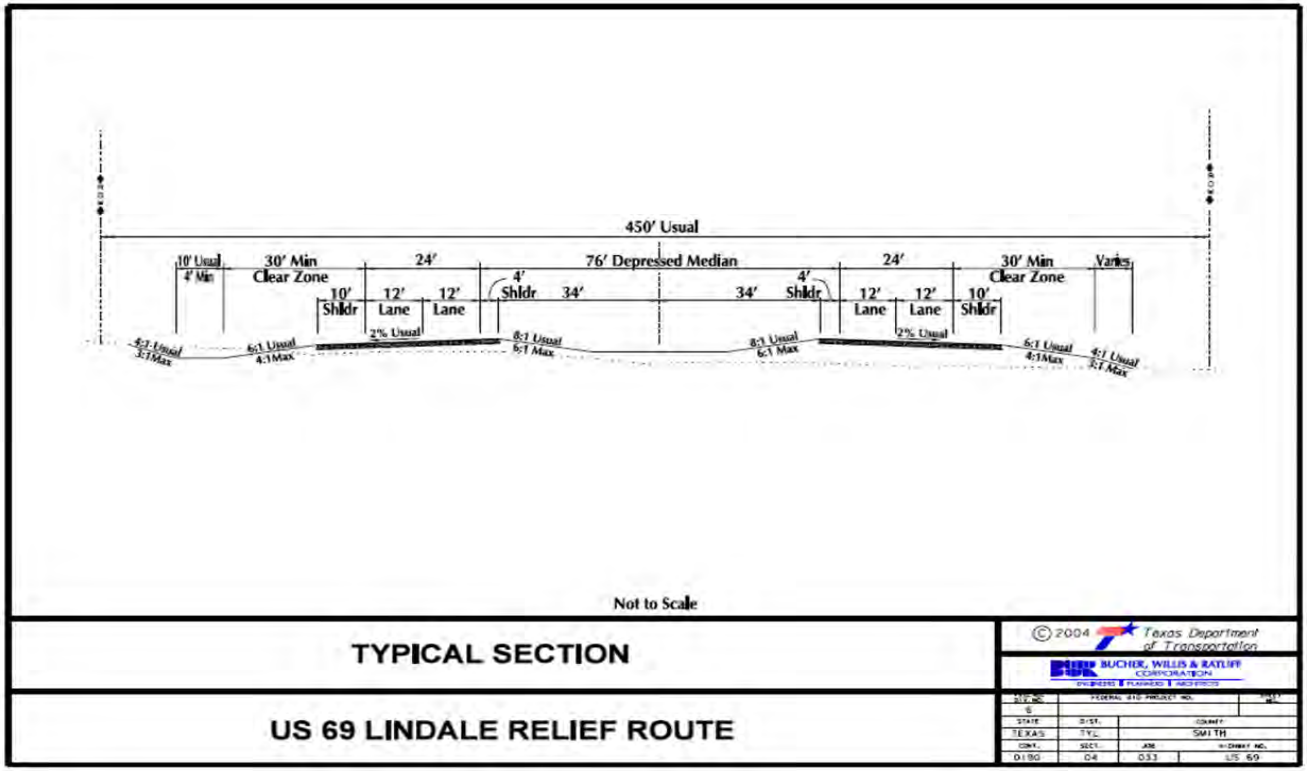
Presentation

- Project Limits: IH 20 to US 69 North of Lindale
- Goals
  - Safety
  - Linkage
  - Capacity

Presentation

- Technically Preferred Alternate G Identified After Much Public Involvement
- Alternates Considered in the DEIS
  - No-Build
  - Alternate D
  - Alternate G

- Ultimate 4-Lane Freeway
- 450’ usual ROW



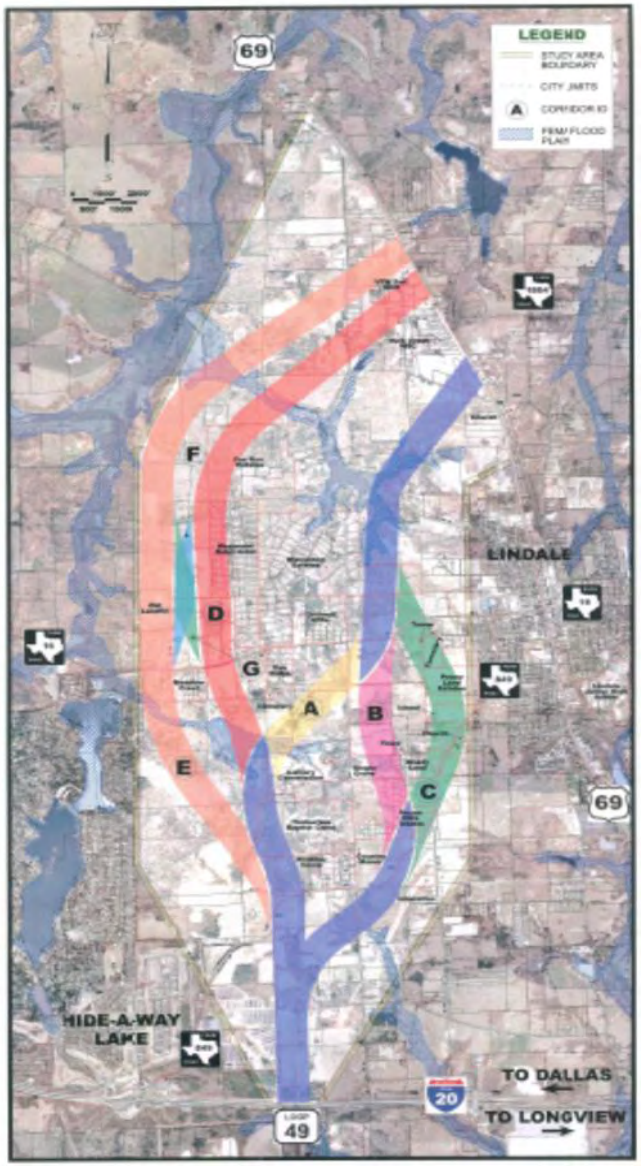
Presentation

- No Continuous Access Roads
- Alternative G Technically Preferred
- 4- lane section : $82.3 Million Project Engineering and Construction Cost with Contingencies
  - $63.0 million construction
- NET RMA has proposed a variety of funding mechanisms including toll revenue bonds.
- Interim 2-Lane section likely to be built initially
  - $46.0 million construction

- **Draft Environmental Impact Statement (DEIS) prepared**
  - Analyze Impacts to the Natural Environment and the Human Environment
    - Land Use
    - Air Quality
    - Noise
    - Water Quality
    - Ecological Resources
    - Floodplains
    - Cultural Resources
    - Socio-Economic
    - Indirect and Cumulative Impacts

Presentation

- No-Build and
- 7 Corridors Studied



Presentation

- Reasonable Alternatives
  - No-Build
  - Alt. D
  - Alt. G

Presentation

- Reasonable Alternative D
  - 7.0 miles
  - 423.15 Acres of ROW
  - $83.6 Million Engineering and Construction Cost

Presentation

- Reasonable Alternative G
  - 7.4 miles
  - 427.5 Acres of ROW
  - $82.3 Million Engineering and Construction Cost

- No-Build Alternative
  - No construction cost; $63 million
  - No construction direct, indirect, and induced income; $113 million
  - No Mobility or Access Improvements
  - No Relief Route

Presentation

- Technically Preferred Alternative G
  - Minimizes impacts to environment
  - Fewer Economic and Social Impacts

Presentation

- **Public Involvement Opportunities**
  - 2 Initial Public Meetings
  - Notices of Intent to prepare EIS
  - 2 Public Scoping Meetings
  - 2 Additional Public Meetings
  - 3 Participating Agency Meetings
  - 30+ meetings with property owners
  - Tonight's Public Hearing
- **Public Involvement Comments**
  - Incorporated into the Final Environmental Impact Statement (FEIS)
  - Supports FHWA issuing a Record of Decision (ROD), approving the project

Presentation

- ROW Acquisition
  - NET RMA Lead
  - Will Follow State and Federal Rules and Regulations
- ROW Procedures
  - Surveys performed and ROW Map and Deeds developed
  - Property Owners notified
  - Appraisals made with appropriate Property Owner interaction
  - Offers, Settlements, and Closings made
  - Eminent Domain Proceedings as needed

Presentation

- Relocation Assistance Available after initial written offer is made
  - For Residential Displacement
  - For Business Displacement
- Representatives here tonight to discuss ROW Acquisition and Relocation Assistance with affected property owners

Presentation

Activity	Expected Occurance
Public Hearing	January 9, 2014
Public Hearing Comment Period Closes	January 20, 2014
Public Hearing Summary and Analysis and Draft FEIS Developed	Spring 2014
TxDOT Draft FEIS Review and Approval	Summer 2014
FHWA Draft FEIS Review	Fall 2014
Record of Decision (ROD) by FHWA	Winter 2014
Permits, Licenses, or other Approvals	After ROD and Prior to Construction
ROW Acquisition by NET RMA	**Spring 2015**
Construction by NET RMA	**Fall 2015**

Comments

- Opportunities for Public Comment
  - Speaking tonight
    - In front of the Court Reporter
    - In front of everyone here (please sign up to speak with TxDOT staff)
  - Submitting written comments
    - Comment forms returned to our box tonight
    - Comment forms returned via postal mail
    - Electronically via email
- Comments accepted until close of business (COB) on January 20, 2014

(15 Minute Break)

Comments

- Please State your name
- Please limit your time to 3 Minutes

APPENDIX D

PUBLIC HEARING TRANSCRIPT

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TRANSCRIPT OF THE PUBLIC HEARING

CONCERNING U.S. 69/LOOP 49 LINDALE RELIEVER ROUTE

JANUARY 9, 2014

HELD AT THE LINDALE HIGH SCHOOL CAFETORIUM

920 EAST HUBBARD, LINDALE, TEXAS 75771

I N D E X

PUBLIC HEARING
JANUARY 9, 2014

RANDY HOPMANN,
Tyler District Engineer..... 3

VERNON WEBB,
Director of Transportation Planning & Development....13

DALE BOOTH,
Tyler District Planning Engineer.....16

MIKE LIGHTFOOT,
TxDOT's Right-Of-Way Division.....24

PUBLIC SPEAKERS:

Howard Beggs.....28
Robert Rosen.....29
Jeff Head.....32
Bobby McClenny.....33
Bill Liebbe.....35
Gary Halbrooks.....39
Tom Mullins.....40
Jeff Head.....43
Jim Mallory.....44
Kevin Frutiger.....45
Robert Nelson.....47
Donna Liebbe.....49

PRIVATE SPEAKERS WITH COURT REPORTER

W.D. Craig.....51
Demetrio Capello.....53

Court reporter's certificate.....55

P R O C E E D I N G S

(January 9, 2014.)

MR. HOPMANN: Okay. We would like to call this public hearing to order.

Good evening. My name is Randy Hopmann. I'm with the Texas Department of Transportation. I serve this community as the Tyler District Engineer. It's my pleasure to be here tonight with you, and I want to thank you tonight for coming out and sharing a little bit of your time this evening and talk about a very, very important transportation project in East Texas.

I'll also be serving as the hearing officer tonight, so you will see me up here quite a bit, and we'll also have some folks from TxDOT come up and make some presentations, and then we'll get to the part of the public hearing where we'll be taking comments from citizens, so that's the part you're all looking forward to.

I would like to start by welcoming each of you and thank you for coming out with us this afternoon and joining us for a project that's of interest of your community here in Lindale and Hideaway. Like I said earlier, it's all of East Texas, all of Smith County benefits from this project.

We have an official program that we'll go

through tonight, and I want to start by introducing the people who have official responsibilities here with us this evening, and once we adjourn in a little bit, please feel free to visit with these staff that I'm going to be introducing to you and other TxDOT staff that are here tonight.

I want to start first Vernon Webb.

Vernon, would you stand up?

Vernon is our Director of Transportation Planning and Development for the Tyler District of TxDOT. So it's part of his responsibility is doing big projects like this as well as smaller projects as well so it falls under his area of responsibility.

We also have Dale Booth.

Dale is our Advanced Project Development Engineer. He has spent the bigger part his career working on Loop 49, Toll 49 here in Smith County as well as the other major roadways in our eight counties of the Tyler District.

We also have Mike Lightfoot.

Mike, if you'll stand.

Mike is with our Right-Of-Way Division with TxDOT. The division is actually in Austin but he does reside in East Texas, and we're happy to have him come down and make some comments about right-of-way

acquisition here in a little bit.

I want to introduce, also, Glenn Green is my Deputy District Engineer. He won't be making any comments tonight officially. He's here in support of the project and available to assist you and answer whatever questions you may have.

If you'll turn around and look quickly behind you, there's a lot people standing in the back, and most of those are TxDOT employees that are here to support you tonight, so, again, when we take a break here a little bit if you questions, even after the public hearing if you have questions, these are the professionals that are here to answer those questions and give you some guidance as we move this project forward.

We do have some elected officials here with us this evening, and I want to introduce those that I have here, and these are in no particular order. So don't be offended, but as they came in this evening, they signed a list. So I want to recognize those elected officials that took the time to come out and be with us this evening.

I want to first recognize Mayor Spaeth from the City of Hideaway. Thank you for being here.

Bob Tardiff is a councilman with Lindale.

Thank you, Bob, for being here.

We have Mayor Robert Nelson, the Mayor of Lindale. Thank you, Mayor.

We also have Commissioner Terry Phillips from Smith County. Thank you, Commissioner.

County Judge Joel Baker is with us standing up in the back. Thank you, Judge, appreciate you being here.

Jeff Daughtery, Mayor Pro-Tem, City of Lindale. Thank you for being here.

Brian Summerville, also from the City of it Lindale as well as Clyde Harper, City of Lindale.

Thank you-all for being here, and I can't let this opportunity go by without not recognizing some former Mayors of Lindale that have been very important in the development of transportation infrastructure in Smith County.

We would like to start with former Mayor Bobby McClenny. Where are you, Bobby? There you are. Thank you for being here.

Bobby and I have worked on this project a long, long time. This is a night we've been looking forward to for years. Bobby, thank you for coming out and being here.

We also have former Mayor Jim Mallory. Thank

you, Mayor. We appreciate the time for being out here with us as well.

At TxDOT, safety is our top priority. So I feel compelled to talk a little bit about safety. We're in a facility, and I want to go over some safety guidance before we really get started with the public hearing.

Nice facility. Really appreciate Lindale I.S.D. to allow us to use this facility tonight. It works great for this purpose, and we're really pleased to be here.

There are some fire extinguishers located along this wall over here. Just in case there's a fire somewhere. There's also smoke detectors and smoke alarms. The front doors, if we need to evacuate the building, are just as you came in out to the right through the foyer and out to the right again and through the parking lot. If for some reason we cannot go that direction, we can go out to the left here as well.

If anybody is having a medical emergency, we can call 9-1-1. TxDOT employees are trained in first aid, so if it's something minor then we can take care of it right here, but we can always call 9-1-1 services and I'm sure they will be with us very quickly.

So with that, I would like to get started.

PARTICIPANT: I'm a registered nurse.

MR. HOPMANN: You're a registered nurse? How lucky are we to have you here this evening. Thank you for that.

This hearing has been convened by the Texas Department of Transportation being held to receive and consider comments from the public regarding the U.S. 69/Loop 49 North Lindale Reliever Route project. That is a mouthful.

Notices for this hearing were published on the TxDOT website and appeared in the Lindale News & Times, Tyler Morning Telegraph, and La Opinion newspapers.

The draft environmental impact statement or otherwise called (DEIS) for short, was available for public review beginning on November 20th of 2013.

As we talk tonight about the development of this project, we need to describe the relationship that exists between TxDOT and the Northeast Texas Regional Mobility Authority, commonly referred to as the NET RMA or just simply RMA. Since the Northeast Texas Regional Mobility Authority's creation in 2004, they have participated in project development of several segments of Loop 49 toll road and are considered an important partner in developing our transportation

1 infrastructure in East Texas.
2 In February of 2013, the Texas
3 Transportation Commission authorized the transfer of
4 Loop 49 system to the NET RMA. The NET RMA refers to
5 this regional system as a toll road, Toll 49.
6 Tonight you may hear us use the terms
7 "Loop 49" and "Toll 49" interchangeably. They are the
8 same road. The environmental work for this particular
9 project began well before the creation of the NET RMA
10 and Loop 49 becoming a toll road. As a result, the
11 environmental documents for this project continue to
12 reference Loop 49, but rest assured it is Toll 49.
13 When TxDOT completes the environmental
14 and public involvement process, we will turn over the
15 project schematic and environmental impact statement to
16 the Northeast Texas Regional Mobility Authority for
17 further project development including right-of-way
18 acquisition, construction plan development, and
19 construction management services.
20 To finance these activities, the
21 Northeast Texas Regional Mobility Authority has proposed
22 a variety of innovative financing mechanisms. So they
23 have a number of different financing mechanisms that are
24 available to them that they will be incorporating as
25 this project moves forward to the construction phase.

As many of you are aware, Smith County has held several public hearings discussing the prospect of a transportation reinvestment zone otherwise known as a TRZ to help finance future development of various phases of the Toll 49 system and county road infrastructure.

Tonight's hearing is not intended to discuss this transportation reinvestment zone proposal, and Smith County is in the best position to answer questions regarding the TRZ and other forums after tonight's hearing.

Tonight's hearing is intended to focus on the physical impact of the project on the natural environment as well as the benefits and impacts on the local community. The staff here tonight are equipped to discuss the project's preliminary engineering, right-of-way needs and environment impacts.

Following the public hearing, TxDOT will review your comments and consider them in development of the final environmental document. These comments will become part of the public record and will be included in the report on the public hearing.

Now, I'll briefly cover the process and procedures that we'll follow tonight. These rules help ensure that everyone has a chance to be heard. The

procedures for this public hearing are also part of a formal and environmental process, so comments from this hearing and comments received during the public comment period will be included in the final report of this project.

Tonight we will first hear a presentation about the U.S. 69/Loop 49 North Lindale Reliever Route project, then we will hear from those of you who have signed up to speak. Because of the nature of public hearings, we are constrained in responding to comments or questions during this comment opportunity. We appreciate your understanding of this. While the open house, completed moments ago, offers a question and answer format, the hearing is a more formal legal proceeding, and it is your opportunity to have input into the official public record. While we won't be responding to questions during the hearing phase, TxDOT and consultant staff will be available again after the hearing to answer any remaining questions.

So that we can ensure everyone has a chance to speak and be respectful of your time here tonight, we are limiting comments to three minutes. Before you begin, I will ask you to state your name and the organization you represent, if any. If you would like to sign up to speak but haven't done so yet, please

register at the speaker registration table at the back of the room.

We also have a court reporter here tonight. He will be making a verbatim transcript of the hearing located to my right. The transcript will be included in the public hearing report, which will be posted on the TxDOT website. If you prefer to share your comments with the court reporter directly, please feel free to do so after we adjourn the hearing. You can also provide written comments and leave them in the comment box tonight, or mail them back to the address on your meeting packet.

You can also send electronic comments on the website listed in your packet. Comments will be accepted up until close of business on January 20th, 2014.

Now we're ready to start the project presentation. We'll start with Vernon Webb, director of Transportation Planning & Development, followed by Dale Booth, Tyler District Planning Engineer, and then Mike Lightfoot of TxDOT's Right-of-Way Division.

Vernon, why don't you come on up.

While he's coming up, I've neglected to introduce John Goodwin with Lochner. Where's John? Over there. I'm sorry, John, I should have introduced

you earlier when I was introducing everybody else.

And, also, Ms. Kuntz from Hicks & Company. Where are you? There you are. Tom Van Zandt with Hicks & Company. So they're consultants that we have hired at TxDOT to work on this project for us.

With that, I'll turn it over to Vernon.

MR. WEBB: Thank you, Randy.

I appreciate all you being out here tonight. This process doesn't work without input from you and without the public showing up. We've got a great turn out, and I appreciate that.

I'm going to go over a little bit of the technical side of the project, then I'll turn things over to Mr. Booth.

The U.S. 69/Loop 49 North Lindale Reliever Route project limits are from Loop 49 west at IH 20 southwest of Lindale to U.S. 69 north of Lindale. The proposed project would address safety, system connectivity, and mobility.

The purpose of the project would be to address the stated needs by improving safety, increasing regional mobility and providing capacity to meet future traffic demands and volumes along existing U.S. 69 roadway. The Lindale Reliever Route is part of the Loop 49 regional transportation network around the City of

Tyler.

The existing U.S. 69 facility meets current roadway standards; however, the facility is considered deficient with respect to operating its low operating speeds and limiting capacity and safety concerns associated with mixing high speed through traffic with local low speed traffic and turning traffic, and I think many of you are familiar with this area. I think you would agree with that.

Construction of the Lindale Reliever Route would address these safety issues by providing an alternate, higher speed control accessed route for use by through traffic thereby reducing future congestion on U.S. 69 through Lindale.

Over the course of four public meetings and one property owner participating agency meeting, a technically preferred alignment was identified as Alternative G. Alternative G is shown in detail on the schematics presented tonight.

