

January 28, 2025

**Via E-Mail**

CTRMA Project Email  
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**RE: Comments on the MoPac South Project from the Travis County  
Commissioners Court**

On behalf of the Travis County Commissioners Court (“the Commissioners Court”), we submit this letter to facilitate well-informed discussion and decision-making by the Central Texas Regional Mobility Authority (“CTRMA”) and the Texas Department of Transportation (“TxDOT”) with respect to the National Environmental Policy Act (“NEPA”) obligations that flow from the MoPac South project.

As you know, we submitted a detailed letter on behalf of the Commissioners Court on July 31, 2024, explaining in detail why this MoPac South project indisputably requires a full Environmental Impact Statement (“EIS”), rather than a less rigorous Environmental Assessment (“EA”). We hereby incorporate that letter by reference (attached as Attachment 1), and respectfully request that CTRMA and TxDOT include both that letter and this comment letter in the agencies’ formal administrative record for this decision-making process.<sup>1</sup>

The purpose of this letter is to provide additional comments as to why the Commissioners Court does not view CTRMA’s and TxDOT’s NEPA analysis—whether ultimately conducted in an EIS or an EA—to be legally compliant, absent further analysis that brings CTRMA and TxDOT into compliance with the letter and spirit of NEPA and its implementing regulations.

**Legal Background**

Before turning to a discussion of NEPA’s application to the current decision-making process, we provide a brief background on the statutory and regulatory framework relevant to the MoPac South project.

***NEPA and Its Implementing Regulations***

Congress enacted NEPA in 1969 to “encourage productive and enjoyable harmony between man and his environment” and to promote government efforts that “will prevent or eliminate damage to the environment.” 42 U.S.C. § 4321. NEPA is “the basic national charter for

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<sup>1</sup> The July 31, 2024 letter is inadvertently labeled as “privileged and confidential” and “attorney-client material.” That was a mistake and the final document submitted to CTRMA and others on July 31, 2024 is not privileged.

protection of the environment” and it “establishes the national environmental policy of the Federal Government to use all practicable means and measures to foster and promote the general welfare, create and maintain conditions under which humans and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” 40 C.F.R. § 1500.1(a).

The Council on Environmental Quality (“CEQ”)—an agency within the Executive Office of the President—has promulgated regulations implementing NEPA, *see* 40 C.F.R. §§ 1500-1508, which are “binding on all federal agencies.” *Id.* § 1500.3(a).<sup>2</sup> The regulations are intended to “ensure that agencies identify, consider, and disclose to the public relevant environmental information early in the process before decisions are made and before actions are taken.” *Id.* § 1500.1(b). To this end, NEPA requires agencies to prepare a “detailed statement”—i.e., an EIS—for all “major Federal actions significantly affecting” the environment. 42 U.S.C. § 4332(C). This requirement applies where there is “a reasonably foreseeable significant effect on the quality of the human environment.” 42 U.S.C. § 4336(b)(1).

An EIS must describe (1) the “reasonably foreseeable environmental effects of the proposed agency action,” (2) “any reasonably foreseeable adverse environmental effects which cannot be avoided,” and (3) “a reasonable range of alternatives to the proposed agency action.” 42 U.S.C. § 4332(C)(i)-(iii). In addition, an agency shall “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” 42 U.S.C. § 4332(H). The purpose of the EIS “is to serve as an action-forcing device by ensuring agencies consider the environmental effects of their action in decision making, so that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government”; an EIS “shall provide full and fair discussion of significant effects and shall inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse effects or enhance the quality of the human environment.” 40 C.F.R. § 1502.1.

The revised CEQ regulations emphasize that “[t]he alternatives section is the heart of the [EIS].” *Id.* § 1502.14. An EIS must “identify the reasonably foreseeable environmental effects of the proposed action and the alternatives in comparative form based on the information and analysis presented in the sections on the affected environment (§ 1502.15) and the environmental consequences (§ 1502.16).” 40 C.F.R. § 1502.14. Agencies are required to “[r]igorously explore and objectively evaluate reasonable alternatives to the proposed action, and, for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination.” *Id.* § 1502.14(a). Each alternative should be “considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits.” *Id.* § 1502.14(b).