If you have questions on any of those, again, as Randy said, please feel free to catch one of us before we go. We want to make sure we address any questions you may have while you're here tonight.

Alternatives to the proposed actions include taking no action or building on alternative

alignments D or G, which range in length from 7 to 7.4 miles, respectively. Alternatives D and G would both be new location roadways consisting of an ultimate four-lane divided rural freeway section in a usual 450-foot right-of-way width.

The project would most likely be built in phases, with the first phase consisting of a two-lane section very similar from what we constructed from 110 between Tyler and Whitehouse and around Interstate 20.

Neither the interim nor ultimate design provides for continuous access roads. Alternative G was identified as the technically preferred alternative primarily due to fewer impacts of the human environment.

We understand this process is intended to minimize the impact. We understand that, obviously, some people will be impacted. Our goal is to minimize those as much as possible. The proposed project estimated cost is approximately $82.3 million with a construction cost of $63 million. The NET RMA has proposed to fund the project with a variety of funding mechanisms including toll revenue bonds. Under this plan, the NET RMA would construct the Lindale Reliever Route as the next expansion of the toll system.

I want to now introduce Mr. Dale Booth. He is our Tyler District Advanced Project Development

engineer. He's going to talk to you about the planning process that has led us to tonight.

Thank you.

MR. BOOTH: Thanks, Vernon.

I'm going to go through some material here and talk to you a little bit about the planning process that we go through, all the work that went into getting to the project to this point tonight for public hearing.

All of this is a result of the National Environmental Policy Act, the schematics that we developed and the environmental impact statement. In keeping with the National Environmental Policy Act, we've prepared this DEIS for the U.S. 69/Loop 49 Lindale Reliever Route project. The purpose of the document is to analyze the impact for the natural and the human environments. The impacts considered, as you see on the screen here, the impacts considered include land use impacts, air quality, noise, water quality, ecological resources, floodplains, cultural resources, socio-economic, and indirect and cumulative impacts. These various impacts that I've described, they're described in detail, how the project affects those resources are described in detail in the environmental impact statements that are available here tonight.

1 Various, alternatives, including the
2 "no-build" alternative, as Vernon mentioned, were
3 considered during project planning. The evaluation of
4 the alternatives began with the feasibility study that
5 concluded that TxDOT should further analyze five
6 potential corridors identified west of 69, west of
7 Lindale.
8 After the feasibility study was completed
9 the project entered the DEIS scoping phase and screening
10 of preliminary corridors. During that scoping phase and
11 building upon feasibility studies, seven corridors A
12 through G were evaluated in a corridor study report.
13 Each corridor study had a width of a thousand feet, and
14 environmental objectives included preservation, to the
15 maximum extent possible, of the quality of the natural
16 environment; the avoidance or minimization of conflict
17 with existing and planned land uses; especially
18 neighborhoods, schools, and other public facilities.
19 Compliance with applicable state and federal laws and
20 regulations, and consistency with the plans and policies
21 of the area cities and community organizations.
22 Of the seven corridors evaluated, only
23 corridors D and G appear to be reasonable with moderate
24 project length, right-of-way cost, and project
25 construction cost when compared with the other

1 preliminary corridors. Corridors E and F, which were
2 far west, contained fatal flaws associated with
3 hazardous materials in the old Lindale landfill.
4 Corridors D and G had lower numbers of potential
5 residential impacts than corridors A through C -- A
6 through C were very near the Lindale area, close to
7 69 -- and appeared to strike a reasonable balance. D
8 and G appear to strike a reasonable balance between
9 cost, engineering, safety, social, and natural
10 environmental impacts.
11 As the middle corridors, D and G, as you
12 can see on our larger maps here and on the screen, D and
13 G maximize the buffer distance between Lindale to the
14 east and Hideaway to the west -- basically trying to
15 split difference and have as little impact on those
16 communities as we can -- thus optimizing the objective
17 of consistency with community goals and development
18 trends. These corridors do not appear to have any fatal
19 flaws or apparent substantial adverse impact when
20 compared to other corridor alternatives. Based upon
21 this and input from participating agencies and the
22 public, corridors D and G were incorporated into the
23 final coordination plan as reasonable alternatives for
24 further study in the DEIS, the draft environmental
25 impact statement, including the no-build alternative,

that was also included, that was also considered.

To describe the two alternatives, I'll start with D.

Corridor D, moving from south to north, begins at the intersection of Loop 49 south and west of Lindale at I-20 at the intersection I-20 and extends north crossing FM 849 and immediately west of that intersection of 849 and County Road 472. It continues north and crosses FM 16 near County Road 476, then continues north and northwest crossing County Road 431 and then makes a brief jog to the northwest and then begins moving back northeast crossing County Road 4118 and then connecting to U.S. 69 at a point approximately .26 miles north of County Road 4117, which is right there. That's the southern route. D is the southern one of the two primary alternatives. At the length of Alternative D is approximately 7 miles. It would require 423 acres of right-of-way, and the design and construction costs, $83.6 million dollars.

Moving to Alternative G, which is the one that I've been representing on the schematics that you've been looking at tonight. It's a more northerly route on the large board that we have to the left, and as you see on the screen.

Alternative G shares the same southern

terminus as Alternative D. They're basically the same alignments from I-20 north up to FM 16, and at that point, they diverge and FM 16 -- Alternative G pulls off to the west and then goes -- continues north and northwest and then before crossing County Road 431 begins back to the northeast and then intersects at a point of about .87 miles northwest of the intersection of 431 and 4118, and then as you get back towards 69, it's approximately .5 miles north of intersection 69 and 4118 right there.

The length of Alternative G is approximately 7.4 miles and requires 427 acres of right-of-way and the engineering and construction cost, $82.3 million.

As I mentioned, we did consider the no-build alternative. I'm going to talk about that a little bit in comparison to alternatives D and G. The no-build alternative would leave the current transportation network to handle future demand with no change. Since this alternative involves no construction activities, the direct environmental impacts associated with the build alternative would not occur. All of those impacts described in the environmental impact statement would not happen.

An economic effect of the no-build

1 alternative would be a savings of approximately $63
2 million. That would be just the construction cost. On
3 the other hand, the local, regional, and state economies
4 would not benefit from that construction expenditure and
5 would not realize an estimated $112 million in direct,
6 indirect, and induced income from project construction.
7 The no-build alternative would not
8 provide mobility and access for improvements for the
9 regions, particularly for those residents living or
10 working in the vicinity of the proposed facility. It
11 would not provide a relief route to Lindale, which has
12 been requested by the traveling public and local
13 planning authorities. The no-build alternative would
14 not alleviate traffic increases on the existing
15 transportation network, especially U.S. 69 and other
16 arterials and county roads.
17 The no-build alternative also implies
18 that when traffic congestion and mobility requirements
19 are eventually addressed through future upgrades or to
20 U.S. 69 or the eventual building of a reliever route,
21 they would be accomplished at a much higher cost and
22 greater disruption to business and residential
23 development that is likely to occur in project area
24 today.
25 The deteriorating level of service

predicted by the feasibility study would create an increased potential for traffic delays, hazards, and accidents and possible decrease in the quality of life in the city of Lindale. The no-build alternative is not consistent with local transportation plans or the current metropolitan transportation plan.

So the point of all of that that we've been talking about the last few minutes is Alternative G. That's the one that we're proposing. That's what's shown on these detailed schematics behind me. That's what's shown in the detailed schematics up on the landing. Of the two reasonable alternatives considered, it's the more northerly route when it makes the connection back to U.S. 69.

So based on the comparisons of the positive and negative aspects of the reasonable alternatives, Alternative G presents the optimal value for serving the local community and improving the regional transportation system as reflected in the schematic we've presented here tonight. Overall, this alternative minimizes impacts to the natural and human environment and should result in fewer economic and social impacts than the other alternatives considered.

I want to talk a little bit about the public involvement that we've gone through today.

1 Tonight is certainly not the first meeting that we've
2 had on this. We've received lots of feedback from both
3 the communities that are near the project and the public
4 at large. I'm going to basically give an outline of
5 what we've been through today in terms of public
6 involvement.
7 Following two official project meetings,
8 we sent out notices of intent to prepare for the
9 preparation of the environmental impact statement.
10 After that, two public scoping meetings were held and
11 then two additional public project meetings and three
12 participating agency meetings were held. Input from
13 these public meetings have been incorporated into the
14 project to guide the project to this point tonight,
15 which is the public hearing. The results of the public
16 input from this public hearing will be incorporated into
17 the final environmental impact statement, as Randy had
18 mentioned earlier. Once the final environmental impact
19 statement is approved by the Federal Highway
20 Administration, FHWA will issue what's known as a record
21 of decision, and that marks the point where the final
22 environmental approval is received. And at that point
23 the project is approved for detailed construction
24 design, right-of-way acquisition, and eventually
25 construction.

Speaking of right-of-way acquisition, I'm going to turn this program over to Mike Lightfoot from our Right-of-Way Division. He's going to talk to you a little bit about the process that occurs when rights-of-way for highways are purchased.

Mike.

MR. LIGHTFOOT: Under the current project development plan, the Northeast Texas Regional Mobility Authority, the NET RMA, will be responsible for acquiring the necessary right-of-way for this project. The right-of-way acquisition will follow all state and federal rules and regulations for right-of-way acquisition. Once an approved right of way map is produced, state-certified appraisers will be hired to appraise individual property parcels. During the appraisal process, each landowner will be mailed an information letter identifying the appraiser.

Also, a copy of the landowners' bill of rights will be sent by certified mail to all affected property owners. The appraiser will contact the landowner to set up an appointment to inspect the property. It is highly recommended that the landowners meet with the appraiser when they come out. This will allow the landowner to point out any improvements, such as sprinkler systems, septic systems, and any other

1 property improvements, especially the underground
2 improvements that they can't see. The landowner can
3 also provide the appraiser information regarding tenants
4 or easement holders.
5 Once the appraisal is completed, the NET
6 RMA representative will make an appointment to meet with
7 the landowner and present a copy of the appraisal and a
8 written offer for the property. If the landowner
9 rejects the offer, condemnation proceedings would be
10 initiated to acquire the right-of-way.
11 If are you displaced or have personal
12 property that is displaced by the project, you will be
13 notified of your eligibility for relocation assistance.
14 Relocation eligibility begins upon delivery of the
15 initial written offer to purchase right-of-way. No
16 person lawfully occupying real property will be required
17 to move from their home, farm, or business without at
18 least 90 day's written notice.
19 We do have representatives from TxDOT's
20 right-of-way office here. If y'all don't mind, would
21 you raise your hands, so everybody would know who to
22 look for, for the right-of-way. Thank y'all.
23 We're going to be here after the hearing
24 to answer any questions related to right-of-way
25 acquisition or relocation programs.

At this time, I'll turn this back over to Mr. Hopmann.

MR. HOPMANN: Thanks, Mike.

We're on the home stretch now. I hope that was informative hearing the presentation this evening. A few notes about the project development schedule. Once the final environmental impact statement is approved and the Federal Highway Administration issues the record of decision that Dale mentioned, the project will receive final environmental approval to move to the next stages of project development, which are right-of-way acquisition and construction which will be performed, again, by the Northeast Texas Regional Mobility Authority.

If there are no issues with the final environmental impact statement, the record of decision could be issued in the Winter of 2014. So about a year from now or maybe a little shorter than that. Right-of-way acquisition could begin in the Spring of 2015, and the start of construction could occur in the Fall of 2015.

It's almost time for your opportunity to be heard. You have several options to submit your comments on this project, by speaking here today, tonight with us, registering your comments with the

1 court reporter to my right, or submitting written
2 comments in the box tonight. We have several boxes for
3 comments. You can drop them in. Or you can mail or
4 electronically submit your comments, but we must receive
5 all of the comments by close of business on January
6 20th, 2014.
7 Please remember that your responses will
8 be included in the final project report once the comment
9 period is over, and again, that final project report
10 will be available for your review.
11 At this time, let's take a short break,
12 about 15 minutes, and I'll call you back to the chairs,
13 and I want to give you an opportunity after you have
14 heard the presentation to go back and look at these
15 drawings one more time to see if you have any other
16 questions or comments that you would like to make. So
17 at this time let's take that short break, and we'll
18 reconvene in about 15 minutes.
19 Thank you.
20 (15-minute break.)
21 MR. HOPMANN: Okay. Thank you very much.
22 We did have one other elected official
23 join us. Justice of the Peace, James Cowart. There you
24 are. Thank you for being here.
25 All right. Let's call the hearing back

to order, and I've got a list of speakers here that have signed up to speak. I want to remind everybody as you come up, state your name. If you represent an organization, just state that. If you just represent yourself, that's fine. And limit your comments to about three minutes so that we can be respectful of everybody else that's here that would like to make some comments.

The first speaker that I have signed up is Mr. John Etheridge. Mr. Etheridge, are you here? I know I was just talking to him a few minutes ago at the break.

Okay. And the next speaker I have signed up -- and I'm sorry. I'm going to mess this up. I have Kevin. Last name starts with an F.

MR. FRUTIGER: Frutiger.

I think I have enough answers right now.

MR. HOPMANN: Are you sure?

MR. FRUTIGER: Yes, I believe so.

MR. HOPMANN: Thank you, sir.

Mr. Beggs, Howard Beggs. Would you like to come on up front?

MR. BEGGS: My name is Howard Beggs. I own a 155-acre tract that the road will take about 35 acres of, and what I've been trying to get done for the last or eight or ten years is for the planners of this

project to make a final specification on where the road is actually going. They make the drawings here, and they say it's probably going to be here and there, but we cannot guarantee that that is the final right-of-way.

So all of us that are along this route, who are planning to develop our property, cannot do anything, because you can't get financing if you cannot say for sure this is where the road is going to go. So for years and years, we have been just held in limbo, because there's no way that you can develop something if you don't know whether it's going to be taken as a highway or not. So that's my main concern.

MR. HOPMANN: Thank you very much.

The next speaker I have looks like Robert Rosen. Come on forward.

MR. ROSEN: I managed to say a little something at all of these meetings. You know I thought I was more directly impacted on finding out tonight, like Mr. Beggs, a little bit more, not so directly, but you know, I know a lot people that this is affecting right here in this room, losing their homes and stuff. Like I said before, I would hope that they would take into more consideration than, you know, this is something that they've had their whole life, and they've worked hard for whether it's been their whole life or

1 not, had this property. It means something to them.
2 And, you know, they would take into consideration that
3 these people are losing just more than something worth
4 5,000 an acre. You know, they could, you know, add
5 something to the value of their loss, but on top of
6 that, nothing has ever been said about -- directly about
7 anything really, but directly about how the people's
8 businesses are affected, what percentage of their
9 business would be lost. And, you know, how the personal
10 lives are affected in that respect, but my property had
11 a bed and breakfast on it at one time. Several years
12 ago, we elected when we were told that it was going to
13 be completed by 2012, this section. We never heard why
14 it didn't, you know, and here it's 2014 and they stopped
15 at I-20 and nobody knows how or why. Maybe I didn't ask
16 the right people or enough questions.
17 But, you know, I think we have the right
18 to ask questions, personal questions, that, you know,
19 are important to us, like the community of Lindale. How
20 much is it going to increase, you know, the value of the
21 citizens of this town, or are they even going to be
22 involved in the process where they will be hired to do
23 projects, you know, the local contractors and what have
24 you on the peripheral or fringe elements of this
25 project. You know, the company RMA, you know.

I know a guy that's worked on the first part of the Loop, and he rented from me. And he said their company wasn't selected to do the project, but -- and I've been up and down the Loop and many times, and it works great for me. I can get from here to South Tyler really quick, and I like that. I see things along there that aren't done and is supposed to be finished and looks incomplete. I want to make sure on my property, am I going to be able to get in and out of my driveway. I mean, the road work has been going on up and down on 16 by this company. The yoke of my driveway is totally destroyed. You know, where we put our trashcans, you can't even put them up there anymore, because it's so eroded. I want to make sure that they -- extend the yokes of these drives with some cement or something. Fix them back better than they were. If they had asphalt or whatever, do asphalt a foot further, maybe instead of two foot shorter.

Honestly, I'm going to say this for the record, the man that told me about the Loop, and I've seen some sections he's talking about. There's already some deterioration on the brand new road along with the parts that aren't finished, and I want to know if we are going get a finished project. I'm a contractor. I can't leave my job partially done. They won't pay me.

These guys are getting paid and everything, but their job is not done. I just thought that was important. We should think about stuff like that and the impact on this community and the citizens, you know, might be left with, you know, unresolved issues. So that's my input.

MR. HOPMANN: Thank you very much.

I believe some of your comments were related to some construction we did recently on FM 16. If we did a poor job out there, I would like to talk to you after the public hearing, because I want to know about that.

And RMA is doing some warranty work out there on the project that was just finished south of the interstate, so the contractor or developer is performing that work at their cost.

All right. Next presenter I have is Jeff Head. Mr. Head.

MR. HEAD: I'm Jeff Head. I live in Country Manner right off of 849. I just had a couple of questions. This is my first meeting.

I still don't totally understand the impact it's going to have on Lindale. All of these people bypassing Lindale, hitting the toll road, going around us. Surely that's going to have a detrimental impact on our taxes that we get off of revenues with

1 people going through purchasing gasoline and other
2 materials. They stop at Lowes or whatever or
3 restaurants. Have I missed something? I don't see
4 where anybody's put that up there yet. What is going to
5 be the impact on that. Because we have to fund our
6 schools and other city government from the taxes. If
7 that money is going away, is that going to be a bigger
8 burden on us, the citizens.
9 Not sure why we do two lanes instead of
10 four lanes? If you're going to build it, I guess
11 there's regulations as to how much you can build until
12 you get so much flow of traffic. The cost of doing it
13 and coming back later on adding two lanes seem to be
14 like 49 right now. There's areas you can pass on, but
15 normally you're not able to pass on the toll roads. So
16 to me that's not really efficient transportation.
17 So those are my two questions that I
18 have.
19 MR. HOPMANN: Thank you.
20 Next, is Mr. McClenny, Bobby McClenny.
21 MR. MCCLENNY: My wife has already told
22 me, Jim, I can't say my name in three minutes, but I'll
23 try.
24 Randy, we go back a long ways, and I
25 think that I have made almost, if not all of the public

hearings that were open to the public, and I appreciate all of the work that's been done, and I know there have been millions of dollars spent already on this project before we ever turn one spade of dirt.

I know that a lot of people will have some problems to contend with on all of the issues pertaining the right-of-way, et cetera, et cetera.

It's a real issue that affects those landowners and homeowners. One issue, as related to the traffic problems that exist in the City of Lindale, that issue will be addressed except that we can see by studies that are done from time to time how much increased the traffic will be in Lindale, Texas even as the years continue to go by. The traffic will be greater and greater and greater. Our reduction may be seen for a short time, but it will be only for a short time. You can count on it. I go back to those early days in the '40s when I was in school, graduated in 1951, and things have changed.

I live in town, and I want to make certain that I don't get on Highway 69 at certain hours of the day. Several hours in the morning, several in the afternoon, and I know how to avoid it. If I have to go somewhere, I know how to maneuver enough county roads, et cetera, et cetera to get where I'm going

1 without having to contend with 69.
2 The issue regarding businesses, I wish I
3 owned 200 or 300 acres where the Loop is coming in to
4 69, that's going to be a new Lindale, just like we have
5 at the interstate. Our taxes will be taken care of,
6 Ladies and Gentlemen. And I have sympathy for those who
7 are going to be affected in a real way with regard to
8 the property that they've owned and cherished. Let's
9 face it. TxDOT has spent millions of dollars to reach
10 this point. Let's not just stop the project. Let's get
11 on with it and get it done as quickly as possible. I
12 will be 80 the Lord willing, April 22nd, 2014. I said
13 at one of the public meetings that I hope that I will be
14 around to make the full trip from beginning to end and
15 drive it myself, but every year that goes by, I may
16 have -- if I live long enough -- I may have to hire one
17 of my cousins to come and chauffeur me, Mike.
18 Anyway, thank you for the opportunity to
19 speak. My name is Bobby McClenny. I live in Lindale,
20 Texas, 706 North Georgia, 75771.
21 MR. HOPMANN: Next is Bill Liebbe.
22 Mr. Liebbe.
23 MR. LIEBBE: Thank you very much. I
24 appreciate it.
25 Mike, where are you? Where is Mike, the

1 right-of-way guy? Mike, come on down here.
2 My name is Bill Liebbe. My first wife
3 Donna and I live on 849, that little curve in the road
4 with that little white fence. They're going to take our
5 house, our two barns, all of our frontage.
6 So, Mike, you kind of glossed over the
7 rights of homeowners like me whose property is going to
8 be taken for the public good. Now, isn't it true that
9 the State must pay us fair-market value for the property
10 taken? Is that true?
11 MR. LIGHTFOOT: That's true.
12 MR. LIEBBE: Can you tell us what
13 fair-market value means?
14 MR. LIGHTFOOT: I don't know the legal
15 definition --
16 MR. LIEBBE: Well, let me tell you.
17 It means the current value under its
18 current use and the reasonably foreseeable use in the
19 future. So, for example, my property is right now being
20 used for farm land, but it's a logical extension from
21 Hideaway Lake, so don't you agree that my property
22 should be valued as residential? Under the law that's
23 true.
24 And so you also must pay the homeowner,
25 not only the value of the land taken, but the damage to

1 the remainder. Mike, you didn't tell the folks that.
2 Why not?
3 And the State will hire appraisers,
4 right, to figure out what the State should pay for the
5 homeowner's land that was taken, right? And these
6 appraisers are hired by the State, aren't they? And so
7 don't you think they have a little bias and prejudice
8 and working for the State, that they might low ball us a
9 little bit?
10 And so did you not tell -- did you forget
11 to tell us that we don't have to take the offer from the
12 State, do we, right? We don't have to do that, do we?
13 MR. LIGHTFOOT: No.
14 MR. LIEBBE: We can reject that, and the
15 State must file a condemnation suit in the County Court
16 at Law, right? Right?
17 MR. LIGHTFOOT: Correct.
18 MR. LIEBBE: And then three landowners
19 will be appointed by the Court to sit and hear testimony
20 and evidence from the State and from the landowner as to
21 the value of the land and the value of the damage to the
22 remainder, correct?
23 MR. LIGHTFOOT: Correct.
24 MR. LIEBBE: And the commissioners will
25 make an award.

1 And isn't it true, that 93 percent of the
2 time, the commissioners' award is higher than what the
3 offer is from the State?
4 You don't know the statistics?
5 And if either side is dissatisfied with
6 the award of the commissioners, then they can file an
7 appeal to the County Court at Law and get a jury trial,
8 right?
9 MR. LIGHTFOOT: Right.
10 MR. LIEBBE: And until the State can take
11 your land, they have to put that land up -- they have to
12 put the money in the registry of the Court, so the
13 landowner can take that money and rebuild if they need
14 to, right?
15 MR. LIGHTFOOT: Right.
16 MR. LIEBBE: And then a jury will hear
17 evidence as to the damages, correct?
18 MR. LIGHTFOOT: Yes.
19 MR. LIEBBE: And people can hire lawyers
20 to do that, and lawyers work on a contingency fee. And
21 99.9 percent of the time, if landowners challenge the
22 value from the State of Texas, they come out much better
23 don't they?
24 MR. LIGHTFOOT: I don't have those
25 statistics.

MR. LIEBBE: I do.

So, folks, let me tell you something. They're going to take our property for public use, but we don't have to stand here and take what they offer. And if you have any questions, my name is Bill Liebbe. I live at 1519 FM 849, and I am a lawyer, and I would be delighted to talk to you folks.

MR. HOPMANN: Thank you, Mr. Liebbe.

Next is Gary Halbrooks.

Gary is with the Northeast Texas Regional Mobility Authority. He's the vice chair that serves on that board of directors.

MR. HALBROOKS: Thank you, Randy.

Lindale community, we've worked with -- I've been on the RMA since its inception ten years ago. Barham, are you still here. Barham Fulmer, my fellow board member is here as well from Smith County. We've had a long-standing working relationship, obviously, with TxDOT, with Lindale and in putting this project together. I go all the way back to the days when Loop 323 in Tyler was a two-lane road on the south side of town where the mall is now, and you see the growth that happened with the expansion of Loop 323.

I happen to be in the commercial real estate business. I look at things from that

perspective. I see the growth that's taken place on Loop 323, and I see the continued growth that's taken place on Loop -- already taking place on Loop 49. You will continue to see that -- in Mr. McClenny's words, you will continue to see that growth around Loop 49.

I'm not an economist. I'm a pretty practical person. I think in my lifetime that Toll 49 will be the number one economic generator of growth in our part of the world. Obviously, RMA is for it. We've spent a lot, a lot of time, even though, we don't technically don't own the Lindale Relief Route at this point. We will take over the Lindale Relief Route at some point in the near future, and we look forward to working with the citizens on that.

Thank you so much.

MR. HOPMANN: Thank you, Mr. Halbrooks.

The next speaker I have is Tom Mullins with the Tyler Chamber of Commerce and the Tyler Economic Development Corporation.

MR. MULLINS: Am I the last one, Randy?

MR. HOPMANN: You're the last of the speakers to sign up.

MR. MULLINS: Last speaker between this group and bedtime or happy hour, so I'll be brief.

As Randy said, I represent two business

1 organizations. The Tyler Chamber of Commerce which has
2 about 2000 members. The Economic Development Counsel,
3 120 members.
4 We've been working on this project for
5 probably 20 years. And the reason we thought it was an
6 important project, obviously, we support it. We saw
7 what's happening to the growth in this area. You know,
8 Texas on a daily basis gets a thousand new citizens,
9 over 400,000 people a year coming into Texas. Over the
10 last 10, 15 years, on average, Tyler, Smith County,
11 getting about 3,500 people every year. The current MSA
12 population, which is Tyler, Smith County combined,
13 220,000 people. We need to deal with that growth.
14 Growth requires more infrastructure,
15 water and sewer, schools, and, of course, roads. We
16 already know we have traffic problems. We've had them
17 for years. In Tyler, Lindale, south Smith County and
18 other parts of the area.
19 Work actually began on this project in
20 the mid '90s in terms of planning, and it always takes a
21 long time to plan these projects. Some of you said, why
22 aren't we driving on this thing already? Well, you
23 heard some people who don't want it built, so there's
24 been a lot of debate and a lot of discussion, and so you
25 just can't build something like this quickly. And I've

1 got to congratulate TxDOT for being so diligent in terms
2 of getting public input and having these meetings and
3 soliciting ideas from the public.
4 We can now drive from 110 down by
5 Whitehouse up to Interstate 20. It's about 24,
6 25 miles. I wish it was four lanes, too. The
7 right-of-ways are four lanes, but it's just money. It's
8 a money issue, and until they get more money from tolls
9 and other means, they're not going to be able to start
10 building the other lanes, but the sooner the better.
11 I'll tell you every time I get on this thing, I'm behind
12 the same truck and trailer doing 35 miles an hour. We
13 need to be able to have four lanes.
14 Here's something that shows the planning
15 was worthwhile. That roadway connected with Interstate
16 20 on March 3rd. The planners projected that it would
17 be about 13,000 transactions a day. That's every time
18 you drive under one of those gantries, it's a
19 transaction. Within a month, it was 26,000, double what
20 they thought it was going to be. When this relief route
21 is built, projections show that it's going to add
22 another 25 percent traffic volume to the tollway, which
23 means more toll revenue, which means more money to
24 complete construction all the way around, because this
25 also has to be built on the east side of Tyler and comes

1 up by UT Health Center by Interstate 20.
2 You know, we would argue this road was
3 needed 20 years ago. That's the congestion we've been
4 dealing with all of this time. It's taken a long time.
5 We're finally making the progress that we need to make.
6 It will improve traffic flow. It will improve traffic
7 safety, and as Mr. Halbrooks indicated, it will be a
8 driver for economic growth and development.
9 MR. HEAD: Are we allowed to make a
10 couple of statements? Since I've already been up once,
11 can I come back up?
12 MR. HOPMANN: I think it would be best if
13 we take your statement as you make it. If you have
14 additional comments you want to make or you want to
15 introduce additional comments, talk to the court
16 reporter afterwards. Is that all right?
17 MR. HEAD: What's that?
18 MR. HOPMANN: Talk to the court reporter
19 after the hearing and make your other comments.
20 MR. HEAD: People have been making some
21 statements that I find a problem with, comparing a loop
22 to a tollway. That's totally different. You can't get
23 off a tollway to go shopping, like you would a loop.
24 You can build commerce around the loop.
25 MR. HOPMANN: I would appreciate it, if

you would, come up and visit with me after the hearing.

I want to see if there's anybody else out there. That is all of the speakers that we have signed up. If anybody else wants to make a comment, I would like to give you the opportunity.

Mr. Mallory, if you will come forward. Please state your name since I don't have it in writing.

MR. MALLORY: My name is Jim Mallory. I'm former Mayor of Lindale. And I'm proud to say that, because Lindale is a wonderful place to live. I wish that I had grown up here, but I didn't. All of the things that we and other folks have done to support the Loop has taken a lot of time and effort. A number of us went to Austin to support whenever the decision was made to build the Loop that brought it to 20. It was a community effort, and it worked.

And I really feel for the people that are going to be impacted negatively, but we are in the situation in Lindale where we are going to have, with the increased truck traffic, we are going to have some terrible wrecks. It's just the law of probability. The more you pour through a funnel, the more it can stop up, and we're getting there. The truck traffic has increased dramatically, so we really need this, but let's work together to get this thing done. It's a

great thing for us. It's a great thing for Smith County. It's a great thing for Texas. Thank you.

MR. HOPMANN: Thank you, Mayor Mallory.

Is there anyone else that would like to come up and make a comment that didn't speak?

MR. FRUTIGER: I do.

MR. HOPMANN: You have an assistant, I see.

MR. FRUTIGER: Yes, sir. I've got my little boy with me today.

MR. HOPMANN: Could you please state your name?

MR. FRUTIGER: My name is Kevin Frutiger. I'm speaking on behalf of Fox Run Estates and Sammy and J.B. Fox.

Sammy and J.B. had this property for about 20 years. They developed Fox Run Estates. And over the last -- they've owned it about 20 years. And over the last 7 years, I've had the privilege of being able to come out here and watch my kids grow up. We were just informed today that we're going to be land locked out of about 200 acres of our property, which for my kids -- I didn't have that growing up, and I was hoping that my kids could have it. The fact that they're not, you know. J.B. is no longer with us, and

he passed away about two years ago, and he said before he passed, you know, that this probably was one of those things that would never happen. Long after he was dead, unfortunately, not too long after, and he died way early.

But, you know, it really hurts to hear everybody talk about how they're going to be affected and the fact that we're going lose our land. It's really hard. And with the toll roads -- I mean, the fact that it doesn't look like the economic growth that everybody is talking that this is going to bring, I don't really see it either. I'm from Dallas, Texas, every road that's built out there is a toll road, and everybody tries to avoid tolls, because the costs. I own an electrical business. We have about 35 trucks. We have to use tolls. Our toll bills are $1,200 to $1,500 a month. Obviously, that's a lot of vehicles, but there's going to be a significant impact costwise. I know it's convenient and things like that.

I've always been told also that once the toll roads are paid with, the tolls they are charging, that it will go away. Dallas North Tollway has been around for 40 years, and I've never seen it -- it's only going up. I mean, I guarantee that toll road has been paid for time and time again through everybody going

through there. Granted I know there's upkeep involved in all of these type of things to maintain the roads and do that. But I mean, I'm just one guy. I'm spending $1,500 a month. I know there's a lot of the companies and single people with families that are spending a significant amount as well.

I just think it's a shame it has to be a toll road. I know they're going to have to -- you've got to pay for it somehow, it just doesn't make sense to me. Thank you.

MR. HOPMANN: Thank you very much.

Any other speakers? Yes, sir. Mayor Nelson.

MR. NELSON: First, I would like to say good evening to all of those that didn't get a chance to shake your hand or talk with on this evening.

First, I would like to commend TxDOT and all of those that had the vision some 20 years back and worked diligently for this opportunity to come here. When you live in Lindale and you drive in our downtown area, you know firsthand the traffic situation and the circumstances that you run into. Those people that don't drive it, you couldn't know as much as we do about it. And part of my responsibility as the Mayor is to try and look out for the citizens in the town of

Lindale. When we get businesses coming into town and along the 849/I-20 corridor, traffic will continue to increase. And as traffic patterns change, we have to be proactive and change with them. Safety is a concern for downtown. The traffic. The wait. If you look at it, it's going to oppress us. It's going to push us to have to do something. We need to act now.

And, again, I'm sympathetic to those landowners that have great amounts of property in the way, and my thought is that not necessarily all of your land will decrease in value. They take a percentage of it. When retail develops somewhere along there, I'm more inclined to think that your property values will actually go up --

MR. LIEBBE: Give me an accurate price for my property and I will --

MR. NELSON: Excuse me, sir.

MR. LIEBBE: You're wrong, Dude. You're wrong.

MR. NELSON: The thing to do is not to do things to hinder the progress of those that have worked so hard, so diligently to make it happen. Let's work together. We can work the thing together where there's a win-win situation for everybody. We're not just talking about it just from my generation, but we're

planting seeds now for the generation to come. It's much needed. I hope you look at it with an open mind and support it a hundred percent. Thank you.

MR. HOPMANN: Do you want to make a comment as well?

MRS. LIEBBE: I'm Donna Liebbe.

It's already kind of been brought up, but one of the things we're kind of talking about on the break that I want to reiterate. I have a lovely home that I really don't want to move out of, but I am willing to do that for the community, which is fine, but the problem I have is ten years ago, they told us that we were going to be having to move by 2008, and then we were told by 2011, now the paperwork is saying 2015, so you live your life on hold. We had a recent water damage. I don't want to replace carpet if we're going to be taken in a year, because they're going to bulldoze my house. I can't live on concrete for a year.

Somebody else was talking about on the break how they had been trying to sell their house for a number of years, but they can't sell it, because they have to disclose that the Loop is coming through.

So my request would be, if this is postponed again, it would be great if y'all could let the homeowners that are going to be affected know,

because we really -- there's so many things we need to do to our house that I haven't done in years, because it's like throwing money down the drain if you're going bulldoze my house.

MR. HOPMANN: Thank you.

Any other speakers?

Okay. Seeing none, this public hearing is now concluded. Thank you very much for your attendance and participation tonight. The staff will remain around if you have other questions or comments. I will be here. We'll also have a court reporter, who will stay around if you would like to make private comments to the court reporter. I want to thank you for being here. Please, travel safely home, as we came in, it was obviously foggy. There was a lot of moisture on the pavement. Be very careful as you leave and travel home. Thank you again. Goodnight.

[End of public hearing.]

(Private statements with court reporter.)

MR. CRAIG: My name is W.D. Craig.

Back, it must have been 15 years ago when they first started widening 69 out in Mineola. I have a piece of property on 69 and 4148 which goes into Club Lake. At that time I sold property, and I know back then at closing -- I first saw the map of D, not G, but D.

At that time they asked me, would I sell my whole corner there on 69, because they were concerned about the traffic coming out from Club Lake. I forget the gentleman's name. I looked around. Everybody is retired now, and there's new people.

At that time he said 50 years from now, we're going to have to bring Loop 49 around I-20 and 271, and he said we can't go through that lake, and he said we're concerned about the traffic coming, what we're going to do with it from the lake. They were going to bring it up the east side. Looking at the map on D, that is exactly what he was talking about.

I have not heard any comment on -- in fact, I asked several engineers tonight -- what about the traffic and the Loop going around Lindale 35, 40 years? You already have 2020 traffic on Loop 49. No one has ever brought up the fact that what are we going

to do later on down the line? He said, well, we haven't heard anybody talk about that.

And I believe G is disregarding any going around 69, because -- around Lindale, because it would go right through Club Lake, and they couldn't take that thing through Club Lake. They're not going to do anything with the Club Lake property down there and all the people around it.

I think the individual ideal route necessarily wouldn't be D. I think the ideal route is right in between both of them. Bring the thing in just exactly like they did on I-20 instead of this sweeping overpass. Bring it in exactly like they did on I-20, that way they can go out in the field. Whoever is in 30 years down the line, 40 years down the line, they don't have to redo the whole thing, then they've got to worry about from there.

And here's the big problem we have, and I'm just not the one -- I've been wanting to sell my property for ten years. I'm retired, you know. When you don't have an area set, and, say, it's going to be right here, you've disclosed that and therefore you're not going to get a sale. I know a large group is in that same situation. I would sell my whole corner, you know. And the State was real fair to me. I was the

first property. I also at that time -- the reason I'm talking to you -- at that time they were talking about a divided highway on 69. I'm the one that sat down with the court reporter at that time at that meeting, and they showed a divided highway all the way into Lindale. And I said, hey, to me that don't make sense. You're doing away with a lot of business. And the first thing I know they come out and made five lanes all the way in. So I know things like this help to give somebody's opinion, you know.

But that's my only concern. I'm for it anyway, and the only thing that I would like is for them to do some thinking on that situation, and I would like to know if they got back to me, and, say, hey, it's going to be right here. That way I can put a for sale sign on my property, and I could sell it without it getting to -- you know, somebody axing it right down through the middle. Thank you very much.

MR. CAPELLO: My name is Demetrio Capello.

The only concern is that I'm looking at is they're talking about an overpass going north, and if there's a chance this is going to go into Gregg County in the future, then they have to do another overpass on the exit going south. So two overpasses on 69. And at

that point, I've got property right at the very end of it. If I sell, they're going to have to buy that commercially down the road. That's what I'm looking at, and I don't see why they don't compromise going between G and D, which is the most logical one and those are the two ones they're looking at.

They're pushing G, and they actually said D and failed with a lot of little obstacles with a bunch of a little homesteads to buy out, a long bridge at Duck Creek. I'm told that's one of the reasons they're picking it. A lot of businesses. If they were to go between the two, they wouldn't have to. They could eliminate all of that on D and make it more feasible just going into the middle of them and do one overpass like they did on I-20 coming into from Tyler to I-20, just an overpass until they're ready to cross over. That's my comment.

I think it would be more feasible economically for now and in the future. And I understand the overpass is going to take a few years to even complete it once they punch into 69, you know. So what's going to happen, people going to be crossing 69? That road is heavily traveled, and I bet they're going to be a lot of ambulances out there, too, in the mean time.

1 STATE OF TEXAS *
2 COUNTY OF SMITH *
3 I, STEVE R. AWBREY, CSR, Certified Court Reporter
4 in and for the State of Texas, do hereby certify that
5 the above and foregoing contains a true and correct
6 transcription of the TxDOT Lindale Reliever Route public
7 hearing and were reported by me.
8 Witness my hand this the __14__ day of
9 _____February_____, 2014.
10
11
12 (Original signed by Steve R. Awbrey)
_____
13 STEVE R. AWBREY,CSR
CERTIFIED COURT REPORTER
Texas Certification No. 3940
14
15 My CSR license expires: December 31, 2015.
16
Business Address: 1101 E.S.E. Loop 323, Suite 110
17 Tyler, Texas 75701
(903) 571-2153
18
19
20
21
22
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25

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APPENDIX E

GENERAL PUBLIC, ELECTED OFFICIAL, AND AGENCY COMMENTS

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Jay Tullos

From: Lindsey Bilyeu <lbilyeu@choctawnation.com>
Sent: Thursday, November 14, 2013 4:24 PM
To: TYL_LindaleRelieverRoute
Subject: RE: FHWA-TX-EIS-08-01-D, Draft EIS, US 69/Loop 49 North Lindale eliever Route, Smith Co, TX

The Choctaw Nation of Oklahoma thanks the Texas Department of Transportation for the correspondence regarding the above referenced project. Smith Co, TX lies within the Choctaw Nation of Oklahoma's area of historic interest. After reviewing the Draft EIS, the Choctaw Nation Historic Preservation Department would like to request a copy of the archeological survey performed for this project and a color topo map of the APE showing all archeological sites within a 1 mile radius. If you have any questions, please contact our office at 580-924-8280 ext. 2631.

Thank You,

Lindsey Bilyeu
NHPA Section 106 Reviewer
Choctaw Nation of Oklahoma
Historic Preservation Department
P.O. Box 1210
Durant, OK 74701
lbilyeu@choctawnation.com

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.

Jay Tullos

From:	Mark McDaniel <mmcdaniel@tylertexas.com>
Sent:	Tuesday, November 19, 2013 1:24 PM
To:	TYL_LindaleRelieverRoute
Cc:	Barbara Bass; Carter Delleney
Subject:	Draft Environmental Impact Statement

Dear Mr. Carlos Swonke:

Thank you for allowing the City of Tyler to comment on this project. We appreciate the opportunity to comment, but have no concerns regarding the statement provided.

Kind regards,

Mark McDaniel
City Manager
City of Tyler, Texas
(903)531-1250
mmcdaniel@tylertexas.com

Jay Tullos

From: Linda Henderson <Linda.Henderson@thc.state.tx.us>
Sent: Thursday, December 05, 2013 2:29 PM
To: TYL_LindaleRelieverRoute
Subject: SHPO comment Draft EIS for Lindale Reliever Routh US 69/Loop 49 North

To Whom It May Concern:

Thank you for sharing copies of the DEIS for the US 69/Loop 49 North Lindale Reliever Route in Smith County (CSJ 0190-04-033). Our review staff has reviewed the materials, and we have no comments at this time. Please let us know if you have any questions for us or if any unanticipated discoveries come up that were not covered in cultural and historic resource surveys reviewed to date.

Best,

Linda

Linda Henderson
Historian, Federal Programs
History Programs Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276
phone: 512/463-5851
www.thc.state.tx.us

TEXAS HISTORICAL COMMISSION
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Jay Tullos

From: Edwards, Sean <sean_edwards@fws.gov>
Sent: Thursday, December 12, 2013 12:36 PM
To: TYL_LindaleRelieverRoute
Subject: Lindale Reliever Route - USFWS Comments

Mr. Swonke,

We have received and reviewed TxDOT's Draft EIS regarding the US 69/Loop 49 North Lindale Reliever Route. There are no federally listed species currently known to occur in Smith County, Texas. Therefore, we have no comments or recommendations to offer at this time. Thank you for the opportunity to participate in this process. Please contact me with any additional needs.