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<sup>2</sup> CEQ recently finalized a substantial overhaul to aspects of its regulations that implement NEPA. *See* CEQ, National Environmental Policy Act Implementing Regulations Revisions Phase 2, 89 Fed. Reg. 35,442 (May 1, 2024). Because these amended regulations went into effect on July 1, 2024, *see id.*, all references to the CEQ regulations herein are to the amended version, which should govern any NEPA process to consider the environmental impacts of the MoPac South project.

Agencies are directed to consider a broad range of environmental effects, defined as “changes to the human environment from the proposed action or alternatives that are reasonably foreseeable,” 40 C.F.R. § 1508.1(i), including “ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health” impacts and must address them in the EIS. 40 C.F.R. § 1508.1(i)(4). Direct effects are those “caused by the action and occur at the same time and place,” while indirect effects are “caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” *Id.* § 1508.1(i)(1), (2). Cumulative impacts are those that result from the “incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable future actions,” regardless of whether undertaken by other federal agencies or private third parties. *Id.* § 1508.1(i)(3). “Cumulative effects can result from actions with individually minor but collectively significant effects taking place over a period of time.” *Id.*

When the proposed agency action “does *not* have a reasonably foreseeable significant effect on the quality of the human environment,” or if an agency is uncertain as to whether an EIS is required, it may prepare an EA to help it determine if an EIS is necessary. 42 U.S.C. § 4336(b) (emphasis added). The EA, in turn, must “provide sufficient evidence for determining whether to prepare” an EIS.” 40 C.F.R. § 1501.5(c). NEPA allows agencies to conduct a less rigorous examination of alternatives in an EA than in an EIS. *Compare* 40 C.F.R. § 1501.5(c)(ii) (requiring a brief discussion in the EA of “alternatives as required by section 102(2)(H)”), *with* 40 C.F.R. § 1502.14(a), (b) (requiring EISs to “[r]igorously explore . . . reasonable alternatives” and “[d]iscuss each alternative considered in detail”). If, based on the EA, an agency concludes that its proposal does not entail any significant impacts, it must prepare and publish a Finding of No Significant Impact (“FONSI”). *Id.* §§ 1501.6, 1501.3.

### **Brief Factual Background Relevant to These Comments**

#### ***Project History***

The MoPac South project currently under consideration by CTRMA involves proposed changes to the 8-mile stretch of MoPac Expressway between Cesar Chavez Street and Slaughter Lane designed to improve roadway safety and mobility. In light of projected population growth in Travis and Hays Counties and concerns about increased travel times along MoPac, CTRMA initiated a preliminary Environmental Study in 2013 to develop alternatives with the objective, among other goals, to “[r]educe congestion delays and provide travel time savings for all roadway users.” See CTRMA, MoPac South Environmental Study Overview, <https://www.mopacsouth.com/environmental>.

In 2015, after considering some alternatives, including: adding general purpose lane(s) in each direction, adding high occupancy vehicle lane(s) in each direction; adding transit only lanes in each direction; adding express lane(s) in each direction; incorporating non-capital intensive Transportation Systems Management or Transportation Demand Management strategies; as well as a no-build alternative, CTRMA selected the Express Lane(s) Alternative as the “Reasonable Build Alternative.” See <https://www.mopacsouth.com/about/faqs.php>. It then solicited public comment on six potential express lane configurations, including five alternatives developed by

CTRMA and one developed by the City of Austin, which would have included, among other attributes, a new right-of-way through Zilker Park. Of the five alternatives developed by CTRMA, two include one additional express lane in each direction, and the other three include two additional express lanes in each direction, for a combined total of four new lanes. *See* <https://www.mopacsouth.com/environmental/express-lanes-alternative.php>. The proposed express lanes are described as “special lanes that would be separated from the existing non-tolled general-purpose lanes,” and would be available for use by individual drivers, for the price of the variable tolls, as well as public transit buses, registered vanpools, and emergency vehicles. *Id.*

The project was temporarily placed on hold in 2016 due to pending litigation, but was resumed in 2021, at which point CTRMA solicited additional public comment. In addition, while the project was suspended, the Capital Area Metropolitan Planning Organization (“CAMPO”) released a new Regional Transportation Plan reflecting updated traffic data, the CAMPO 2045 Plan, that has notable implications for the MoPac South Environmental Study. Whereas the previous CAMPO model projected travel time between Cesar Chavez and Slaughter Lane under a No-Build scenario to be 52 minutes in 2035 for northbound morning traffic and 51 minutes in 2035 for southbound evening traffic, the updated 2045 Plan model showed a sizeable drop in the projected travel time, which CTRMA itself recognized: “[p]rojected travel time along the corridor has decreased” due largely to the “projected decentralized population and employment demographic trends.” *See* 2045 Traffic Forecast Update at 12, <https://www.mopacsouth.com/MPS%202045%20Update.pdf>.

In fact, the decrease in projected travel time was striking, with the 2045 Plan showing that even under the No-Build alternative, travel time along the corridor in 2045 would be only 20 minutes in the morning. *Id.* This is less than half of the previously projected 2035 travel time and only an additional 6 minutes over the 2022 measured baseline. *See id.* at 12, 20. Likewise, travel time in 2045 under a No-Build alternative would be only 22 minutes for southbound evening traffic. *Id.* at 12. Again, this is less than half of the previously projected 2035 travel time and only an additional 5 minutes over the 2022 baseline. *See id.* at 12, 20. CTRMA represented these additional 6 minutes as a “42% increase” in travel time and the additional 5 minutes in the evening as a “30% increase,” *id.* at 20, and then cited these figures as a problem to be addressed by the MoPac South Environmental Study: “Under the No-Build Alternative (Do Nothing), it could take 30%-42% more time to travel between Cesar Chavez Street and Slaughter Lane by 2045,” when in fact in absolute terms the additional travel time of 5 or 6 extra minutes would be negligible to many drivers. *See* <https://www.mopacsouth.com/environmental/>. While the 2045 model data has since been incorporated by CTRMA into the traffic forecasting for this project, work on the CAMPO 2050 Plan model is already underway. In the event the 2050 Plan model, expected in May 2025, shows further reductions in the projected additional travel times, the CTRMA traffic forecast for this project must again be revisited.

The Commissioners Court has consistently been on record extensively identifying major concerns with the highly significant impacts of this project and, at minimum, the need for CTRMA and TxDOT to prepare an EIS if CTRMA insists on building this impactful project despite the nominal time savings it would supply area residents. *See generally* Attachment 1. The Commissioners Court has also repeatedly identified to CTRMA the myriad significant effects of

this project, including on air quality, water quantity and quality, federally endangered species, and iconic parks and public spaces such as Zilker Park. *See id.* at 7-8.<sup>3</sup>

Until November 2024, CTRMA “continue[d] to analyze and ultimately identify the best express lane(s) operational configuration option using technical analyses and public input.” *See* <https://www.mopacsouth.com/environmental/>. Although the public has yet to see a draft EA or EIS, CTRMA has stated that once a draft EA is completed, which it asserts will “demonstrate[] an analysis of the alternatives considered, and present[] an assessment of potential impacts to the human and natural environment,” it will be made available for public comment; then, “[w]ith support from its partners, CTRMA will make a final recommendation to TxDOT for their review.” *Id.* Note that in this instance, TxDOT is acting as a federal agency in carrying out the NEPA obligations on behalf of FHWA.<sup>4</sup>