Kind Regards,

Sean Edwards
Biologist - Conservation Planning Assistance
U.S. Fish & Wildlife Service
2005 NE Green Oaks Blvd., Ste 140
Arlington, Texas 76006
(817) 277-1100

Jay Tullos

From: Karen Hardin <Karen.Hardin@tpwd.texas.gov>
Sent: Friday, December 20, 2013 1:35 PM
To: TYL_LindaleRelieverRoute
Cc: Julie Wicker; ENV_BIO
Subject: TPWD Review of CSJ 0190-04-033, TPWD Project 32103
Attachments: WL32103TxDOTcsj0190-04-033C12-20-2013.pdf

Mr. Swonke,

The Texas Parks and Wildlife Department comments regarding the above-referenced project are attached.

Sincerely,

Karen Hardin
Habitat Assessment Biologist
Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744
(903)322-5001

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S. Reed Morian
Houston

Dick Scott
Wimberley

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

December 20, 2013

Mr. Carlos Swonke
Director of Environmental Affairs Division
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701

RE: Draft Environmental Impact Statement for US 69/Loop 49 North Lindale Reliever Route (Smith County)
FHWA-TX-EIS-08-01-D, CSJ 0190-04-033
TPWD Project 32103

Dear Mr. Swonke:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Environmental Impact Statement (DEIS) for the above-referenced project. TPWD, as the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code §12.0011, hereby provides the following recommendations to minimize the potential adverse impacts to the state's fish and wildlife resources for the project referenced above.

Project Description

The Texas Department of Transportation (TxDOT) proposes to construct a new-location, full control-of- access, tolled reliever route around the city of Lindale in Smith County referred to as US 69/Loop 49 North Lindale Reliever Route (Lindale Reliever Route). The proposed route would bypass around the west side of Lindale extending from the proposed Loop 49 West toll facility at IH-20 to US 69 north of Lindale. Alternatives evaluated in the DEIS include taking no action or building alternative alignments D or G, which range in length from 7.0 to 7.4 miles, respectively. The build alternatives involve four-lane divided freeway ultimate sections within a 450-foot typical right-of-way (ROW), with an interim design consisting of a two-lane section. The DEIS identifies Alternative G as the technically preferred alternative.

Previous TPWD input for this project dated December 15, 2006, are presented in Appendix E-4 of the DEIS.

Please be aware a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For guidance, see the Texas Parks and Wildlife Code, Section 12.0011 (http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.12.htm#12.0011). Please

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800
www.tpwd.state.tx.us

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

refer to TPWD project number 32103 in any return correspondence for this project.

TxDOT – TPWD Memorandum of Understanding

The new TxDOT - TPWD Memorandum of Understanding (MOU) for environmental review of transportation projects became effective September 1, 2013, and supersedes the MOU that was adopted to be effective March 21, 1999, the Memoranda of Agreement for the Finalization of the 1998 MOU Concerning Habitat Descriptions and Mitigation (MOA), the MOU Regarding Mitigation Banking, and the Memorandum of Agreement for Sharing and Maintaining Natural Diversity Database Information.

A search of the *EPA Draft Lindale Draft EIS – October 31 2013.pdf* document revealed the DEIS contains references to the old MOU and MOA on pages 91, 92, 224, 226, and 227.

Under the new MOU this project meets triggers for coordination. Because this project has not been coordinated through Early Project Coordination, then TxDOT must perform a Tier II site assessment under Administrated Project Review for this project. Under the new MOU, many of the Tier II site assessment requirements are similar to the old MOU, however certain updates have been made, thus the DEIS should include those items such as using information from the Texas Conservation Action Plan (TCAP) and Ecological Mapping System of Texas (EMST).

Recommendation: TPWD recommends the DEIS be updated to reflect the new MOU, and an assessment using the EMST is recommended.

State Regulations

State-Listed Species

Section 68.015 of the Parks and Wildlife Code regulates state-listed species. Please note that there is no provision for take (incidental or otherwise) of state-listed species. The *TPWD Guidelines for Protection of State-Listed Species* includes a list of penalties for take of state-listed species (http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/habitat_assessment/media/tpwd_statelisted_species.pdf). 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. For the above-listed activities that involve aquatic species please contact the TPWD Kills and Spills Team (KAST) for the appropriate authorization. For more information on Wildlife Permits please visit http://www.tpwd.state.tx.us/business/permits/land/wildlife/research/. For more information on KAST please visit

http://www.tpwd.state.tx.us/landwater/water/environconcerns/kills_and_spills/regions/.

The DEIS Sections III.G.5.a and IV.G.4.b indicate that habitat for nine state-listed threatened species occurs in the project area for both build alternatives. The project indicates that individuals may be impacted, but that the project is not likely to negatively impact these species. The DEIS indicates that if impacts occurred, they would be very localized and have barely perceptible consequences to the species habitat and that sufficient habitat would remain functional to maintain viability of all species.

Because state-listed are rare and possibly declining in the project area, loss of individuals could affect local populations. The TxDOT-TPWD Programmatic Agreement (PA) for Best Management Practices (BMPs) for Species under the 2013 MOU provides BMPs to minimize potential impacts to state-listed species and Species of Greatest Conservation Need (SGCN). Although the PA BMPs are meant to aid in reducing the coordination efforts between TPWD and TxDOT, applying the PA BMPs to project activities also minimizes a project's potential impacts to rare species. Even when coordination under the MOU is still necessary, TPWD encourages use of the PA BMPs for minimizing potential impacts to state-listed and SGCN species.

> **Recommendation:** TPWD recommends the EIS include a commitment from TxDOT to utilize the PA BMPs for the nine state-listed species that are identified in the DEIS Section IV.G.4.b as potentially being impacted by the project. Please note it is the responsibility of the project proponent to comply with all federal, state, and local laws that protect fish and wildlife, and direct take of a state-listed species as a result of the project would be in violation of state law. Applying the PA BMPs would aid in reducing such risk.

Aquatic Resources

TPW Code Section 1.011 grants TPWD authority to regulate and conserve aquatic animal life of public waters. Title 31, Chapter 57, Subchapter B, Section 57.157 of Texas Administrative Code (TAC) regulates take of mussels which are not limited to state-listed mussels. Section 12.301 of TPW Code identifies liability for wildlife taken in violation of TPW Code or a regulation adopted under TPW Code.

> **Recommendation:** TPWD recommends that impact avoidance measures for aquatic organisms, including **all** native freshwater mussel species, regardless of state-listing status, be considered during project planning and construction activities.

Streams and their wooded riparian buffer areas generally provide travel corridors for wildlife. Where roadways cross streams, the stream and its adjacent riparian corridor become fragmented through the removal of habitat within and along the

stream and through the creation of barriers to aquatic and terrestrial wildlife migration along the stream system. Constructing bridges that span creeks and their associated floodplains can reduce stream and riparian impacts and allow for passage of aquatic organisms and wildlife. The use of culverts or pipes disrupts stream beds and creates limitations for the movement of aquatic wildlife within the stream system, especially during low-flow conditions. The addition of riprap for erosion control in or along streams amplifies the limitations for wildlife. Additionally, terrestrial species may utilize culverts or bridge spans to cross beneath roadways if adequate space is provided both horizontally and vertically.

The DEIS did not identify the type of structure or the designs/plan for potential stream and wetland crossings associated with each build alternative.

Recommendation: TPWD recommends the EIS identify the feasibility of installing bridge spans rather than culverts to minimize impacts to stream characteristics and to allow for adequate upstream/downstream migration of aquatic and terrestrial species, where feasible. If culverts, rather than bridge spans, are necessary at some crossings, TPWD recommends they be placed so that the upstream and downstream floor of the culvert matches the existing flowline of the stream. Additionally, TPWD recommends that culvert profiles mimic the current channel by providing a deeper low-flow channel because the wide, flat bottom of a square culvert spreads out the flow, creating a shallower water depth which may prevent passage of aquatic organisms. Arch, bottomless culvert designs should also be considered to reduce impacts to aquatic resources.

Recommendation: TPWD recommends that bridge spans and culverts include a design that provides adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road. TPWD recommends a wide enough span to cross the stream and allow for some dry ground or an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife.

Recommendation: When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation. As an alternative to riprap, TPWD recommends considering biotechnical streambank stabilization methods using live native vegetation or a combination of vegetative and structural materials.

Under TPW Code Section 12.015, 12.019, 66.015 and TAC 52.101-52.105, 52.202, and 57.251-57.259, TPWD regulates the introduction and stocking of fish, shellfish, and aquatic plants into public waters of the state. The *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* allows for movement (i.e., introduction, stocking, transplant, relocation) of aquatic species in waters of the state. Movement of aquatic species, even within the same river or

estuary, has potential natural resources risk (e.g., exotics, timing for successful survival). Therefore, a permit is required to minimize that risk.

Dewatering activities can impact aquatic resources through stranding fish and mussels. Other harmful construction activities can trample, dredge or fill areas exhibiting stationary aquatic resources such as plants and mussels. To avoid or reduce impacts, TPWD may require relocating aquatic life to an area of suitable habitat outside the project footprint. Relocation activities are done under the authority of a TPWD *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.* Information regarding this permit can be obtained at http://www.tpwd.state.tx.us/publications/fishboat/forms/. Aquatic Resource Relocation Plans are used to plan resource handling activities and assist in the permitting process. If dewatering activities and other project-related activities cause mortality to fish and wildlife species, then the responsible party would be subject to investigation by the TPWD Kills and Spills Team (KAST) and will be liable for the value of the lost resources under the authority of TPW Code Sections 12.0011 (b) (1) and 12.301.

The DEIS Section IV.G.2.b indicates that temporary and/or permanent fill to waters of the U.S. may occur and that crossings may be bridged and/or culverted. Although the DEIS indicates that most aquatic resources that may occur in the project streams would be able to temporarily relocate upstream or downstream during construction, the DEIS did not identify that mussels potentially occurring in the project area are essentially immobile, thus temporary and/or permanent fills or dewatering could impact mussels, where they occur.

> **Recommendation:** If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities are involved, then TPWD may require relocating potentially impacted native aquatic resources (i.e. fish, turtles, mussels) in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* and an Aquatic Resource Relocation Plan. Aquatic Resource Relocation Plans can be submitted to Greg Conley, TPWD Region 2 KAST at 903-566-2518 or greg.conley@tpwd.texas.gov to initiate coordination for a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.*

Intermittent streams and smaller perennial streams provide important habitat for fish by providing spawning and nursery habitat as well as providing invertebrate, detritus, and other organic matter to downstream food webs. Fish also serve as hosts for mussel larvae and are essential in the mussel life cycle. Because the waters of the project area may provide important fish habitat, avoiding impacts to stream habitat, fish, mussels and other aquatic life during construction is encouraged.

> **Recommendation:** To minimize disturbance to streams and to minimize impacts to aquatic life, TPWD recommends allowing personnel and equipment to enter streams only when essential to the work being done.

Because work would be conducted within riparian areas, only vegetation impeding construction should be removed, equipment should not be driven over vegetation when it is extremely wet, and heavy machinery should not be stored on vegetative cover for long periods of time. Protective mats should be utilized during construction to reduce the amount of soil and root disturbance and aid in the recovery of plants.

State Fish and Wildlife Resources

Texas Natural Diversity Database

The Texas Natural Diversity Database (TXNDD) is intended to assist users in avoiding harm to known locations of rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive, **cannot be used as presence/absence data, and cannot be substituted for on-the-ground surveys.** The TXNDD is updated continuously based on new, updated and undigitized records; for questions regarding a record, please contact txndd@tpwd.texas.gov.

The DEIS includes a June 8, 2009, review of the TXNDD. Because it has been approximately 4 years since TxDOT obtained TXNDD data for this project, TPWD has checked the TXNDD to see if any additional data has been mapped within the project area. No new occurrences have been recorded in the TXNDD within 1.5 miles of the project at the time of this review.

Rough-stem Aster

The DEIS Section III.G.5.a correctly states that a known TXNDD record of the Rough-stem aster (*Symphyotrichum puniceum var. scabricaule*), a SGCN, occurs within 0.8 miles of the proposed project. The DEIS indicates that suitable habitat for the Rough-stem aster occurs within the project area, but that no specimens were observed during field investigations. However, the DEIS does not indicate when field investigations occur. Photos of the project area in Appendix B indicate site assessments occurred in winter when deciduous vegetation was void of leaves. The wetland determination forms from Appendix C indicate field investigations occurred in January and February.

The Rough-stem aster flowers late September through early November, with peak flowering during the month of October. TPWD believes that detection of the Rough-stem aster in the project area would be most effective if investigations took place during the peak of its flowering season. Surveys in late winter are not

adequate for this species. The Rough-stem aster is ranked S2, which denotes that 6-20 occurrences are known in Texas and that the species is imperiled in the state because of rarity and it is very vulnerable to extirpation from the state. Because of the rarity of the species, sufficient investigation as to whether the species occurs in the project area should be conducted. Alternatives D and G both contain potential habitat for the Rough-stem aster.

> **Recommendation:** TPWD strongly recommends the EIS include a TxDOT commit to provide adequate pre-construction surveys for the Rough-stem aster. Surveys should be conducted by qualified individuals during the flowering season and in areas of suitable habitat where temporary or permanent impacts may occur as a result of any of the build alternatives. If the species is detected, please coordinate with TPWD to determine potential protection or mitigation actions.

The DEIS Section VII.B.1 addresses potential mitigation for impacts to locally rare or unique habitats, however the DEIS indicates that no locally rare, unique or important habitats occur in the project area. If results of adequate surveys for Rough-stem aster reveal occurrences within the project's area of impact, then locally rare and unique resources would be present within the project area.

> **Recommendation:** TPWD strongly recommends the EIS include a TxDOT commit to provide mitigation measures if Rough-stem aster is detected during surveys and where impacts cannot be avoided.

Species of Greatest Conservation Need

In addition to federal- and state-threatened and endangered species, Texas contains over 1,300 species that are considered to be SCGN that, due to limited distributions and/or declining populations, face threat of extirpation or extinction but lack the legal protections given to threatened or endangered species. Information regarding SGCN as taken from the TCAP can be obtained at http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/texas_rare_species/sgcn/. TPWD actively promotes conservation of special landscape features, natural plant communities, and SGCN. TPWD considers it important to evaluate and if necessary, minimize impacts to special landscape features, natural plant communities, and SGCN to reduce the likelihood of endangerment.

SGCN shown on the TPWD County Lists of Rare Species are to be assessed for impacts under the new MOU. The DEIS Sections III.G.5.a and IV.G.4.b includes SGCN and indicate that habitat for thirteen SGCN occurs in the project area for both build alternatives. The project indicates that individuals may be impacted, but that the project is not likely to negatively impact these species.

Because SGCN species are rare and possibly declining in the project area, loss to individuals could affect local populations of the species.

Recommendation: As previously discussed in the *State-listed Species* section above and to minimize the project's potential impacts, TPWD recommends the EIS include a commitment from TxDOT to utilize the PA BMPs for thirteen SGCN that are identified in the DEIS Section IV.G.4.b as potentially being impacted by the project.

The Executive Summary for impacts to ecological resources does not include the potential impact to thirteen SGCN as a result of the build alternatives. The Executive Summary also indicates that impacts to the landscape would be reduced wherever possible through the maintenance of vegetation within the proposed ROW. TPWD does not understand the meaning of this statement because typically maintenance of the ROW involves mowing that reduces habitat available for wildlife.

Recommendation: TPWD recommends the Executive Summary include potential impacts to thirteen SGCN and clarification of the statement regarding maintenance of the ROW.

Riparian Vegetation

In addition to loss of riparian habitat, linear transportation projects fragment stream ecosystems including riparian corridors along streams. Riparian areas provide important ecological functions. Riparian vegetation serves as an energy source for aquatic organisms while providing habitat for terrestrial wildlife species. Trees provide shade and prevent wide fluctuations in water temperature, protecting aquatic wildlife from the harmful effects of climatic extremes. The stems and roots of riparian vegetation stabilize soil by reducing water velocity and minimizing erosion.

The project will impact approximate 5.77 acres of riparian vegetation (Alternative G) and 8.08 acres riparian vegetation (Alternative D). This amount exceeds the new MOU trigger of 0.10 acre. The DEIS Section VII.B.1 indicates that compensatory mitigation for loss to riparian habitat would not be offered because riparian habitat extends outside the project area and would not be considered locally rare or unique.

TPWD considers the project's 5.77 to 8.08 acres of loss to riparian vegetation a considerable amount of loss to important ecological habitat.

Recommendation: Because the project will greatly exceed the riparian impact trigger of the new MOU, TPWD recommends the EIS include a commitment from TxDOT to provide compensatory mitigation for loss of riparian habitat at a 1:1 minimum ratio. Such mitigation could occur as in-lieu fee to TPWD for use towards a habitat restoration or conservation project. Aggregating in-lieu mitigation from multiple TxDOT projects toward a more meaningful habitat improvement project is acceptable.

TPWD Conclusion

Based on the information presented in the DEIS, TPWD does not anticipate that adverse impacts to fish and wildlife resource would be of enough significance to eliminate either of the build alternatives from consideration; however, TPWD strongly encourages implementation of the recommendations presented in this review to reduce potential adverse impacts to fish and wildlife resources. Thus TPWD has no objection to the No Build alternative and finds build alternatives D or G acceptable. Because lack of direct access lessens the amount of development along roadways which also reduces impacts to fish and wildlife habitat, TPWD supports the proposed full control-of-access for the project.

I appreciate the opportunity to provide input on the proposed project. Please contact me at (903) 322-5001 or Karen.Hardin@tpwd.texas.gov if you have any questions.

Sincerely,

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/32103

Jay Tullos

From: Howard Beggs <hdbeggs@att.net>
Sent: Sunday, December 29, 2013 1:14 PM
To: TYL_LindaleRelieverRoute
Subject: Hardships caused by the RMA

Gentlemen:

I am a landowner whose property apparently lies in the proposed path of the Lindale Reliever Route extension of Loop 49. The purpose of this letter is to give you a concrete example of the hardships you are imposing on people in my position by refusing to specify a final location of the right-of-way.

My partner and I are in the business of developing residential subdivisions in the Lindale area. We have successfully developed the Meadow Crest Subdivision, which contains 26 lots and is located on FM 16, two miles west of Lindale. We also own a 155 acre tract that is adjacent to this subdivision and contains a 40 acre lake. We were in the process of developing the 155 acre tract to contain about 155 lots, when it came to our attention that one of the possible routes of the reliever route passed through the east end of this property.

We had already progressed to the point of spending a considerable amount of money having the property surveyed and platted, and obtaining preliminary approval from the County to proceed with the development. However, the next stage, which consisted of constructing streets and a water distribution system, would require a considerable expenditure, and therefore we sought outside financing. Due to the fact that the final route of the reliever route was not specified, we were unable to obtain this financing. If the final location of the right-of-way had been specified, we could have altered our plans and worked around the reliever route location. As both TxDOT and the NET RMA have refused to do this, you are costing me several million dollars.

To put this in perspective, I invite you to refer to page 312, or Plate 5, in the EIS that you have published. From this plate, you will see that the latest proposed route will eliminate approximately 50 of the proposed 155 lots, for which I will expect to be compensated.

This is just one example of the type of problem you are causing by keeping the landowners in the possible paths of the highway in limbo. I urge you to please specify a definate and final route as soon as possible.

Dr. Howard Beggs
AKA: H. Dale Beggs
16539 FM 16 W
Lindale, TX, 75771
903 312 8420

Jay Tullos

From: Lisa LaRue-Baker - UKB THPO <ukbthpo-larue@yahoo.com>
Sent: Thursday, January 02, 2014 1:08 PM
To: TYL_LindaleRelieverRoute
Cc: verna; Ernestine Berry
Subject: US 69/Loop 49 North Lindale Reliever Route, Smith County, TX, CSJ: 0190-04-033

The United Keetoowah Band of Cherokee Indians in Oklahoma has reviewed your project under Section 106 of the NHPA. At this time, we have no comments or concerns. However, if any human remains are inadvertently discovered, please cease all work and contact us immediately.

Here's hoping you have a wonderful 2014!!

Lisa C. Baker
Acting THPO
United Keetoowah Band of Cherokee Indians in Oklahoma
PO Box 746
Tahlequah, OK 74465

c 918.822.1952
ukbthpo-larue@yahoo.com

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Please FOLLOW our historic preservation page and LIKE us on FACEBOOK

Jay Tullos

From: Garrett@texasrp.com
Sent: Tuesday, January 07, 2014 2:58 PM
To: TYL_LindaleRelieverRoute
Subject: TxDOT Internet E-Mail

Name: Mr. Garrett Henderson<Garrett@texasrp.com> Requested Contact Method: Email

Reason for Contact: Customer Service
Complaint: No

Comment: I am looking for information on the US 69/LOOP 49 Lindale Reliever. I am just wanting some basic information as to when the project plans to let, is it funded, date of acquisition of ROW, which route it will take, who is doing the project etc.

Mea Interest, Inc. dba
Mea Nursery

P. O. Box 668
Lindale, Texas 75771-0668
(903) 882-7541

January 9, 2014

Texas Department of Transportation
2709 West Front Street
Tyler, Texas 75702
Attention: Lindale Reliever Route Project Manager

Re: Lindale Reliever Route Project

Ladies and Gentlemen:

The Mea family supports infrastructure and economic development but we also believe that government should not unnecessarily trample on private property rights and small business. The Meas seek a meaningful dialogue with TxDoT and the Regional Mobility Authority to create a win/win path forward to at least mitigate the negative impact of the Lindale Reliever Route on our family business. We work hard to be successful in an environment where we fiercely compete for business with large international organizations. This project is more than government taking land—it is about the disruption of a family business where operational inefficiencies created by the proposed route threaten its viability.

Background:

The Mea Family began purchasing land in the 1960's with the intent to develop it for both agricultural use and residential development. The first parcel of land was purchased by the Mea Family with subsequent tracts being purchased until as recently as the late 90's. Today the Mea Family property consists of approximately 500 contiguous acres. Substantial value has been created by blocking up the property and making it suitable for residential development, commercial, and horticultural operations.

Concerns:

- The Lindale Reliever Route will eliminate direct access to the irrigation pond that services Mea Nursery.
- The Reliever Route will run through the middle of the Mea property. Obviously, the property will be divided by the Reliever Route preventing the development of the property as a whole. This will diminish the value of the land for residential development as only a portion of the original tract will be available.
- The Reliever Route will physically subdivide the Mea property blocking direct access from one side to the other.
- The land on the west side of the route will diminish in value as it will be too small for development.
- The Reliever Route runs through the "high" ground of the property which is the prime spot for residential lots making it less attractive for potential lot and home buyers.
- The Reliever Route runs through Mea Nursery's commercial and horticultural operation.
- A winery and vineyard planted by the Mea Family will be materially impacted.
- The value of the Mea Family home will be negatively impacted by the construction of the Reliever Route and the proximity to the house.

Proposed Solutions:

- By moving part of the Reliever Route by approximately 1000 feet to the West several of our concerns can be addressed.
- A plan be developed where we could enter at or near the designated controlled access point from the Mea property.
- An additional access point between I20 and Hwy 69 be identified, perhaps on and off access to CR 431, which would benefit everyone, including the City of Lindale, by allowing circulation to the whole area.

To summarize, the Lindale Reliever Route will materially diminish the value of the Mea Property; but, more importantly, it will place unnecessary hardships on Mea Nursery that threaten its viability as an ongoing business. Your consideration of our concerns is appreciated. Thank you for your service to our great State.

Best regards,

Joe Mea

Joe Mea
Mea Nursery

Public Hearing Comment Form
US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

Texas Department of Transportation

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale
Smith County
Thursday, January 9, 2014

This form is provided to receive your comments regarding the proposed project. Please use the space provided below attaching additional pages as necessary. Either deposit the form in the comment box tonight or mail it to the address provided. You may also email comments to the address provided below. **Comments must be received or postmarked by January 20, 2014.**

(PLEASE PRINT)

NAME: Chris Banks

ADDRESS: Box 2613 Lindale 75771

I am primarily interested in the project from the standpoint of a:

☒ Residential Property Owner or Renter ☒ Business Property Owner or Renter

☐ Roadway User ☐ Other _____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

☐ I am employed by TxDOT

☐ I do business with TxDOT

☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS: after ~~[illegible]~~ listening to comments from residence the one common statement is that they all use the toll road that exists. Other land owners sacrificed their property for their use. I hear some complain about costs. Well Its cheaper + safer than the time it takes to go thru Tyler. I wonder what Lindale would look like if it stayed with a 2 lane Hwy 69?? I bet their would be more people there in support, probably hundreds. We need the Relief Route Now.

Please No Bicycles

Mark

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

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(PLEASE PRINT)

NAME: Fairway Ranches Ltd. & Fair Investments, Ltd.

ADDRESS: P.O. Box 1024, Tyler, Texas 75710

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- ☑ Business Property Owner or Renter
- ☑ Roadway User
- ☐ Other_____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☑ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS: We are in favor of the project moving forward. We note that the exhibits shown at the 1/9/14 public hearings do not depict the "Access Points" agreed to in our conveyance to NETRMA.

Thank you!

Bob Garrett, President Fair Management, L.C. General Partner

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

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(PLEASE PRINT)

NAME: MR. D. M. EDWARDS

ADDRESS: 3600 JILL CIRCLE TYLER, TEXAS 75701

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- XXX ☐ Business Property Owner or Renter
- ☐ Roadway User
- ☐ Other _____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS:

Iwrite in support of the Lindale Relief Project as a board member and treasurer of Timberline Baptist Camp & Conference Center on Mt. Sylvan Road (also FM-849). Our board of trustees and camp staff recognize the importance of this project and are willing to work with TXDOT and the City of Lindale on this. Please keep us apprised on the project.

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

Had another committment this evening. Came, signed in, and left his card, saying he approved of the project. CE

Edwards Investments
Tyler • Houston • Odessa • Shreveport, La.

D. M. Edwards – Chairman & CEO
3600 Jill Circle – Tyler, TX 75701- 8619
P. O. Drawer 929 – Tyler, TX 75710

903-592-3724 – Office ■ 903-592-3723 – Fax
Nationwide Toll-Free: 1-866-937-1234
E-Address: dme9540@aol.com

Wanted to be added as contact & to mailing list for Timberline.

CC

Timberline Baptist Camp
15363 FM 849
Lindale, TX 75771

Office #
903 882 3183

Admin Doug Crawford 903 570 45[redacted]47

Assist Keath Lattery 903 343 5910

Public Hearing Comment Form
US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

Texas Department of Transportation

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(PLEASE PRINT)

NAME: Joe Fauss

ADDRESS: P.O. Box 100 Lindale

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- ☑ Business Property Owner or Renter
- ☐ Roadway User
- ☐ Other _____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS: Calvary Commission

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

Public Hearing Comment Form
US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

Texas Department of Transportation

From: LP 49 West at IH 20 southwest of Lindale
To: US 69 north of Lindale
Smith County
Thursday, January 9, 2014

This form is provided to receive your comments regarding the proposed project. Please use the space provided below attaching additional pages as necessary. Either deposit the form in the comment box tonight or mail it to the address provided. You may also email comments to the address provided below. **Comments must be received or postmarked by January 20, 2014.**

(PLEASE PRINT)

NAME: GARY D. JACKSON AC903/882-8866

ADDRESS: P.O. Box 1210 Lindale Texas 75771

I am primarily interested in the project from the standpoint of a:

- ☑ Residential Property Owner or Renter
- ☑ Business Property Owner or Renter
- ☑ Roadway User
- ☑ Other Improve Transportation for All users

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS:

Good visual presentation of planned extension of Loop 49. Urge completion as soon as possible.

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

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(PLEASE PRINT)

NAME: Derrell Cooper

ADDRESS: 602 Golden Rd apt 228 Tyler 75701

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- ☐ Business Property Owner or Renter
- ☑ Roadway User
- ☐ Other Friends

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS:

I support this loop greatly
Derrell Cooper

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
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(PLEASE PRINT)

NAME: Chris Banks

ADDRESS: Box 2613 Lindale

I am primarily interested in the project from the standpoint of a:

☒ Residential Property Owner or Renter ☒ Business Property Owner or Renter

☒ Roadway User ☐ Other_____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

☐ I am employed by TxDOT

☐ I do business with TxDOT

☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS: Please Build The Belief Loop and no bicycles

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
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(PLEASE PRINT)

3805 Silverwood Tyler, TX 75701

NAME: John Etheridge son and spokesman for James Etheridge

ADDRESS: 10706 Augusta Lane, Rowlett, TX, 75089

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- ☑ Business Property Owner or Renter
- ☐ Roadway User
- ☐ Other

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS:

Please contact me concerning all business + property acquisition. My phone # is 214-215-2958.

Question: Entire width of right of way cuts across my east boarder (525 feet). Can we split the difference with my nieghbor + move road east 250 feet.?

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

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(PLEASE PRINT)

NAME: Sandra Rowan

ADDRESS: PO Box 2397 Lindale 75771-2397

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- ☐ Business Property Owner or Renter
- ☑ Roadway User
- ☐ Other _____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS:

This loop would be of great benefit to many people. However, the route which has the least impact on existing home owners is always best.

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

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US 69/LP 49 NORTH LINDALE RELIEVER ROUTE

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(PLEASE PRINT)

NAME: Owen Scott

ADDRESS: P.O. Box 834 Lindale, TX 75771

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- ☐ Business Property Owner or Renter
- ☐ Roadway User
- ☒ Other City Manager

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS:

As ~~a~~ A citizen of Lindale, it feel it is imperative the relief rout is constructed ASAP to relieve the traffic on Hwy 69. I do not feel it will destroy the downtown development

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

Public Hearing Comment Form
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(PLEASE PRINT)

NAME: A.E. Shull

ADDRESS: P.O. Box 130365 Tyler, Tx. 75713

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- ☐ Business Property Owner or Renter
- ☒ Roadway User
- ☐ Other _____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☒ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS: I am contractor in Tyler. Many materials we use are shipped to use from OK. & KS. and come down Hwy 69. This project would allow 18 wheelers to miss Lindale and Tyler.

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

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(PLEASE PRINT)

NAME: Tom Mullins

ADDRESS: 8315 N. Broadway Ave, Tyler TX 75702

I am primarily interested in the project from the standpoint of a:

- ☐ Residential Property Owner or Renter
- ☒ Business Property Owner or Renter
- ☐ Roadway User
- ☐ Other _____

(Texas Transportation Code, §201.811(a)(5)): check each of the following boxes that apply to you:

- ☐ I am employed by TxDOT
- ☐ I do business with TxDOT
- ☐ I could benefit monetarily from the project or other item about which I am commenting

COMMENTS: I represent the Tyler Economic Development Council and we support the completion of Toll-49. It will help alleviate traffic congestion, improve safety and promote economic development.

Submit your comments by **January 20, 2014 to:**

Mr. Vernon Webb, P.E.
Director of Transportation Planning & Development
Texas Department of Transportation
2709 West Front Street
Tyler, TX 75702
Or email to TYL_LindaleRelieverRoute@txdot.gov

Jay Tullos

From:	Spencer, Stephen <stephen_spencer@ios.doi.gov>
Sent:	Thursday, January 09, 2014 10:39 AM
To:	TYL_LindaleRelieverRoute
Subject:	Department of the Interior Comments - Draft EIS for the US 69/Loop 49 North Lindale Reliever Route, Smith County, TX
Attachments:	ER13-705.pdf

Please find attached the Department of the Interior comment letter for the US 69/Loop 49 North Lindale Reliever Route, Smith County, TX. I would appreciate confirmation by return e-mail that this has been received. Thank you.

--

Stephen R. Spencer, PhD
Regional Environmental Officer
Office of Environmental Policy and Compliance
U.S. Department of the Interior
1001 Indian School Road NW, Suite 348
Albuquerque, NM 87104
Phone: (505) 563-3572 Fax: (505) 563-3066 Cell: (505) 249-2462
Stephen_Spencer@ios.doi.gov
Web Site: www.doi.gov/oepc/albuquerque.html

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1001 Indian School Road NW, Suite 348
Albuquerque, New Mexico 87104

TAKE PRIDE IN AMERICA

ER 13/705
File 9043.1

January 9, 2014

VIA ELECTRONIC MAIL ONLY

Texas Department of Transportation
Attention: Lindale Reliever Route Project Manager
2709 West Front Street
Tyler, TX 75702

Dear Sir/Madame:

The U.S. Department of the Interior has reviewed the Draft Environmental Impact Statement for the US 69/Loop 49 North Lindale Reliever Route, Smith County, Texas. In this regard, we have no comment.

Thank you for the opportunity to review this document.

Sincerely,

Stephen R. Spencer, Ph.D.
Regional Environmental Officer

Jay Tullos

From: Todd Richardson <todd@i20team.com>
Sent: Friday, January 10, 2014 1:30 PM
To: TYL_LindaleRelieverRoute
Subject: Loop 49 around Lindale

To Whom it May Concern; I hope the State will get this project started and completed asap. The Loop 49 going south is wonderful, saves time and gas for us going into Tyler. There is so much truck traffic on Hwy 69 in town the Reliever Route will make it safer for everyone. Thank you, Todd Richardson

--
Todd Richardson-Broker
I 20 Team Real Estate
17056 Interstate 20 West
Lindale, TX 75771
903-539-8898 cell
903-881-0500 office
903-882-7566 fax
i20team.com

Jay Tullos

From: Chris Banks <chrisbankstexas@gmail.com>
Sent: Saturday, January 11, 2014 6:27 AM
To: TYL_LindaleRelieverRoute
Subject: comment form from the public hearing
Attachments: toll road 001.jpg

Jay Tullos

From: tweedell@gmail.com on behalf of John Tweedell <patriotsamerican@gmail.com>
Sent: Tuesday, January 14, 2014 9:28 PM
To: TYL_LindaleRelieverRoute
Subject: The Lindale Reliever Route

My comments regarding the proposed Lindale Reliever Route are as follows:

1. No Smith County Citizens tax money should be spent on this project as the road will be turned over to non elected individuals.

2. The proposed route is so close to Lindale that I see no advantage to spending this Hugh sum of money.

3. I do not think this road if built should be tolled because if our gasoline tax money had not be diverted by the elected servants then the toll would not be needed. If this road is needed it should be built as we build other roads.

4. Emergency event if one occurred would affect two cities instead of one city. More people would be hurt or killed if some chemical was released into the air.

5. The cost is more that the value derived from it.

John Tweedell
903-882-3043
1606 Pineview Lane
Hideaway, TX 7577

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

January 15, 2014

Mr. Gregory Punske
District Engineer, District B (South)
Federal Highway Administration
Federal Office Building, Room 826
300 E. 8th Street
Austin, Texas 78701

Mr. Carlos Swonke
Director, Environmental Affairs Division
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701

Gentlemen:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) prepared by the Federal Highway Administration (FHWA), and the Texas Department of Transportation (TxDOT) for the US 69/Loop 49 North Lindale Reliever Route. The proposed action is intended to provide relief to the existing US 69 through the city of Lindale and extend a proposed toll facility (Loop 49 West) from IH 20 southwest of Lindale to US 69 north of Lindale.

EPA has rated the DEIS as **LO "Lack of Objections"**. The EPA's Rating System Criteria can be found here: http://www.epagov/oecaerth/nepa/comments/ratings.html.

EPA appreciates the opportunity to review the DEIS. Our classification will be published on the EPA website, http://www.epa.gov/compliance/nepa/eisdata.html, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. Please send our office one copy of the Final (FEIS). If you have any questions or concerns, please contact me at 214-665-8006 or Michael Jansky of my staff at jansky.michael@epa.gov or 214-665-7451 for assistance.

Sincerely,

Rhonda Smith
Chief, Office of Planning and
Coordination

Jay Tullos

From: Bill Cumbie <billcumbie@att.net>
Sent: Friday, January 17, 2014 3:45 PM
To: TYL_LindaleRelieverRoute
Cc: Bill Cumbie
Subject: Toll 49 Lindale Reliever Route

To Whom It May Concern,

I believe the reduction in traffic on US-69 through Lindale to be provided by the Toll 49 Lindale Reliever Route is being overstated. This is particularly true as regards the 18 wheel truck traffic. Primarily this is due to the proposal being for a toll road versus non- toll.

That said, I oppose Route Alternative D. Route Alternative G is acceptable.

Sincerely,

William Cumbie
Lindale, TX.

Jay Tullos

From: Carol Kehl <ckehl@suddenlink.net>
Sent: Sunday, January 19, 2014 4:46 PM
To: TYL_LindaleRelieverRoute
Subject: Response from Smith County Historical Commission

As a member of Smith County Historical Commission, I have read and studied those portions of the Draft Environmental Impact Statement for the Lindale Reliever Route for Loop 49 North that are subject to our interests---potential adverse effects of cultural resources. I contacted one of our Smith County Historical Society members who has lived for decades in Lindale and also Carolyn Caldwell, City Secretary of Lindale, for additional information. It appears that the mitigation activities already performed in the Area of Potential Effects and those that would be preformed, depending on which route is selected, satisfy legal requirements. Both Alternatives D and G seem to meet project needs and purposes, but G would be preferred by our Commission because the impact of known cultural resources in that area is less according to what is written in the impact statement.

Carol Kehl, member, Smith County Historical Commission

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APPENDIX F

RESPONSES TO GENERAL PUBLIC, ELECTED OFFICIAL, AND AGENCY COMMENTS

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Texas Department of Transportation®
DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

November 21, 2013

Ms. Lindsey Bilyeu
NHPA Section 106 Reviewer
Historic Preservation Department
Choctaw Nation of Oklahoma
Drawer 1210
Durant, OK 74702

RE: CSJ: 0190-04-033; US 69 Lindale Relief Route, Construct New Roadway, Summary of Archeological Consultation Correspondence Transmitted in March 2008 and February 2010; Smith County, Tyler District

Dear Ms. Bilyeu:

The above referenced transportation project is being considered for construction by the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT). Environmental studies are in the process of being conducted for this project. The purpose of this letter is to contact you in order to initiate Section 106 consultation with your Tribe pursuant to stipulations of the First Amended Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU). The project is located in an area that is of interest to your Tribe.

In response to your recent request, the following information comes directly from the National Historic Preservation Act (NHPA) Section 106 consultation letters transmitted in March 2008 and February 2010 for this project. Within the next several days, we will be also providing you with a draft report that addresses the National Register of Historic Places (NRHP) eligibility testing completed thus far. Right of entry issues for certain areas have delayed the completion of the remaining archeological survey and NRHP eligibility testing.

Section 106 Consultation Initiated March 4, 2008

On March 4, 2008, Section 106 consultation for this project was initiated. The following paragraphs provide project description information and proposed archeological investigation as presented in the initial consultation letter.

The proposed project would construct approximately 10 miles of new roadway for the US 69/Loop 49 Reliever Route west of the City of Lindale, in Smith County. The project location has been depicted on the attached map. A map of the state, depicting the location of Smith County, has also been attached. [PLEASE NOTE: The maps included from the initial consultation letter are not very clear. The map that shows Alternatives D and G is part of the enclosed Survey Report, Plate 1. This is a much better (color) copy.]

The proposed project would consist entirely of the construction of new roadway with no proposed widening of existing roadways. Two primary build alternatives (Alternatives D and G) have been selected for consideration. Alternatives D and G follow the same alignment for the southernmost 3.7 miles and then diverge at FM 16. The width of new right of way (ROW) required for roadway construction varies from very thin slivers at road spurs and crossings to nearly 800 feet in other locations. The average for the main travel lanes, however, is between 400 and 500 feet wide. Including all project-related spurs and ROW, the proposed undertaking has an Area of Potential Effects (APE) of approximately 423 acres for Alternative D and 450 acres for Alternative G. Approximately 279 acres of each alignment are located in the southern half of the project area where the two alignments follow the same corridor. As a result, the APE considered for archeological review is approximately 594 acres.

The proposed project area is in the East Texas Piney Woods and is drained by several well-developed creek systems associated with the Sabine and Neches River Basins. Land use within the APE consists mostly of agriculture, but includes some areas of urban development near project termini. The Geologic Atlas of Texas characterizes geologic deposits within the APE as Sparta Sand, Weches Formation, and Queen City Sand of Eocene age, as well as areas of Quaternary alluvium along major streams. As alluvial deposits that are geologically recent or Holocene in age formed after the accepted start of human occupation of the region, these areas have the highest potential for buried, intact archeological deposits. These areas are concentrated primarily along the Hubbard and Stevenson Branches of Duck Creek near the proposed route intersections with CR 431.

Review of the Texas Archeological Sites Atlas (Atlas) on January 31, 2008, shows one previously recorded archeological site within the proposed APE. Site 41SM201 was recorded as a potentially historic-age well and an isolated quartzite flake. No further work was recommended, and the site was subsequently destroyed. Three sites were located within a 1.0-kilometer (0.621-mile) radius of the proposed APE. These include site 41SM202, a surficial scatter of historic debris located southwest of 41SM201; site 41SM163, recorded in 1985 as a likely Caddo site as part of the Big Sandy Archeological Survey Project; and site 41SM50, a Frankston Phase Caddo site.

The proposed project is unlikely to affect any previously recorded archeological sites. However, the proposed project would impact a considerable area of previously undisturbed additional ROW. Therefore, TxDOT recommends that archeological field investigations of the proposed APE be carried out in order to evaluate the presence or absence of archeological historic properties (36 CFR 800.16(l)(1)) within the proposed APE.

Section 106 Continuing Consultation on February 26, 2010

In February 2010, TxDOT continued NHPA Section 106 consultation with correspondence that included transmittal of the survey report completed at that time on the areas and sites available for evaluation. The following paragraphs provide project description information, results of archeological investigations completed by that date, and proposed work still required to complete the archeology obligations for this project as presented in the continuing consultation letter.

Section 106 consultation was initiated by correspondence dated March 4, 2008. At that time, TxDOT recommended archeological field investigations because of the considerable area of previously undisturbed additional right of way (ROW) required for the proposed project. This letter will continue consultation for that project and provide the results of field investigations conducted to date and recommendations for further work. A map of the state is enclosed that identifies the location of Smith County.