On November 12, 2024, CTRMA and TxDOT invited public comments on the project, based on CTRMA’s recent selection of its “Recommended Build Alternative,” also called “[t]he 2C alternative,” which will require building “two express lanes with elevated ramps near Barton Skyway.” CTRMA, MoPac South Environmental Study (hereinafter “CTRMA Project Webpage”), <https://storymaps.arcgis.com/stories/e3c28bf66389442ab942075eea02e66c>. CTRMA highlights that its recommended alternative will require “no additional right-of-way.” *Id.* It appears to the Commissioners Court that *all* build alternatives considered by CTRMA to date—including the recommended alternative—limited the consideration of solutions to ensuring that the project fits entirely or mostly in the existing right-of-way, and thus never considers whether better or more environmentally sustainable options could be built with a more-than-nominal acquisition of additional right-of-way, or whether there are solutions that could address purported congestion and related concerns outside of this particular stretch of MoPac South.

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<sup>3</sup> As the Commissioners Court explained in its July 2024 letter, CTRMA appears to have predetermined the outcome of the NEPA process—including by prejudging the paramount question of whether the proposed action will have significant effects and thus requires preparation of an EIS—before even completing an EA process to analyze the proposed action and test its hypothesis that the project’s effects on all resources will be insignificant. *See* Attachment 1 at 10. Indeed, CTRMA baldly predicts that because “[t]he EA process focuses on resolving environmental concerns,” it is “highly unlikely to require an EIS at the end of the process because receiving a FONSI means the EA already provides solutions/mitigations to environmental issues.” CTRMA, March 2023 Presentation at 45, [https://www.mobilityauthority.com/wp-content/uploads/2024/01/CTRMA\\_BOD\\_FINALv2.1\\_3.29.23.pdf](https://www.mobilityauthority.com/wp-content/uploads/2024/01/CTRMA_BOD_FINALv2.1_3.29.23.pdf).

<sup>4</sup> As CTRMA explains, “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 9, 2019, and executed by FHWA and TxDOT.” *See* <https://www.mopacsouth.com/environmental/>; *see, e.g., Save Barton Creek Ass’n v. Texas Dep’t of Transportation*, No. 1:19-CV-761-RP, 2021 WL 7183951, at \*3 (W.D. Tex. Sept. 13, 2021) (“For the Project, TxDOT is a federal agency with responsibility for NEPA compliance by virtue of its memorandum of understanding with the Federal Highway Administration.”).

## DISCUSSION

### I. Concerns Related to CTRMA’s Artificially Narrow Purpose and Need, Which Resulted in an Arbitrarily Restricted Consideration of Alternatives

Remarkably, CTRMA has not yet publicly shared a draft EIS or EA, despite 11 years spent reviewing this project.<sup>5</sup> But CTRMA has identified aspects of its purpose and need on its project webpage. For example, CTRMA defines the “purpose” of the project as: “[p]rovide an opportunity for reliable travel times”; “[i]mprove operational efficiency”; “[c]reate a dependable and consistent route for transit”; and “[f]acilitate reliable emergency response.” CTRMA Project Webpage, *Purpose & Need*. CTRMA has defined the “needs” for the project as addressing “[c]urrent and forecasted congestion levels [that] are creating unreliable travel time”; shortening “emergency response times”; and accommodating “[f]orecasted population and employment growth in Hays and Travis counties.” *Id.*

Based on the limited information that CTRMA has shared with the public regarding its purpose and need, the Commissioners Court does not view the narrow, multi-pronged project purpose and need set forth by CTRMA to be consistent with NEPA and its regulations.