The proposed project would construct approximately 10 miles of new roadway for the US 69/Loop 49 Reliever Route west of the City of Lindale, in Smith County. The proposed project would consist entirely of the construction of new roadway with no proposed widening of existing roadways. Two primary build alternatives (identified as Alternatives D and G) have been selected for consideration. Alternatives D and G follow the same alignment for the southernmost 3.7 miles and then diverge at FM 16. The width of ROW required for roadway construction varies from very thin slivers at road spurs and crossings to nearly 800 feet wide in other locations. The average for the main travel lanes, however, is between 400 and 500 feet wide. Depth of impact would be approximately 10 feet. Including all project-related spurs and ROW, the proposed undertaking has an area of potential effects (APE) of approximately 425.8 acres for Alternative D and 446.8 acres for Alternative G. Approximately 247 acres of each alignment are located in the southern half of the project area where the two alignments follow the same corridor. As a result, the APE considered for archeological review is approximately 594.1 acres.

The TxDOT Tyler District contracted with Hicks and Company (Hicks) to conduct an intensive archeological survey of the APE. The pedestrian survey took place February 5 to 14, 2008; and the investigation with mechanical trenching took place August 5 to 6, 2008, under Antiquities Permit # 4796. Right of entry (ROE) was obtained for approximately 75 percent of the total APE currently under private ownership. ROE for Alternative D included 289.0 acres and Alternative G included 330.6 acres for a total of 447.5 acres surveyed (both alternatives share 172.1 acres). In addition, the survey included the publicly owned property in the APE, consisting of current highway ROW that would be intersected by the proposed highway.

The draft report (*Intensive Archeological Survey of Portions of the Proposed US 69/LP 49 North Lindale Relief Route Smith County, Texas [Tyler District: CSJ 0190-04-033])* by John A. Campbell, Matthew C. Stotts, and Mason D. Miller (Principle Investigator) was submitted recently to TxDOT. A copy of the report for your review accompanies this letter.

Hicks identified and recorded nine new archeological sites (41SM388, 41SM389, 41SM390, 41SM391, 41SM392, 41SM393, 41SM394, 41SM395, and 41SM396) and revisited one

previously recorded site (41SM201) during the survey. The archeological sites located within the APE were surveyed and assessed for National Register of Historic Places (NRHP) and State Archeological Landmark (SAL) eligibility. The following summarizes the results of the findings. The summaries will contain recommendations for further work, if required.

Site 41SM201: The site is a late 19th or early 20th century historic residence and consists of a collapsed well and a scatter of historic material. Artifacts included three cut nails and clear, brown, and occasional blue and milk color glass sherds. Artifacts were recovered from the surface to 80 centimeters below surface (31.5 inches). The portion of the site in the proposed ROW measures 100 meters by 60 meters (328.0 feet by 196.9 feet). Archival research was inconclusive for occupants that may have lived at this location. No further investigation is recommended.

Site 41SM388: This is a prehistoric site located on a toe slope overlooking the Davis Branch. Site artifacts included ceramic sherds and lithic debitage. The sherds were both decorated and undecorated with grog temper. Artifacts were located between 5 to 40 centimeters below surface (2.0 to 15.7 inches). The portion of the site in the proposed ROW measures 50 meters by 40 meters (164.0 by 131.2 feet). The site is believed to have a Caddo component due to the 5-millimeter (0.2-inch) thick prehistoric ceramic sherds. NRHP and SAL eligibility testing is recommended.

Site 41SM389: The site is an early 20th century historic residence and consists of a two slight rises adjacent to one another in an open field. Features noted are a possible water well and a depression that maybe the remnants of a root cellar. Artifacts included wire nails, clear glass fragments, brick fragments, metal bolts, iron plates, gate hinge, milled lumber, and a U.S. Army bridle medallion. Artifacts were recovered from the surface to 1.0 meter below surface (3.3 feet). The portion of the site in the proposed ROW measures 40 meters by 50 meters (131.2 feet by 164.0 feet). Archival research was inconclusive for occupants that may have lived at this location. No further investigation is recommended.

Site 41SM390: This site is a partly collapsed early 20th century small house constructed by pier and beam and milled lumber and is likely a share cropper tenant dwelling. The site is located in an open hay field on a broad upland ridge. A water well made of manufactured bricks, with the year 1930 inscribed in the concrete binding the bricks together, was observed. The residence appears to have two main rooms with an additional two room lean-to attached. Artifacts included wire, cut nails, fence staples, fragments of clear, brown, pink, aqua glass, stoneware, brick, plastic cutlery handle, metal fragments, and milled lumber. Artifacts were recovered from the surface to 60 centimeters below surface (23.6 inches). The portion of the site in the proposed ROW measures 22 meters by 16 meters (72.2 feet by 52.5 feet). Archival research was inconclusive for occupants that may have lived at this location. No further investigation is recommended.

Site 41SM391: The site is an early 20th century historic residence located on a sloping edge of an upland ridge that overlooks the floodplain of Stevenson Branch and Duck Creek. The site consisted of a rectangular concrete house foundation tempered with Corsicana Brick fragments, a brick pile and a scatter of historic artifacts such as a wire nail, whiteware sherds, window glass

sherds, clear glass sherds (including a likely light bulb glass fragment). It was noted that there were non-native pockets of lily, iris, and daffodil flowers growing near the foundation. The current landowner believed the foundation was a tenant farmer's house from the early 1900s. The scatter of artifacts, including the Corsicana Bricks (production started in the late 19th or early 20 century and ended approximately in 1926), support this date. Artifacts were recovered from the surface to 30 centimeters below surface (11.8 inches). The portion of the site in the proposed ROW measures 30 meters by 20 meters (98.4 feet by 65.6 feet). Archival research was inconclusive for occupants that may have lived at this location. No further investigation is recommended.

Site 41SM392: The site is an early 20th century low density scatter on a high upland ridge overlooking Hubbard Branch. Artifacts consisted of clear and brown glass sherds, whiteware sherds, an arsenic bleached glass stopper, wire nails, whiteware, metal staples, iron plow blade, metal barrel hoops, metal fragments, and remnants of chicken and barbed wire fencing grown into old growth oak trees. All artifacts appear to date to the 20th century. Due to the scarcity of domestic artifacts, limited permanent features and distance from a water source, this site may have served as a temporary logging or agricultural camp. Artifacts were recovered from the surface to 20 centimeters below surface (7.9 inches). Three large push piles indicated modern disturbance to the site. The portion of the site in the proposed ROW measures 50 meters by 50 meters (164 feet by 164 feet). Archival research was inconclusive for the use of this location. No further investigation is recommended.

Site 41SM393: This site is a prehistoric site located on an upland terrace that overlooks Stevenson Branch. Site artifacts included ceramic sherds and lithic debitage. Artifacts were located between 5 to 50 centimeters below surface (2.0 to 19.7 inches) with most of the artifacts recorded between 5 to 30 centimeters below surface (2.0 to 11.8 inches). The ceramics were all undecorated, brown paste, 1.0-centimeter (0.4-inch) thick body sherds and grog tempered. The portion of the site in the proposed ROW measures 60 meters by 40 meters (196.9 feet by 131.2 feet). The site is believed to have a Woodland or Caddo component due to the prehistoric ceramics. NRHP and SAL eligibility testing is recommended.

Site 41SM394: This site is a large open prehistoric camp site located on an upland ridge between unnamed drainages. Site artifacts included a lithic bifaces fragment, uniface, debitage and possible fire cracked rock. Artifacts were located between the surface to 60 centimeters below surface (23.6 inches). The portion of the site in the proposed ROW measures 250 meters by 100 meters (820.2 feet by 328.0 feet). The site is believed to be an Archaic site due to the lack of prehistoric ceramics. NRHP and SAL eligibility testing is recommended.

Site 41SM395: This site is a small open prehistoric camp site located on a slight knoll overlooking an unnamed creek. Site artifacts included lithic debitage and small charcoal flakes. Artifacts were deeply buried between 40 to 100 centimeters below surface to (15.7 to 39.4 inches) (shovel testing was terminated due to depth). The portion of the site in the proposed ROW measures 80 meters by 60 meters (262.5 feet by 196.9 feet). The site is believed to be an Archaic component due to the lack of prehistoric ceramics. NRHP and SAL eligibility testing is recommended.

Site 41SM396: The site is a 20th century cattle dipping tank or vat that was later determined to be outside the proposed ROW. The site consists of a single feature which is a concrete dipping tank for the purpose of eradicating the Texas Fever Disease carried by cattle ticks. The cattle dipping tank program was instituted by the Bureau of Animal Industry (BAI) and was in effect from 1906 to 1943. The site contained no artifacts, and there are no other structures or features associated with the site. The site has little archeological research potential and historical studies have already been published on this type of feature. Therefore, no further investigation is recommended.

During the examination of Segment 4, an area that appears as a rectangular rise on a prominent hilltop was shovel tested to evaluate it as the location of an additional archeological site. Two lithic flakes were identified on the surface, but the shovel tests produced no additional archeological materials. However, Hicks and TxDOT agree that additional investigation of this area is warranted.

TxDOT has reviewed the Hicks report and concurs with the recommendations. Therefore, TxDOT seeks the concurrence of your Tribe with the following:

1) That sites 41SM201, 41SM389, 41SM390, 41SM391, 41SM392, and 41SM396 do not meet the criteria (36 CFR 60.4) for inclusion in the NRHP or the criteria (13 TAC 26.8) for designation as a SAL, and no further research is warranted for these sites.

2) That testing is warranted on the portion of sites 41SM388, 41SM393, 41SM394, and 41SM395 in the proposed ROW to determine eligibility for inclusion in the NRHP and designation as a SAL

3) That additional field investigation is warranted for the rectangular rise in Segment 4.

4) That no archeological historic properties (36 CFR 800.16.(1)) or SALs (13 TAC 26.8) are present in the remainder of the surveyed portion of the APE.

5) That no further research is warranted for areas where access was denied but were clearly too disturbed to contain sites that meet the criteria (36 CFR 60.4) for inclusion in the NRHP or the criteria (13 TAC 26.8) for designation as a SAL.

6) That additional investigations are warranted in unsurveyed areas where access was denied that could not be determined to have modern disturbance.

According to our Programmatic Agreement under Section 106 of the National Historic Preservation Act, we are writing to request your comments on historic properties of cultural or religious significance to your Tribe that may be affected by the proposed undertaking. Any comments you may have on the TxDOT recommendation should also be provided. Please provide your comments within 30 days of receipt of this letter. Any comments provided after that time will be addressed to the fullest extent possible If you do not object that the provided recommendations are appropriate, please sign below to indicate your concurrence. In the event

that further investigations by our office disclose the presence of additional archeological deposits or NRHP/SAL eligible sites, we will contact your Tribe to continue consultation.

This completes the NHPA Section 106 consultation correspondence text for the letters transmitted to date for this project. As mentioned earlier, we are preparing to send a draft copy of NRHP eligibility testing results, for work completed thus far, to all Federally-recognized Tribes currently known to include Smith County, Texas, in their area of interest.

Thank you for your attention to this matter. If you have questions, please contact Waldo Troell (TxDOT Archeologist) at 512/416-2624 (email: Waldo.Troell@txdot.gov) or me at 512/416-2638 (email: Sharon.Dornheim@txdot.gov). When replying to this correspondence by US Mail, please ensure that the envelope address includes reference to the Archeological Studies Branch, Environmental Affairs Division.

Sincerely,

Sharon Dornheim

Sharon Dornheim
Staff Archeologist / Consultation Coordinator
Environmental Affairs Division

Attachments
- Maps from initial consultation letter (March 2008)
- Survey report provided with continuing consultation letter (February 2010)

cc w/o attachments:
Johnnie Jacobs, NHPA Section 106 Coordinator, Choctaw Nation of Oklahoma
Jay Tullos, TxDOT Tyler District Environmental Coordinator;
Bobby Jones, ENV-PD TxDOT;
Waldo Troell, ENV-ARCH TxDOT;
ENV-ARCH Project File / ENV-ARCH ECOS

Jay Tullos

From: Jay Tullos
Sent: Thursday, January 09, 2014 11:38 AM
To: Garrett@texasrp.com
Cc: Dale Booth
Subject: RE: TxDOT Internet E-Mail

Mr. Garrett:

The project is tentatively scheduled to let in the Fall of 2015 and would be funded through the Northeast Texas Regional Mobility authority (NETRMA) with numerous funding mechanisms. Right-of-way acquisition is tentatively scheduled to begin in the Spring of 2015 and the Draft Environmental Impact Statement has identified Alternative G as the Technically Preferred Alternative but it is not the officially selected alternative at this time. The NETRMA will be developing the project through right-of-way, construction, and operation after final environmental approval.

Thank you for your interest in this project.

-----Original Message-----
From: Garrett@texasrp.com [mailto:Garrett@texasrp.com]
Sent: Tuesday, January 07, 2014 2:58 PM
To: TYL_LindaleRelieverRoute
Subject: TxDOT Internet E-Mail

Name: Mr. Garrett Henderson<Garrett@texasrp.com> Requested Contact Method: Email

Reason for Contact: Customer Service
Complaint: No

Comment: I am looking for information on the US 69/LOOP 49 Lindale Reliever. I am just wanting some basic information as to when the project plans to let, is it funded, date of acquisition of ROW, which route it will take, who is doing the project etc.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Joe Mea
P.O. Box 668
Lindale, TX 75771

Dear Mr. Mea:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route.

You indicated several concerns that will affect the value of your land and improvements. We'll have to leave questions of valuations for the right-of-way purchase and remainders to the acquisition agents and appraisers. They are more competent to comment on these matters.

We can provide some response to the proposals you put forward:

1. "By moving part of the Reliever Route by approximately 1000 feet to the west, several of our concerns can be addressed".

TxDOT Response: We are unable to move the route 1000 feet to the west. We found Alternative G is the best alternative to accomplish the need and purpose for the project. Through our analysis to date, Alternative G in its present alignment represents the best balance for reducing and balancing impacts to the various resources we must consider during route selection.

2. "A plan be developed where we could enter at or near the designated controlled access point from the Mea property".

TxDOT Response: It may be possible to adjust the proposed south right-of-way line near CR 4118 to allow more of your property to have access to CR 4118.

3. "An additional access point between I20 and Hwy 69 be identified, perhaps on and off access to CR 431, which would benefit everyone, including the City of Lindale, by allowing circulation to the whole area".

TxDOT Response: We will be unable to provide additional access points to the Reliever Route because one of the main goals of the Reliever Route is to provide for free-flowing traffic along the route as is the case with the existing LP 49 facility to the south. Every additional interchange introduces traffic weaving and decreased mobility.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. John Tweedell
1606 Pineview Lane
Hideaway, TX 7577

Dear Mr. Tweedell:

Thank you for your comments on the US 69/Loop 49 North Lindale Relief route. We would like to take this opportunity to respond to your comments:

1. "No Smith County Citizens tax money should be spent on this project as the road will be turned over to non elected individuals".

TxDOT Response: Funding for this project as it goes forward will come from the Northeast Texas Regional Mobility Authority through their various funding mechanisms.

2. "The proposed route is so close to Lindale that I see no advantage to spending this huge sum of money".

TxDOT Response: The proposed project is meant to provide mobility to the areas around both Tyler and Lindale and reducing traffic congestion in both cities.

3. "I do not think this road if built should be tolled because if our gasoline tax money had not been diverted by the elected servants then the toll would not be needed. If this road is needed it should be built as we build other roads".

TxDOT Response: We are finding that whether because of gasoline tax diversions or otherwise, present funding for roadway improvements is not keeping pace with demand. This is one of the reasons the NETRMA will be taking over the project. They are able to use funding mechanisms that TxDOT is not able to pursue and hopefully complete the project in a timely manner.

4. "Emergency event if one occurred would affect two cities instead of one city. More people would be hurt or killed if some chemical was released into the air".

TxDOT Response: One of the goals of the project is to route trucks carrying hazardous materials away from more densely populated areas onto this route which is controlled access. Control of access to the Lindale Reliever Route will reduce the potential for traffic conflicts and thus, reduce the chance of accidents that may result in the potential release of airborne hazardous materials.

5. "The cost is more than the value derived from it".

TxDOT Response: We may never know how great the projects value may be; especially if one or more accidents are averted in the City of Lindale.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Robert Rozen
16445 FM 16 West
Lindale, TX 75771

Dear Mr. Rozen:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route.

We understand that monetary compensation cannot wholly compensate for properties that have been owned by a family for many years. Although by law we cannot wholly compensate for emotional attachment, we are required by law, and make every effort to give fair market value for properties and improvements during the right-of-way acquisition process.

The negative effect of the Reliever Route on businesses should be negligible. Traffic theory holds that through traffic will use the Reliever Route and traffic that has a destination in Lindale will still be using US 69 through Lindale. Traffic studies show US 69 with traffic growth. It is, however, manageable with the Reliever Route in place.

We share your frustration with the length of time it has taken to get to this point with the project. Toll 49 south of I-20 has been a separate project from the Lindale Reliever Route and has proceeded on a different schedule. There have been several issues with the Lindale Reliever Route that have affected the schedule that have been out of our control. The Public Hearing Process is one of the last tasks for the environmental process and we hope that things will speed up once this task is completed.

Concerning your comments on warranty work on FM 16 and Toll 49, I believe you were able to talk to Randy Hopmann after the hearing concerning the FM 16 project and the RMA is still in the process of doing warranty work on Toll 49 south of I-20.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Bobby McClenny
706 North Georgia
Lindale, TX 75771

Dear Mr. McClenny:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route and your support of the project through the many years of development.

We hope to further advance this project once the Public Hearing process is completed and the Environmental Process is approved.

Right-of-way appraisal and acquisition will be accomplished by the NET RMA, after environmental approval.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Joe Fauss
Calvary Commission
P.O. Box 100
Lindale, TX 75771

Dear Mr. Fauss:

Thanks for your comment at the Lindale Reliever Hearing January 9, 2014.

We note your reminder that the Calvary Commission is being affected on the far west end of the property.

When the Right-of-Way appraisers call, don't hesitate to point out features and improvements that may affect the value of the land.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. John Etheridge
10706 Augusta Lane
Rowlett, TX 75089

Dear Mr. Etheridge:

Thank you for your comment on the US 69/Loop 49 North Lindale Relief route and we understand you are the spokesman for James Etheridge. We will contact you concerning any business and property acquisition during the right-of-way acquisition phase of the project.

You indicated a question, "Entire width of right-of-way cuts across my east border (525 feet). Can we split the difference with my neighbor and move the road east 250 feet?" Moving the road east would mean impacting a larger number of individual landowners as well as causing the relocation of County Road 472. The alignment shown on the schematic helps us minimize those impacts.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Bob Garrett
Fairway Ranches Ltd. & Fair Investments, Ltd
P.O. Box 1024
Lindale, TX 75710

Dear Mr. Garrett:

Thank you for your comments supporting the US 69/Loop 49 North Lindale Relief route. We apologize that the exhibits shown at the Public Hearing did not show the access points agreed upon in your conveyance to the NETRMA.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Ms. Linda Henderson
Historian, Federal Programs
History Programs Division
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Dear Ms. Henderson:

Thank you for your review of the Draft EIS regarding the US 69/Loop 49 North Lindale Relief route (CSJ: 0190-04-033). We understand you have no comments at this time.

We will contact you if any unanticipated discoveries are made that were not covered in cultural and historic resource surveys reviewed to date.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Mark McDaniel
Tyler City Manager
212 North Bonner
Tyler, TX 75702

Dear Mr. McDaniel:

Thank you for your review of the US 69/Loop 49 North Lindale Relief route Draft Environmental Impact Statement. We understand you have no comments at this time.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Ms. Lisa C. Baker
Acting THPO
United Keetoowah Band of Cherokee Indians in Oklahoma
P.O. Box 746
Tahlequah, OK 74465

Dear Ms. Baker:

Thank you for your review and comments regarding the US 69/Loop 49 North Lindale Relief route, TX 0190-04-033. We understand that you have no comments or concerns at this time. We understand and acknowledge your request to cease work and contact you if human remains are inadvertently discovered. We will follow TxDOT/FHWA procedures concerning accidental discovery and tribal coordination as the project progresses.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Sean Edwards
Biologist – Conservation Planning Assistance
U.S. Fish & Wildlife Service
2005 NE Green Oaks Blvd., Ste 140
Arlington, TX 76006

Dear Mr. Edwards:

Thank you for your review of the Draft EIS regarding the US 69/Loop 49 North Lindale Relief route. We understand you have no comments at this time because there are no federally listed species currently known to occur in Smith County.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Stephen R. Spencer, PhD
Regional Environmental Officer
Office of Environmental Policy and Compliance
U.S. Department of the Interior
1001 Indian School Road NW, Suite 348
Albuquerque, NM 87104

Dear Dr. Spencer:

Thank you for your review of the Draft Environmental Impact Statement for the US 69/Loop 49 North Lindale Reliever Route Project in Smith County, Texas.

We acknowledge that you have no comment on the document.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Owen Scott
P.O. Box 834
Lindale, TX 75771

Dear Mr. Scott:

Thank you for your comment of support on the US 69/Loop 49 North Lindale Relief route.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. A.E. Shull
P.O. Box 130365
Tyler, TX 75713

Dear Mr. Shull:

Thank you for your comment of support on the US 69/Loop 49 North Lindale Relief route.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Ms. Sandra Rowan
P.O. Box 2397
Lindale, TX 75771

Dear Ms. Rowan:

Thank you for your comment of support on the US 69/Loop 49 North Lindale Relief route. You indicated that selecting the route that has the least impacts on existing homeowners is always best.

Avoiding homes is a top priority in the route selection process. However, this may not always be possible when balancing impacts of other resources to arrive at the Preferred Alternative. We believe that the technically preferred Alternative presented at the hearing provides the best route while minimizing impacts to existing homes.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Todd Richardson - Broker
I 20 Team Real Estate
17056 Interstate 20 West
Lindale, TX 75771

Dear Mr. Richardson:

Thank you for your comments supporting the US 69/Loop 49 North Lindale Relief route.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Tom Mullins
315 N. Broadway Avenue
Tyler, TX 75702

Dear Mr. Mullins:

Thank you for the Tyler Chamber of Commerce and the Tyler Economic Development Council's comment of continued support for the US 69/Loop 49 North Lindale Relief route.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Honorable Robert Nelson
Mayor, City of Lindale
105 Ballard Drive
Lindale, TX 75771

Honorable Robert Nelson:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route and your support of the project.

We hope to further advance this project once the public hearing process is completed and the environmental process is approved.

Right-of-way appraisal and acquisition will be accomplished by the NET RMA after environmental approval.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mrs. Donna Liebbe
15191 FM 849
Lindale, TX 75771

Dear Mrs. Liebbe:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route.

We share in your frustration on the amount of time it has taken the project to progress to this point. It certainly is not our desire to cause delay in your plans for your property. However, in dealing with the multiple issues, rules and regulations, and federal and state agencies for a project of this magnitude, it takes time to bring things to resolution.

The public hearing phase of a project comes near the very end of the environmental process. Once the public hearing phase is completed and the Federal Highway Administration is satisfied, the Project will be issued a Record of Decision (ROD) which is the final environmental clearance for the project. Once the ROD is received the Northeast Texas Regional Mobility Authority will be clear to begin the right-of-way acquisition process.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Bill Liebbe
15191 FM 849
Lindale, TX 75771

Dear Mr. Liebbe:

Thank you for your comments concerning the right-of-way acquisition process for the proposed US 69/Loop 49 North Lindale Relief Route.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Jim Mallory
601 Yesterday
Lindale, TX 75771

Dear Mr. Mallory:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route and your support of the project through the many years of development.

We hope to further advance this project once the public hearing process is completed and the environmental process is approved.

Right-of-way appraisal and acquisition will be accomplished by the NET RMA after environmental approval.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Jeff Head
15461 County Manor
Lindale, TX 75771

Dear Mr. Head:

Thanks for your comments at our January 9 Public Hearing.

Your concern about sales tax revenue is noted.

We also noted that the local community leaders that spoke on January 9 see the project as an economic development engine and tax revenue booster.

As far as businesses on existing US 69, any negative affect of the project should be negligible. Traffic theory in these situations holds that through traffic will gravitate to the new reliever route while traffic that has a destination in Lindale will still use US 69. Traffic studies still show traffic growth on US 69. It is however manageable with the proposed reliever route in place.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Gary D. Jackson
P.O. Box 1210
Lindale, TX 75771

Dear Mr. Jackson:

Thank you for your comment of support for the US 69/Loop 49 North Lindale Relief route and for your desire to see the project completed as soon as possible.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Gary Halbrooks
909 ESE LP 323 – Suite 360
Tyler, TX 75701

Dear Mr. Halbrooks:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route and your continued support of the project.

We hope to further advance this project once the public hearing process is completed and the environmental process is approved.

As you are well aware, right-of-way appraisal and acquisition will be accomplished by the NETRMA after environmental approval.

Again, thank you for your comments regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Kevin Freudiger
1319 Brundidge Drive
Wylie, TX 75098

Dear Mr. Freudiger:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief Route. You state you have a concern with your approximate 200 acres being landlocked by the project. Usual right-of-way procedure includes paying for the appraised value of the right-of-way purchased as well as appraised damages for the landlocked remainder.

Another concern you stated was that the Lindale Relief Route would be constructed as a Toll Road. The reason this project is to be constructed as a toll road is that it will allow the project to be funded and constructed sooner. In today's financial climate, alternative funding mechanisms such as tolling are necessary in order to advance large projects such as the Lindale Reliever Route.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. D.M Edwards
3600 Jill Circle
Tyler, TX 75701

Dear Mr. Edwards:

Thank you for your comments of support from the Timberline Baptist Camp & Conference Center for the US 69/Loop 49 North Lindale Relief route. We will keep you apprised on future developments of the project.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. W.D. Craig
P.O. Box 956
Lindale, TX 75771

Dear Mr. Craig:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route.

Initially, seven corridors were established as possible routes for this project. Through extensive analysis these corridors were pared down to alternatives "D" and "G". We feel Alternative G is the best alternative to accomplish the need and purpose for the project. Through our analysis to date, Alternative G in its present alignment represents the best balance for reducing and balancing impacts to the various resources we must consider during route selection. We have no plans at this time to extend the Lindale Reliever Route east of US 69 north of Lindale.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Derrell Cooper
602 Golden Rd. – Apt. 228
Tyler, TX 75701

Dear Mr. Cooper:

Thank you for your comment of support for the US 69/Loop 49 North Lindale Relief route.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Demetrio Cappello
19588 Hwy. 69 North
Lindale, TX 75771

Dear Mr. Cappello:

Thank you for your comments concerning the proposed US 69/Loop 49 North Lindale Relief route.

Initially, seven corridors were established as possible routes for this project. Through extensive analysis these corridors were pared down to alternatives "D" and "G". We feel Alternative G is the best alternative to accomplish the need and purpose for the project. Through our analysis to date, Alternative G in its present alignment represents the best balance for reducing and balancing impacts to the various resources we must consider during route selection. We have no plans at this time to extend the Lindale Reliever Route east of US 69 north of Lindale into Gregg County.

Again, thank you for your comments and concerns regarding this project and if you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Dr. Howard Beggs
16539 FM 16 W
Lindale, TX 75771

Dear Dr. Beggs:

Thank you for your comments on the US 69/Loop 49 North Lindale Relief route. You have indicated you are frustrated with time that it is taking to arrive at a final route.

We agree and we share in your frustration at some of the aspects of the process. It certainly is not our desire to cause delay in your plans for your property. However, in dealing with the multiple issues, rules and regulations, and federal and state agencies for a project of this magnitude, it takes time to bring things to resolution.

The Public Hearing Phase of a project comes near the very end of the environmental process. Once the Public Hearing Phase is completed and the Federal Highway Administration is satisfied, the Project will be issued a Record of Decision (ROD) which is the final environmental clearance for the project. We anticipate the ROD by December of this year and after that, the Northeast Texas Regional Mobility Authority will be clear to begin the right-of-way acquisition process and the process for purchasing your property will begin.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov.

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

DISTRICT FILE

Texas Department of Transportation

2709 W. FRONT STREET • TYLER, TEXAS 75702 • (903) 510-9100

March 21, 2014

Mr. Chris Banks
P.O. Box 2613
Lindale, TX 75771

Dear Mr. Banks:

Thank you for your comments supporting the US 69/Loop 49 North Lindale Relief route.

TxDOT has long supported bicycles on TxDOT infrastructure. However, the Northeast Texas Regional Mobility Authority (NETRMA) will build and operate the Lindale Reliever Route and will make the determination whether or not to allow bicycles on the facility.

If you have any future questions concerning this project, please contact Dale Booth at (903) 510-9113 or dale.booth@txdot.gov

Sincerely,

Vernon Webb, P.E.
Director, Transportation Planning & Dev.

Jay Tullos

From: Jay Tullos
Sent: Thursday, March 27, 2014 3:47 PM
To: Jay Tullos
Subject: FW: Response from Smith County Historical Commission

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From: Jay Tullos
Sent: Thursday, March 27, 2014 1:45 PM
To: 'Carol Kehl'
Subject: RE: Response from Smith County Historical Commission

Thank you for your review of the Cultural Resources portions of the Draft Environmental Impact Statement (DEIS) for the Lindale Reliever Route for Loop 49 North. You have indicated that Alternative G would be preferred by your Commission. As the DEIS indicates, Alternative G is the technically Preferred Alternative and we are pursuing this alternative at this time. If you have further questions, please contact Vernon Webb at 903-510-9296 or Vernon.Webb@Txdot.gov

---

From: Carol Kehl [mailto:ckehl@suddenlink.net]
Sent: Sunday, January 19, 2014 4:46 PM
To: TYL_LindaleRelieverRoute
Subject: Response from Smith County Historical Commission

As a member of Smith County Historical Commission, I have read and studied those portions of the Draft Environmental Impact Statement for the Lindale Reliever Route for Loop 49 North that are subject to our interests---potential adverse effects of cultural resources. I contacted one of our Smith County Historical Society members who has lived for decades in Lindale and also Carolyn Caldwell, City Secretary of Lindale, for additional information. It appears that the mitigation activities already performed in the Area of Potential Effects and those that would be preformed, depending on which route is selected, satisfy legal requirements. Both Alternatives D and G seem to meet project needs and purposes, but G would be preferred by our Commission because the impact of known cultural resources in that area is less according to what is written in the impact statement.

Carol Kehl, member, Smith County Historical Commission

Jay Tullos

From: Jay Tullos
Sent: Friday, March 28, 2014 9:41 AM
To: 'Bill Cumbie'
Cc: Dale Booth
Subject: RE: Toll 49 Lindale Reliever Route

Mr. Cumbie,

Thank you for your comments regarding the proposed US 69/Loop 49 North Lindale Reliever Route. You stated you believe the reduction in traffic on US-69 through Lindale to be provided by the Toll 49 Lindale Reliever Route is being overstated. This is particularly true as regards to the 18 wheel truck traffic. Primarily this is due to the proposal being for a toll road versus non-toll. That said, I oppose Route Alternative D. Route Alternative G is acceptable.

Response: Traffic projections used to estimate the reduction of traffic on US69 through Lindale and the amount of traffic including trucks using Toll 49 were developed by the TxDOT Planning and Programming Division using state wide traffic modeling methods and procedures for consistent highway planning purposes. Regardless of the amount of traffic including trucks redirected to Toll 49, implementing this project will reduce future traffic on US69 through Lindale from what it would be without the reliever route. Your opposition to Alternative D and support for Alternative G has been noted.

If you have further questions, please contact Vernon Webb at (903) 510-9296 or Vernon.Webb@txdot.gov

-----Original Message-----
From: Bill Cumbie [mailto:billcumbie@att.net]
Sent: Friday, January 17, 2014 3:45 PM
To: TYL_LindaleRelieverRoute
Cc: Bill Cumbie
Subject: Toll 49 Lindale Reliever Route

To Whom It May Concern,

I believe the reduction in traffic on US-69 through Lindale to be
provided by the Toll 49 Lindale Reliever Route is being overstated.
This is particularly true as regards the 18 wheel truck traffic.
Primarily this is due to the proposal being for a toll road versus non- toll.

That said, I oppose Route Alternative D. Route Alternative G is acceptable.

Sincerely,

William Cumbie
Lindale, TX.

Texas Department of Transportation
125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8588 | WWW.TXDOT.GOV

May 7, 2014

Karen B. Hardin
Habitat Assessment Biologist
Wildlife Habitat Assessment Program, Wildlife Division
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

Re: Response to December 20, 2013, Comment Letter to Mr. Carlos Swonke
US 69/Loop 49 North Lindale Reliever Route (Smith County)
FHWA-TX-EIS-08-01-D, CSJ 0190-04-033
TPWD Project Number 32103

Dear Ms. Hardin:

Thank you for your comments on this current Draft Environmental Impact Statement (DIES). We have appreciated guidance provided by the TPWD according to SAFETEA-LU procedures as a participating agency present at the table during the coordination planning process and the four participating agency meetings during the scoping and DEIS preparation phases stretching from 2006-2008. Below you will find summaries of your DEIS comments and the TxDOT responses to the comments in the order they appear in your letter. In order to facilitate coordination, the comment summaries, recommendations and TxDOT responses are numbered and categorized.

1. **TxDOT-TPWD Memorandum of Understanding**
   a. Comment Summary: The new TxDOT-TPWD Memorandum of Understanding (MOU) for environmental review of transportation projects became effective September 1, 2013, and supersedes previous MOU and MOA documents. A search of the *EPA Draft Lindale Draft EIS – October 31 2013.pdf* (DEIS) document revealed the DEIS contains references to the old MOU and MOA on pages 91, 92, 224, 226, and 227.
   b. Recommendation: TPWD recommends the DEIS be updated to reflect the new MOU, and an assessment using the Ecological Mapping System of Texas (EMST) is recommended.
   c. Response: Both ecological field work supporting this DEIS and the majority of the drafting of the text of this DEIS were completed in a manner compliant with the former MOU and MOA which were in place in 2008 and have been in a TxDOT/FHWA review process since that time. Since project coordination with the TPWD and the work on the project are from this timeframe, TxDOT is not inclined to update DEIS sections and/or references deemed outdated by your agency in the FEIS to reflect the current TPWD-TxDOT MOU, nor conduct an assessment using the EMST.

2. **State Regulations – *State-Listed Species***
   a. Comment Summary: The DEIS Sections III.G.5.a and IV.G.4.b indicate that habitat for nine state-listed threatened species occurs in the project area for both build alternatives.

b. The project indicates that individuals may be impacted, but that the project is not likely to negatively impact these species. Because state-listed species are rare and possibly declining in the project area, loss of individuals could affect local populations. The TxDOT-TPWD Programmatic Agreement (PA) for Best Management Practices (BMPs) for Species under the 2013 MOU provides BMPs to minimize potential impacts to state-listed species and Species of Greatest Conservation Need (SGCN).

c. Recommendation: Texas Parks and Wildlife Department (TPWD) recommends the EIS include a commitment from TxDOT to utilize the PA BMPs for the nine state-listed species that are identified in the DEIS Section IV.G.4.b as potentially being impacted by the project. Please note it is the responsibility of the project proponent to comply with all federal, state, and local laws that protect fish and wildlife, and direct take of a state-listed species as a result of the project would be in violation of state law. Applying the PA BMPs would aid in reducing such risk.

d. Response: As stated in the first response, since this field work and document pre-date the 2013 MOU and coordination with the TPWD was conducted as a part of the SAFETEA-LU process during scoping and project development, TxDOT does not plan to further coordinate this project with the TPWD as might be required under the current MOU. The project will most likely be finally designed and constructed under the direction of the Northeast Texas Mobility Authority (NET RMA) who will be responsible for compliance with all federal, state and local laws that protect fish and wildlife. Similarly, they will be responsible for minimizing impacts to and avoiding take of state-listed species and SGCN. TxDOT will provide input and oversight during the project transition process to minimize risk, but is not comfortable binding the NET RMA with PA BMPs from an MOU they are not a party to.

3. State Regulations – *Aquatic Resources (mussels)*

a. Comment: TPWD Code Section 1.011 grants TPWD authority to regulate and conserve aquatic animal life of public waters. Title 31, Chapter 57, Subchapter B, Section 57.157 of Texas Administrative Code (TAC) regulates take of mussels which are not limited to state-listed mussels. Section 12.301 of TPW Code identifies liability for wildlife taken in violation of the TPWD Code or a regulation adopted under TPWD Code.

b. Recommendation: TPWD recommends that impact avoidance measures for aquatic organisms, including **all** native freshwater mussel species regardless of state-listing status, be considered during project planning and construction activities.

c. Response: Comment and recommendation noted. Impact avoidance measures for aquatic organisms, including all native freshwater mussels, will be considered during project planning and construction activities.

4. State Regulations – *Aquatic Resources (stream crossing impacts)*

a. Comment Summary: Road crossings fragment stream and riparian corridor habitat and create barriers to aquatic and terrestrial wildlife migration along the stream system. Constructing bridges that span creeks and floodplains reduces stream and riparian impacts and allow for passage of aquatic organisms and wildlife. Culverts and pipes disrupt stream beds and limit movement of aquatic wildlife in the stream system, especially during low-flow conditions. Riprap used for erosion control in or along streams amplifies the limitations for wildlife. Wildlife may cross roadways in culverts or under bridge spans if adequate space is provided both horizontally and vertically. The DEIS did

not identify the type of structure or the designs/plan for potential stream and wetland crossings associated with each build alternative.

b. Recommendation 1: TPWD recommends the EIS identify the feasibility of installing bridge spans rather than culverts to minimize impacts to stream characteristics and to allow for adequate upstream/downstream migration of aquatic and terrestrial species, where feasible. If culverts, rather than bridge spans, are necessary at some crossings, TPWD recommends they be placed so that the upstream and downstream floor of the culvert matches the existing flowline of the stream. Additionally, TPWD recommends that culvert profiles mimic the current channel by providing a deeper low-flow channel, because the wide, flat bottom of a square culvert spreads out the flow, creating a shallower water depth which may prevent passage of aquatic organisms. Arch, bottomless culvert designs should also be considered to reduce impacts to aquatic resources.

c. Recommendation 2: TPWD recommends that bridge spans and culverts include a design that provides adequate vertical and horizontal clearances under the roadway to allow for terrestrial wildlife to safely pass under the road. TPWD recommends a wide enough span to cross the stream and allow for some dry ground or an artificial ledge inside the culvert on one or both sides for use by terrestrial wildlife.

d. Recommendation 3: When riprap or other bank stabilization devices are necessary, their placement should not impede the movement of aquatic and terrestrial wildlife underneath the bridge. In some instances, rip rap may be buried, back-filled with topsoil and planted with native vegetation. As an alternative to riprap, TPWD recommends considering biotechnical streambank stabilization methods using live native vegetation or a combination of vegetative and structural materials.

e. Response: Comment and recommendations noted. Bridge and/or culvert design has not been finalized at each crossing. TxDOT and the NET RMA will consider bridge spans, culverts which match existing flow lines and mimic existing channel characteristics during final design. Similarly, TxDOT and the NET RMA will evaluate providing adequate vertical and horizontal clearances and a wide enough span with dry ground or an artificial ledge to facilitate crossings by terrestrial wildlife species during final design. Lastly, TxDOT and the NET RMA will consider wildlife movement in selecting and installing streambank stabilization devices such as rip rap, live native vegetation or a combination of vegetative and structural materials in final design and construction phases.

5. State Regulations – ***Aquatic Resources (Introduction and stocking of fish, shellfish, and aquatic plants into waters of the state)***

a. Comment Summary: Dewatering and construction activities can impact aquatic resources through stranding fish and mussels and/or trample, dredge or fill over stationary species like plants and mussels. To avoid or reduce impacts, TPWD may require relocating aquatic life to an area of suitable habitat outside the project footprint. Relocation activities are done under the authority of a TPWD *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.* Aquatic Resource Relocation Plans are used to plan resource handling activities and assist in the permitting process. If dewatering activities and other project-related activities cause mortality to fish and wildlife species, then the responsible party would be subject to investigation by the TPWD Kills and Spills Team (KAST) and will be liable for the value of the lost resources under the authority of TPW Code Sections 12.0011 (b) (1) and 12.301. The DEIS Section IV.G.2.b indicates that temporary and/or permanent fill to waters of the U.S. may occur

and that crossings may be bridged and/or converted. Although the DEIS indicates that most aquatic resources that may occur in the project streams would be able to temporarily relocate upstream or downstream during construction, the DEIS did not identify that mussels potentially occurring in the project area are essentially immobile, thus temporary and/or permanent fills or dewatering could impact mussels, where they occur.

b. Recommendation: If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities are involved, then TPWD may require relocating potentially impacted native aquatic resources (i.e., fish, turtles, mussels) in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* and an *Aquatic Resource Relocation Plan*. Aquatic Resource Relocation Plans can be submitted to Greg Conley, TPWD Region 2 KAST at 903-566-2518 or greg.conley@tpwd.texas.gov to initiate coordination for a *Permit to Introduce Fish, Shellfish, or Aquatic Plants into Public Waters*.

c. Response: Section IV.G.3.b. of the DEIS addresses impacts to slow or sessile creatures, avoiding and minimizing impacts to waterways and aquatic species, and restoring flowlines and grades of streams. TxDOT and the NET RMA will consider the potential TPWD requirement to relocate aquatic species and associated permit and plan as a part of the overall Environmental Compliance Management program during the final design and construction process.