NEPA requires agencies to properly define the purpose and need for a project. *See, e.g.*, 40 C.F.R. § 1502.4(e) (requiring agencies to define “[t]he purpose and need for the proposed agency action”); *id.* § 1502.13 (same). As FHWA explains,

The purpose and need section is in many ways the most important chapter of an [EIS or EA]. It establishes why the agency is proposing to spend large amounts of taxpayers’ money while at the same time causing significant environmental impacts. A clear, well-justified purpose and need section explains to the public and decisionmakers that the expenditure of funds is necessary and worthwhile and that the priority the project is being given relative to other needed highway projects is warranted. In addition, although significant environmental impacts are expected to be caused by the project, the purpose and need section should justify why impacts are acceptable based on the project’s importance. As importantly, the project

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<sup>5</sup> The Commissioners Court has serious concerns about how late in the process the public will finally receive a copy of a draft EIS or EA to review and on which to provide comment. According to the project website, that will occur next year (in 2025). But CTRMA asserts that it has *already* developed its purpose and need, conducted both a preliminary and a more final alternatives analysis, and selected a recommended alternative. In our experience, an agency invariably circulates a draft EIS or EA much earlier in the process, so that the comments on the draft NEPA document can meaningfully *inform* the development of the purpose and need, the scope and analysis of alternatives, and the hard look at the project’s impacts. When the public belatedly receives the draft EIS or EA, it is doubtful that CTRMA (or TxDOT) will be able to change course on key aspects of this NEPA process in response to comments. This strongly suggests that the outcome of the NEPA process—or at least key aspects of it, such as the purpose and need, as well as the alternatives analysis—is preordained. *See, e.g.*, 40 C.F.R. § 1502.5 (stating that the EIS process must “serve as an important practical contribution to the decision-making process and will not be used to rationalize or justify decisions already made”); *Metcalf v. Daley*, 214 F.3d 1135, 1142-45 (9th Cir. 2000) (NEPA review “must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.”).

purpose and need drives the process for alternatives consideration, in-depth analysis, and ultimate selection.

FHWA, *NEPA Implementation: The Importance of Purpose and Need in Environmental Documents* (Sept. 18, 1990), [https://www.environment.fhwa.dot.gov/legislation/nepa/guidance\\_purpose\\_need.aspx](https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_purpose_need.aspx); see also *Carmel-By-The-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997) (“The stated goal of a project necessarily dictates the range of ‘reasonable’ alternatives.”); *Davis v. Mineta*, 302 F.3d 1104, 1119 (10th Cir. 2002) (explaining that under NEPA agencies may not “define the project so narrowly that it foreclose[s] a reasonable consideration of alternatives”).

Despite the importance of a project’s purpose and need—including because it delimits the scope of the alternatives analysis that serves as “the heart of the [EIS or EA],” 40 C.F.R. § 1502.14—CTRMA has cobbled together many disparate “purposes” and “needs” for this project,” which appears to have had the effect of artificially constraining the consideration of alternatives to a handful of solutions located entirely or almost entirely within this right-of-way on this specific eight-mile stretch of MoPac South. For example, CTRMA does not appear to have analyzed alternatives involving the new acquisition of any substantial amount of right-of-way on this stretch of MoPac South or alternatives that could address the purported purposes and needs without requiring the major construction of new lanes in this specific stretch of MoPac South. Nor, for that matter, has CTRMA identified whether other proposed roadway solutions in the region (e.g., the SH 45 Gap project) will fully or partially alleviate the concerns identified in CTRMA’s purpose and need statement, thereby potentially obviating the need for this project or at least counseling in favor of a less environmentally damaging project (perhaps with less than four new lanes)

In the view of the Commissioners Court, the above discussion strongly suggests that CTRMA has arbitrarily skewed the purpose and need for this project and thereby tainted the agency’s consideration of alternatives to date, in precisely the manner courts have rejected under comparable facts. For example, in *Davis v. Mineta*, the United States Court of Appeals for the Tenth Circuit rejected the formulation of an overly narrow purpose and need that screened out alternatives based on the applicant’s location preferences for the project. 302 F.3d at 1119-20. There, FHWA sought to add “additional road capacity across the Jordan River”; the Court explained that insofar as the agency intended its purpose and need to “requir[e] a new crossing across the Jordan River at 11400 South,” this overly rigid formulation “would violate NEPA given the more general overarching objective of improving traffic flow in the area.” *Id.* at 1119; see also *id.* at 1119-20 (“[I]f the purposes and needs of the Project were so narrowly construed as to mandate the extra capacity only at 11400 South, we would conclude that such a narrow definition would be contrary to the mandates of NEPA.”). Here, the Commissioners Court is concerned that CTRMA has similarly narrowed its focus to *this* particular location along this eight-mile stretch of this expressway, thereby excluding other reasonable solutions that could resolve some or all of CTRMA’s articulated purposes and needs.