6. State Regulations – *Aquatic Resources (stream habitat and aquatic life impacts)*

a. Comment Summary: Intermittent and smaller perennial streams provide important spawning and nursery habitat for fish as well as providing invertebrate, detritus, and other organic matter to downstream food webs. Fish are essential to the mussel life cycle as they serve as mussel larvae hosts. Because the waters of the project area may provide important fish habitat, avoiding impacts to stream habitat, fish, mussels and other aquatic life during construction is encouraged.

b. Recommendation: To minimize disturbance to streams and to minimize impacts to aquatic life, TPWD recommends allowing personnel and equipment to enter streams only when essential to the work being done. Because work would be conducted within riparian areas, only vegetation impeding construction should be removed, equipment should not be driven over vegetation when it is extremely wet, and heavy machinery should not be stored on vegetative cover for long periods of time. Protective mats should be utilized during construction to reduce the amount of soil and root disturbance and aid in the recovery of plants.

c. Response: Comment and recommendation noted. TxDOT and the NET RMA will provide written and verbal guidance to the selected contractor(s) to limit personnel and equipment in streams and riparian areas to essential work periods, limiting vegetation removal and impacts during wet periods, providing appropriate vegetated, upland equipment storage areas, and utilizing protective mats.

7. State Fish and Wildlife Resources – *Texas Natural Diversity Database*

a. Comment: The DEIS includes a June 8, 2009, review of the TXNDD. Because it has been approximately 4 years since TxDOT obtained TXNDD data for this project, TPWD has checked the TXNDD to see if any additional data has been mapped within the project area. No new occurrences have been recorded in the TXNDD within 1.5 miles of the

project at the time of this review. The DEIS Section III.G.5.a correctly states that a known TXNDD record of the Rough-stem aster (*Symphyotrichum puniceum* var. *scabricaule*), a SGCN, occurs within 0.8 mile of the proposed project. The DEIS indicates that suitable habitat for the Rough-stem aster occurs within the project area, but that no specimens were observed during field investigations. TPWD expresses concern that field work was not conducted during the blooming period of the Rough-stem aster.

b. Recommendation: TPWD strongly recommends the EIS include a TxDOT commit to provide adequate pre-construction surveys for the Rough-stem aster. Surveys should be conducted by qualified individuals during the flowering season and in areas of suitable habitat where temporary or permanent impacts may occur as a result of any of the build alternatives. If the species is detected, please coordinate with TPWD to determine potential protection or mitigation actions.

c. Response: Comment and recommendation noted. A TxNDD search was conducted on April 2, 2013, in support of the DEIS, but the date reference below **Table 27** was unfortunately not updated to reflect the current state of the database reference. Since the species has no statutory protection, no survey for the Rough-stem aster was conducted during its peak fall blooming period to definitively determine presence or absence. TxDOT and the NET RMA will consider potential occurrence and avoidance of the Rough-stem aster as a part of the overall Environmental Compliance Management program during the final design and construction process.

8. State Fish and Wildlife Resources – *Texas Natural Diversity Database & Rough-stem aster*

a. Comment Summary: The DEIS Section VII.B.1 addresses potential mitigation for impacts to locally rare or unique habitats, however the DEIS indicates that no locally rare, unique or important habitats occur in the project area. If results of adequate surveys for Rough-stem aster reveal occurrences within the project's area of impact, then locally rare and unique resources would be present within the project area.

b. Recommendation: TPWD strongly recommends the EIS include a TxDOT commit to provide mitigation measures if Rough-stem aster is detected during surveys and where impacts cannot be avoided.

c. Response: While DEIS revisions to this effect are not anticipated, TxDOT and the NET RMA will consider potential occurrence and avoidance of the Rough-stem aster and its habitat as a part of the overall Environmental Compliance Management program during the final design and construction process.

9. State Fish and Wildlife Resources – *SGCN*

a. Comment Summary: SGCN shown on the TPWD County Lists of Rare Species are to be assessed for impacts under the new MOU. The DEIS Sections III.G.5.a and IV.G.4.b includes SGCN and indicate that habitat for thirteen SGCN occurs in the project area for both build alternatives. The project indicates that individuals may be impacted, but that the project is not likely to negatively impact these species. Because SGCN species are rare and possibly declining in the project area, loss to individuals could affect local populations of the species.

b. Recommendation: As previously discussed in the *State-listed Species* section above and to minimize the project's potential impacts, TPWD recommends the EIS include a commitment from TxDOT to utilize the PA BMPs for thirteen SGCN that are identified in the DEIS Section IV.G.4.b as potentially being impacted by the project.

c. Response: While DEIS revisions to this effect are not anticipated, TxDOT and the NET RMA will consider potential occurrence and avoidance of SGCN and their habitat as a part of the overall Environmental Compliance Management program during the final design and construction process

10. State Fish and Wildlife Resources – *SGCN*

a. Comment Summary: The Executive Summary for impacts to ecological resources does not include the potential impact to thirteen SGCN as a result of the build alternatives. The Executive Summary also indicates that impacts to the landscape would be reduced wherever possible through the maintenance of vegetation within the proposed ROW. TPWD does not understand the meaning of this statement because typically maintenance of the ROW involves mowing that reduces habitat available for wildlife.

b. Recommendation: TPWD recommends the Executive Summary include potential impacts to thirteen SGCN and clarification of the statement regarding maintenance of the ROW.

c. Response: The maintenance of vegetation sentence was intended to reflect the intent to maintain (not clear) as much native vegetation as possible. That sentence will be clarified in the Executive Summary. Since the DEIS will not be revised to include 2013 MOU language in the existing and affected environment chapters, the reference to SGCN species in the Executive Summary would be incongruous and, therefore, will not be included.

11. State Fish and Wildlife Resources – *Riparian Vegetation*

a. Comment Summary: The project will impact approximate 5.77 acres of riparian vegetation (Alternative G) and 8.08 acres riparian vegetation (Alternative D). This amount exceeds the new MOU trigger of 0.10 acre. The DEIS Section VII.B.1 indicates that compensatory mitigation for loss to riparian habitat would not be offered because riparian habitat extends outside the project area and would not be considered locally rare or unique. TPWD considers the project's 5.77 to 8.08 acres of loss to riparian vegetation a considerable amount of loss to important ecological habitat.

b. Recommendation: Because the project will greatly exceed the riparian impact trigger of the new MOU, TPWD recommends the EIS include a commitment from TxDOT to provide compensatory mitigation for loss of riparian habitat at a 1:1 minimum ratio. Such mitigation could occur as in-lieu fee to TPWD for use towards a habitat restoration or conservation project. Aggregating in-lieu mitigation from multiple TxDOT projects toward a more meaningful habitat improvement project is acceptable.

c. Response: Comment and recommendation noted. Project design engineers minimized riparian impacts to the extent possible and consider 5.77 acres or 1.4 percent of overall impact to riparian vegetation on a 7.4-mile-long, 427.5-acre new location right of way in East Texas to be a reasonable outcome. As stated, given the age of this field work and DEIS document and prior TPWD coordination during scoping and project development phases, TxDOT does not plan to further coordinate this project with the TPWD under the 2013 MOU.

12. Conclusion

a. Comment: Based on the information presented in the DEIS, TPWD does not anticipate that adverse impacts to fish and wildlife resource would be of enough significance to eliminate either of the build alternatives from consideration; however, TPWD strongly

encourages implementation of the recommendations presented in this review to reduce potential adverse impacts to fish and wildlife resources. Thus, TPWD has no objection to the No Build alternative and finds build alternatives D or G acceptable. Because lack of direct access lessens the amount of development along roadways which also reduces impacts to fish and wildlife habitat, TPWD supports the proposed full control-of-access for the project.

b. Response: TxDOT appreciates the time and effort exerted by staff to prepare the detailed comments provided in the December 20, 2013, letter. TxDOT also appreciates the lack of overall objection to the project and will work in good faith to further develop this project with the NET RMA to avoid and minimize potential adverse impacts to fish and wildlife resources.

Sincerely,

Carlos Swonke, P.G.
Director of Environmental Affairs

cc: Lindsey Kimmitt
Dale Booth

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APPENDIX G

TXDOT CERTIFICATION OF PUBLIC HEARING

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TXDOT CERTIFICATION OF PUBLIC HEARING

Project Number: EIS# 08-01-D

County: Smith

CSJ: 0190-04-033

Highway name and project limits: US 69/Loop 49 Lindale Reliever Route from Interstate Highway (IH) 20 to US Highway (US) 69 north of Lindale

This is to certify that:

- A public hearing has been held, covering the project location and design, on January 9, 2014.
- The economic and social effects of the project location, design, and impact on the environment have been considered.
- The statutory provisions of the Civil Rights Act of 1964 were considered in determining economic, social, and environmental effects.
- The project is consistent with the goals and objectives of urban planning, as promulgated by the community.

5/22/14

Date

Randy C. Hop

Randy Hopmann, P.E.
District Engineer
Tyler District

EPIC Sheet

DISCLAIMER:
The use of this standard is governed by the "Texas Engineering Practice Act". No warranty of any kind is made by TxDOT for any purpose whatsoever. TxDOT assumes no responsibility for the conversion of this standard to other formats or for incorrect results or damages resulting from its use.

I. STORMWATER POLLUTION PREVENTION-CLEAN WATER ACT SECTION 402

TPDES TXR 150000: Stormwater Discharge Permit or Construction General Permit required for projects with 1 or more acres disturbed soil. Projects with any disturbed soil must protect for erosion and sedimentation in accordance with Item 1122.

List MS4 Operator(s) that may receive discharges from this project. They may need to be notified prior to construction activities.

1. The project disturbs five or more acres of surface area: TxDOT must file a NOI and coordinate with TECQ for CGP. The contractor is responsible for the PSL as defined in the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges (2004 Edition, Section 7.19.F, Page 55.) The total disturbed on the project and the contractors PSL. This includes, as required, posting a site notice and NOI for the PSL.

☐ No Action Required ☒ Required Action

Action No.

1. Prevent stormwater pollution by controlling erosion and sedimentation in accordance with TPDES Permit TXR 150000
2. Comply with the SW3P and revise when necessary to control pollution or required by the Engineer.
3. Post Construction Site Notice (CSN) with SW3P information on or near the site, accessible to the public and TCEQ, EPA or other inspectors.
4. When Contractor project specific locations (PSL's) increase disturbed soil area to 5 acres or more, submit NOI to TCEQ and the Engineer.

II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404

USACE Permit required for filling, dredging, excavating or other work in any water bodies, rivers, creeks, streams, wetlands or wet areas.

The Contractor must adhere to all of the terms and conditions associated with the following permit(s):

☐ No Permit Required
☐ Nationwide Permit 14 - PCN not Required (less than 1/10th acre waters or wetlands affected)
☐ Nationwide Permit 14 - PCN Required (1/10 to <1/2 acre, 1/3 in tidal waters)
☒ Individual 404 Permit Required
☐ Other Nationwide Permit Required: NWP# _____

Required Actions: List waters of the US permit applies to, location in project and check Best Management Practices planned to control erosion, sedimentation and post-project TSS.

1. Permit for work at Stevenson Branch, Davis Branch, and Tributary to Davis Branch to be mitigated using TxDOT's Anderson Tract Mitigation Project (aka, The Old Sabine Bottom Wildlife Management Area) or other approved wetland bank.
2. Personnel and equipment entering streams and streamside (riparian) areas are limited to be in those areas during essential work periods only.
3. Only vegetation impeding construction will be removed, equipment should not be driven over vegetated areas during times of high soil moisture and equipment storage areas should be in upland areas, preferably in disturbed areas lacking native vegetation.
4. If heavy equipment must be stored on areas of undisturbed, native vegetation, protective mats should be utilized to reduce soil and plant disturbance.

The elevation of the ordinary high water marks of any areas requiring work to be performed in the waters of the US requiring the use of a nationwide permit can be found on the Bridge Layouts.

Best Management Practices:

Erosion	Sedimentation	Post-Construction TSS
☒ Temporary Vegetation	☒ Silt Fence	☐ Vegetative Filter Strips
☐ Blankets/Matting	☐ Rock Berm	☐ Retention/Irrigation Systems
☐ Mulch	☐ Triangular Filter Dike	☐ Extended Detention Basin
☐ Sodding	☐ Sand Bag Berm	☐ Constructed Wetlands
☐ Interceptor Swale	☐ Straw Bale Dike	☐ Wet Basin
☐ Diversion Dike	☐ Brush Berms	☐ Erosion Control Compost
☐ Erosion Control Compost	☐ Erosion Control Compost	☐ Mulch Filter Berm and Socks
☐ Mulch Filter Berm and Socks	☐ Mulch Filter Berm and Socks	☐ Compost Filter Berm and Socks
☐ Compost Filter Berm and Socks	☐ Compost Filter Berm and Socks	☒ Vegetation Lined Ditches
	☐ Stone Outlet Sediment Traps	☐ Sand Filter Systems
	☐ Sediment Basins	

III. CULTURAL RESOURCES

Refer to TxDOT Standard Specifications in the event historical issues or archeological artifacts are found during construction. Upon discovery of archeological artifacts (bones, burnt rock, flint, pottery, etc.) cease work in the immediate area and contact the Engineer immediately.

☐ No Action Required ☒ Required Action

Action No.

1. Complete surveys and applicable NRHP/SAL-eligibility testing in unaccessible project area.
2. Avoid site 41sm388 or mitigate impacts.
3.
4.

IV. VEGETATION RESOURCES

Preserve native vegetation to the extent practical.

☐ No Action Required ☒ Required Action

Action No.

1. Disturbed areas will be re-seeded with native vegetation where possible.
2.
3.
4.

V. FEDERAL LISTED, PROPOSED THREATENED, ENDANGERED SPECIES, CRITICAL HABITAT, STATE LISTED SPECIES, CANDIDATE SPECIES AND MIGRATORY BIRDS.

☐ No Action Required ☒ Required Action

Action No.

1. MIGRATORY BIRD NESTS: Schedule construction activities as needed to meet the following requirments:

A. Do not remove or destroy any active migratory bird nests (nests containing eggs and/or flightless birds) at any time of year. If there are any active nests, they shall not be removed until the nests become inactive.

B. On/in structures, if there are any active nests, they shall not be removed until all nests become inactive. After inactive nests are removed and/or before nests activity begins, deterrent materials may be applied to the structures to prevent future nests building.

If any of the listed species are observed, cease work in the immediate area, do not disturb species or habitat and contact the Engineer immediately. The work may not remove active nests from bridges and other structures during nesting season of the birds associated with the nests. If caves or sinkholes are discovered, cease work in the immediate area, and contact the Engineer immediately.

LIST OF ABBREVIATIONS

BMP:	Best Management Practice	SPCC:	Spill Prevention Control and Countermeasure
CGP:	Construction General Permit	SW3P:	Storm Water Pollution Prevention Plan
DSHS:	Texas Department of State Health Services	PCN:	Pre-Construction Notification
FHWA:	Federal Highway Administration	PSL:	Project Specific Location
MOA:	Memorandum of Agreement	TCEQ:	Texas Commission on Environmental Quality
MOU:	Memorandum of Understanding	TPDES:	Texas Pollutant Discharge Elimination System
MS4:	Municipal Separate Stormwater Sewer System	TPWD:	Texas Parks and Wildlife Department
MBTA:	Migratory Bird Treaty Act	TxDOT:	Texas Department of Transportation
NOT:	Notice of Termination	T&E:	Threatened and Endangered Species
NWP:	Nationwide Permit	USACE:	U.S. Army Corps of Engineers
NOI:	Notice of Intent	USFWS:	U.S. Fish and Wildlife Service

VI. HAZARDOUS MATERIALS OR CONTAMINATION ISSUES

General (applies to all projects):

Comply with the Hazard Communication Act (the Act) for personnel who will be working with hazardous materials by conducting safety meetings prior to beginning construction and making workers aware of potential hazards in the workplace. Ensure that all workers are provided with personal protective equipment appropriate for any hazardous materials used.

Obtain and keep on-site Material Safety Data Sheets (MSDS) for all hazardous products used on the project, which may include, but are not limited to the following categories: Paints, acids, solvents, asphalt products, chemical additives, fuels and concrete curing compounds or additives. Provide protected storage, off bare ground and covered, for products which may be hazardous. Maintain product labelling as required by the Act.

Maintain an adequate supply of on-site spill response materials, as indicated in the MSDS. In the event of a spill, take actions to mitigate the spill as indicated in the MSDS, in accordance with safe work practices, and contact the District Spill Coordinator immediately. The Contractor shall be responsible for the proper containment and cleanup of all product spills.

Contact the Engineer if any of the following are detected:

* Dead or distressed vegetation (not identified as normal)
* Trash piles, drums, canister, barrels, etc.
* Undesirable smells or odors
* Evidence of leaching or seepage of substances

Does the project involve any bridge class structure rehabilitation or replacements (bridge class structures not including box culverts)?

☐ Yes ☒ No

If "No", then no further action is required.
If "Yes", then TxDOT is responsible for completing asbestos assessment/inspection.

Are the results of the asbestos inspection positive (is asbestos present)?

☐ Yes ☐ No

If "Yes", then TxDOT must retain a DSHS licensed asbestos consultant to assist with the notification, develop abatement/mitigation procedures, and perform management activities as necessary. The notification form to DSHS must be postmarked at least 15 working days prior to scheduled demolition.

If "No", then TxDOT is still required to notify DSHS 15 working days prior to any scheduled demolition.

In either case, the Contractor is responsible for providing the date(s) for abatement activities and/or demolition with careful coordination between the Engineer and asbestos consultant in order to minimize construction delays and subsequent claims.

Any other evidence indicating possible hazardous materials or contamination discovered on site. Hazardous Materials or Contamination Issues Specific to this Project:

☒ No Action Required ☐ Required Action

Action No.

VII. OTHER ENVIRONMENTAL ISSUES

(includes regional issues such as Edwards Aquifer District, etc.)

☐ No Action Required ☒ Required Action

Action No.

1. Control Dust during construction. Follow Item 204.
2. Control construction emissions or spills. Follow Item 7.13.
3. Control noise during construction. Follow Item 7.18.
4. Plug water wells to protect groundwater resources in accordance with TCEQ Requirements.
5. Follow TCEQ Outdoor Burning Regulations.
6. Minimize project visual impacts by depressing MLs north of IH 20, at FM 849, at CR 4118, and at locations fronting subdivisions where practical.

This document is released for the purpose of interim documentation. Not intended for permit, bidding or construction.

Engineer: John B. Goodwin
P.E. Registration No.: 63174
H.W. Lochner, Inc.
TBPE Firm Reg No.: 10488
Date: 11/3/2014

Texas Department of Transportation — Design Division Standard

ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS

EPIC

FILE: epic.dgn	DN: TxDOT	CK: AM	DW: VP	CK: AR
© TxDOT January 2012	CONT	SECT	JOB	HIGHWAY
REVISIONS 12-12-2011 (DS)	0190	04	033	US 69
	DIST		COUNTY	SHEET NO.
	TYL		SMITH	

DATE:
FILE:

2015–2018 STIP Page

FY 2015-2018

TRANSPORTATION IMPROVEMENT PROGRAM

TYLER AREA METROPOLITAN PLANNING ORGANIZATION

Prepared by the:

Tyler Area Metropolitan Planning Organization

In Cooperation with:

Texas Department of Transportation, Federal Highway Administration, and the Federal Transit Administration

Adopted: March 27, 2014

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM
TIP FY 2015-2018
TYLER METROPOLITAN PLANNING ORGANIZATION
FY 2015

DISTRICT	COUNTY	CSJ	HWY	PHASE	CITY	PROJECT SPONSOR	YOE COST
10 - TYLER	SMITH	0190-04-033	US 69	E	LINDALE		$ 5,566,295

LIMITS FROM US 69, NORTH OF LINDALE, S
LIMITS TO: IH 20 AT LP 49 (LP 49 EXTENSION)

REVISION DATE: 07/2014
MPO PROJ NUM: SM-30
FUNDING CAT(S): LC

PROJECT DESCR: CONSTRUCT 2-LNS CONTROLLED ACCESS TOLL ROAD ON NEW LOCATION AS EXTENSION OF LP 49 (ULTIMATE 4-LANE FACILITY)_(TOLL)

REMARKS P7: APPROVED IN APPENDX C OF TIP; PROJ LISTED IN 11-14 & 13-16 STIP

PROJECT HISTORY: CONSTRUCT 2-LNS CONTROLLED ACCESS TOLL ROAD ON NEW LOCATION AS EXTENSION OF LP 49 (ULTIMATE 4-LANE FACILITY)_(TOLL), SEG 4 POSS FUNDING SOURCES: TOLL REVENUE BACKED BONDS, LOCAL LEVERAGE

TOTAL PROJECT COST INFORMATION

PRELIM ENG:	$ 2,880,131
ROW PURCHASE:	$ 0
CONST COST:	$ 58,778,189
CONST ENG:	$ 2,686,163
CONTING:	$ 4,866,834
IND COSTS:	$ 2,838,987
BND FINANCING:	$ 0
TOTAL PRJ COST:	$ 75,506,462

COST OF APPROVED PHASES: $ 5,566,295

AUTHORIZED FUNDING BY CATEGORY/SHARE

	FEDERAL	STATE	LOCAL	LC	TOTAL
LOCAL CONTR:	$ 0	$ 0	$ 0	$ 5,566,295	$ 5,566,295*
TOTAL:	$ 0	$ 0	$ 0	$ 5,566,295	$ 5,566,295

PHASE: C = CONSTRUCTION, E = ENGINEERING, R = ROW, T = TRANSFER

* FUNDING NOT FIXED