Likewise, CTRMA’s multi-pronged purpose and need approach artificially constrained the consideration of reasonable alternatives by delimiting the scope of the alternatives analysis to require any feasible alternative to satisfy not one, but *four* different purposes and three needs all

in one fell swoop. As an example of alternatives not considered in detail, it appears that CTRMA has not analyzed any feasible options that would include more-than-nominal acquisitions outside of the existing right-of-way but that might also reduce environmental impacts or provide other benefits to local residents. This, too, strongly suggests a violation of NEPA’s core provisions. *See, e.g., W. Watersheds Proj. v. Vilsack*, 2024 WL 4589758, at \*6-7 (10th Cir. Oct. 28, 2024) (rejecting purpose and need that contained three distinct needs, “which narrowly directed the [agency] to consider only action alternatives that expanded the use of lethal controls,” and therefore “precluded a reasonable consideration of alternatives and thus violates NEPA”); *Save the Colo. v. Semonite*, No. 18-cv-3258, 2024 WL 4519201, at \*29-30 (D. Colo. Oct. 16, 2024) (rejecting purpose and need statement that tried to solve two distinct problems at once, and in so doing “led to the premature rejection of at least nineteen alternatives” because they could solve one but not both distinct purposes); *Nat’l Wildlife Refuge Ass’n v. Rural Utilities Serv.*, No. 21-cv-96, 2022 WL 136829, at \*15-16 (W.D. Wis. Jan. 14, 2022) (invalidating purpose and need statement that “defin[ed] six, sub-purposes of the CHC project, which taken together . . . skew the results strongly in favor of a large, wired transmission line like the CHC”; “the overall impact [of combining these distinct purposes] is incredibly specific, resulting in most reasonable alternatives being defined out of the EIS”); *Backcountry Against Dumps v. Chu*, 215 F. Supp. 3d 966, 979 (S.D. Cal. 2015) (holding that an agency’s “purpose and need statement was not proper because it defined the scope of the FEIS in such a way as to limit the consideration of alternatives to the Project”).

Accordingly, both by applying an unduly narrow hyper-focus to this specific 8-mile stretch of the MoPac South Expressway and by combining several distinct purposes and needs that dictate the feasibility of alternatives in such a manner that has led CTRMA to overlook many feasible alternatives for solving one or more of CTRMA’s stated purposes and needs, CTRMA’s actions to date indicate that the purpose and need is far too narrowly drawn and, in turn, feasible alternatives have not been analyzed in detail, contrary to NEPA and its regulations.

## **II. Community Concerns Regarding the MoPac South Project and the SH 45 Gap Project that Bear on CTRMA’s and TxDOT’s Decision-making and NEPA Review**

In November 2024, Hays County voters approved \$7 million for the design of an extension of SH 45 (also known as the “SH 45 Gap” project), which would connect I-35 to MoPac South. The SH 45 Gap Project is a Hays County-funded design project. There are no construction dollars identified for the SH 45 Gap Project.

SH 45 SW is a toll road segment managed by CTRMA and currently extends uninterrupted from MoPac South to RM 1626. The proposed expansion of MoPac South, also under CTRMA control, is expected to significantly increase the capacity of MoPac South and add approximately 32 lane-miles (4 additional lanes for vehicles over an 8-mile segment).

- The Travis County community has substantial concerns regarding the potential environmental impacts of this proposed expansion of MoPac South and how it relates to the extension of SH 45 (the SH 45 Gap project). The proposed SH 45 Gap Project is expected to connect to I-35, which will likely result in a significant increase in the volume of traffic funneled onto MoPac South. The combined effect of these two

projects will significantly affect the air and water quality in Travis County, among other natural resources.

- Despite the interconnected nature of these projects, they are currently undergoing separate review processes. This piecemeal approach fails to consider the cumulative environmental impacts of these projects, which could have significant implications for the air and water quality not only in Travis County, but the entire Central Texas region. To date, there has yet to be a comprehensive environmental review of the full system and network of road projects created by this southern portion of the “western loop” (consisting of the SH 45 Gap Project, SH 45 SW, and MoPac South).
- Travis County continues to oppose the SH 45 Gap Project. However, based on the newly approved funding for the SH 45 Gap Project from Hays County’s 2024 bond election, Travis County requests that CTRMA consider the cumulative impacts of both proposed roadway projects (Mopac South and SH 45 Gap Project) and their potential to create a broader looped system on the western side of Central Austin. This comprehensive review is essential to fully understand, design for, and mitigate the foreseeable impacts on our environmental resources, including the Edwards Aquifer Recharge Zone.
- If both projects are built, the basic function of MoPac, north and south, as a local commuter highway will be fundamentally changed to that of an Interstate 35 alternative. When the existing I-35 suffers traffic delays, interregional and interstate traffic, including truck traffic, will be routed by mapping apps to MoPac. This enormous increase in both the volume and the mix of traffic on MoPac calls for consideration of different alternatives and mitigation measures. It also calls for analysis of the potential for much greater harmful impacts on water, air, and noise pollution, and on traffic congestion on MoPac South as well as the narrower section of MoPac north of the Colorado River.

#### *Community Concerns Regarding the Design of MoPac South*

In addition to these concerns regarding the cumulative effects of an expansion of MoPac South in combination with the SH 45 Gap project, other members of the Travis County community have shared significant concerns with the Commissioners Court specific to the areas around the City of Westlake, the City of Rollingwood, and Austin High School. These community concerns include the following:

- Communities using either Bee Cave Road or Loop 360 would lose access to northbound MoPac express lanes, and the entrance near 15<sup>th</sup> street will be eliminated, leading to dangerous gridlock on the Cesar Chavez loop around at Austin High School.
  - The current entrance to the Northbound MoPac express lane at Enfield Road will be eliminated. It will be replaced by an exit point for traffic from the express lane shortly before the Enfield/15<sup>th</sup> Street exit—creating a new bottleneck as drivers

cross all lanes to access the Enfield/15<sup>th</sup> Street exit and also merge into a regular lane of traffic from a short entry ramp. Adding a new congestion point in this portion of MoPac will cause traffic backups that will make it even more congested heading north on MoPac in the general lanes within the Loop 360 to Cesar Chavez corridor.

- In order to access the Northbound MoPac expressway express lane from Bee Cave Road, Barton Skyway, or Loop 360, drivers will be forced to exit on Cesar Chavez heading East, exit and loop around at Austin High School/West Austin Youth Association fields on a hairpin turn at 10 mph, get on Cesar Chavez traveling West, and then enter the Northbound MoPac express lane tunnel. This is of great concern to the Austin High School community as it appears to add traffic to an area that is already congested with student drivers.
- While there is an entry point to the Northbound MoPac express lane north of the Loop 360 and MoPac interchange, the access to that entry point will be *before* the Northbound general onramp from Loop 360. This makes the entry point *unusable* by traffic coming from Loop 360. The messy morass for access to MoPac from Loop 360 that daily creates a traffic jam so lengthy it spills onto Highway 71 will remain entirely unresolved and become unresolvable. This new infrastructure blocks any sort of future improvements.
- Under CTRMA's current design, the only alternative to the Cesar Chavez loop for express lane access for Loop 360, Barton Skyway, and Bee Cave Road users is diverting traffic south to Southwest Parkway and driving back up the general lanes for MoPac to the express lane access point just north of Loop 360 mentioned above, which would be an absurdly long diversion. Traffic from Loop 360, Barton Skyway, and Bee Cave Road will be guided by Google Maps, Waze, or other navigation apps to use the Cesar Chavez/Austin High School local road loop-around. CTRMA's current design prioritizes commuter traffic without considering east/west traffic impacts.
- There is a loss of access to Bee Cave Road from Southbound MoPac express lane.
  - The current Southbound MoPac express lane exit as drivers cross the bridge will turn into an entry point to the express lane heading south, bypassing Bee Cave Road.
  - To get to Bee Cave Road from the Southbound MoPac express lane, drivers will either have to:
    - a. Exit the express lane at FM 2222, use regular lanes until Bee Cave Road.
    - b. Exit Cesar Chavez, use the same Austin High Loop Around described above, and then either turn left at the already-overwhelmed left turn at Lake Austin Boulevard and MoPac, or go down Lake Austin Blvd to

Redbud Trail, cutting through West Lake Hills to get back to Bee Cave Road.

- c. Continue to Loop 360 express lane exit into general lanes, merge across the general lanes, exit at Loop 360, and use Loop 360 to get to their destination or loop around at 360 and head north towards Bee Cave Road, primarily on the frontage road.
- The exit to Cesar Chavez from MoPac express lanes and entrance to MoPac North from Bee Cave Road overlap, forming a dangerous bottleneck.
    - The Northbound entry ramp from Bee Cave Road onto MoPac and exit ramp from Northbound express lane for Cesar Chavez will create a dangerous merging bottleneck. Drivers going to MoPac North from Bee Cave Road will be competing to merge to the left while drivers coming off the express lane to go to Cesar Chavez will be competing to merge to the right.
  - Getting to Bee Cave Road from regular Southbound Lanes becomes more dangerous.
    - A new entry ramp for the Southbound express lanes will combine with the exit ramp for regular lanes for Bee Cave Road, requiring those who want to enter the express lane heading South and those wanting to exit to Bee Cave Road from the regular lanes to jockey for position. There is no improvement to the ultimate exit because Bee Cave Road drivers will still be required to cross all the lanes quickly to get to Bee Cave.
  - Additional expensive, imposing infrastructure in the Loop 360 to Cesar Chavez corridor provides no benefit to the communities it directly impacts.
    - The design places an expensive, elevated bridge structure over Bee Cave Road (not Barton Skyway), which will take up right-of-way and needlessly introduce elevated noise and light pollution in the area, without considering the impacts to and needs of the east/west traffic in the area. Traffic originating from Bee Cave Road will lose the current access to the Northbound express lanes and traffic with a destination of Bee Cave Road will lose the current exit from the Southbound express lanes. Imposing expensive structures on communities in a way that removes the community's existing ability to access the express lanes and reduces opportunities for improvement of heavily used interchanges in the future does not improve transportation in our region.
  - Austin High School families rely on the foot bridge and parking under the current MoPac bridge.
    - CTRMA has not sufficiently addressed how much of this space will be permanently changed from the current use.

- CTRMA has not sufficiently addressed how the MoPac South design would address parking and student drop off/pickup issues that would be impacted by the project.
- CTRMA’s refusal to acquire additional right-of-way for the Project means that portions of the proposed shared use path may be dangerously close to the road and car traffic.

**CONCLUSION**

The Travis County Commissioners Court has a very strong interest in ensuring that CTRMA and TxDOT produce a comprehensive and accurate analysis of the environmental impacts from the MoPac South project and a full range of feasible alternatives based on a properly, broadly drawn purpose and need statement. In addition, the Commissioners Court continues to respectfully request that CTRMA prepare a full EIS, as explained in our July 31, 2024 letter. Moreover, the Commissioners Court respectfully requests that CTRMA address the specific concerns highlighted above regarding the proposed configuration of the MoPac South expansion.

Please let us know if you would like to set up a video or conference call to discuss these matters in more detail.

Respectfully submitted,



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