

May 5, 2009 Public Hearing Trinity Parkway SDEIS

Proposed Trinity Parkway From IH 35E / SH 183 to US 175 / SH 310

Public Hearing

Dallas Convention Center Arena
650 South Griffin Street
Dallas, Texas

May 5, 2009

Purpose of Tonight's Hearing

- Inform the public of the status of the planning efforts and present evaluations based on studies performed to date
- Describe the proposed project and the Alternatives under consideration so individuals can determine how they may be affected
- Provide the public another opportunity for input before location and design decisions are finalized
- Develop a record of public views and participation

Agenda

- Welcome and Introductions
- Status of the Project
- Project Design
- USACE's Periodic Inspection Report No. 9 for the Dallas Floodway
- Environmental Impacts
- Right-of-Way Acquisition and Relocation
- 20 Minute Recess
- Public Comments

Availability of SDEIS

- Hard copy: \$300.00 plus \$15.00 shipping and handling
- CD with document in Adobe Acrobat format: \$5.00 (plus \$2.00 shipping and handling if delivered)
- To purchase submit request to:
trinityparkway@ntta.org
or by mail to:
Attn: Corridor Manager
Re: Trinity Parkway Project
NTTA
5900 W. Plano Parkway
Plano, TX 75093
- Copies are available for purchase tonight



Submission of Comments

- Verbal comments tonight during public comment period
- Submit comment cards or letters to:
 - Written comment table (tonight), or
 - Attn: Corridor Manager
Re: Trinity Parkway Project
NTTA
P.O. Box 260729
Plano, TX 75026
- Comments will also be accepted by email at trinityparkway@ntta.org

**Comments must be postmarked or received by
May 15, 2009**



Trinity Parkway Corridor

Status of the Project

Public Outreach & Agency Coordination

- Formal public scoping meeting at study start – July 1999
- Community Advisory Work Group
- 190+ public outreach meetings & presentations to local organizations, civic groups, business associations, neighborhood groups, and elected officials to date (on-going)
- 100+ monthly Interagency Executive Team meetings to date (on-going)

Public Outreach & Agency Coordination (Cont'd)

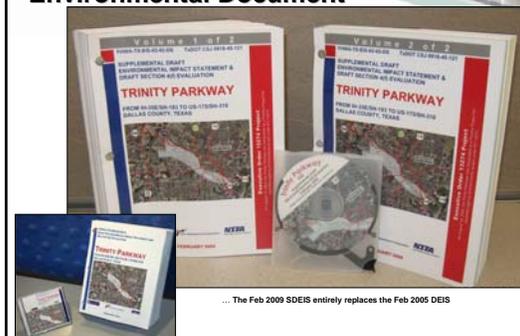
- DEIS Public Hearing – March 2005
- Extensive consultation with USACE, including Hydrology & Hydraulics, O&M, and Geotechnical work groups
- Media outreach
- Project-specific Internet Web page
- Project newsletters and corridor progress reports

What Happens After the Public Hearing?

- Public comment period (ends May 15, 2009)
- Preparation of Public Hearing documentation
- Preparation of the FEIS and Final Section 4(f) Evaluation, identifying a preferred alternative
- Record of Decision by FHWA
- Environmental permits and funding agreements
- Final design
- Right-of-way acquisition and utility clearance
- Construction

Project Design

Overview of Environmental Document





Need for Improvements...

City roads merge into mayhem
AAA cites 10 of the worst bottlenecks
USA Today, October 31, 1996

Nation's 10 worst commuting trouble spots
USA Today, September 9, 2000

AAA Cites Some Of Nation's Worst Commuter Hot Spots
Washington, D.C. - 2/14/2005

Interstate 88 at the Eisenhower Expressway
Traffic from eastern suburbs comes to a halt as 34,000 cars from I-88 merge with 43,000 cars from the Eisenhower Expressway (I-205) every day. The road goes down to a single lane for 1.5 miles.

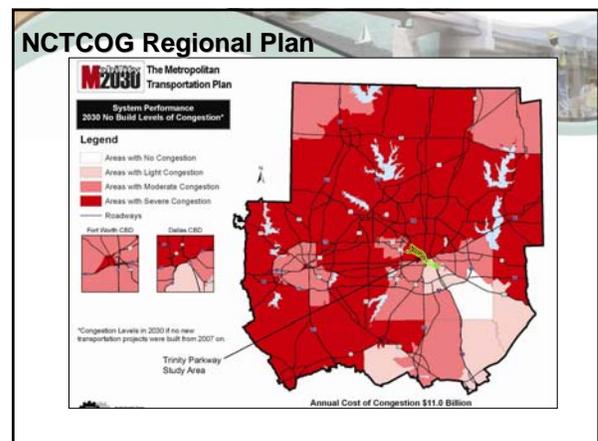
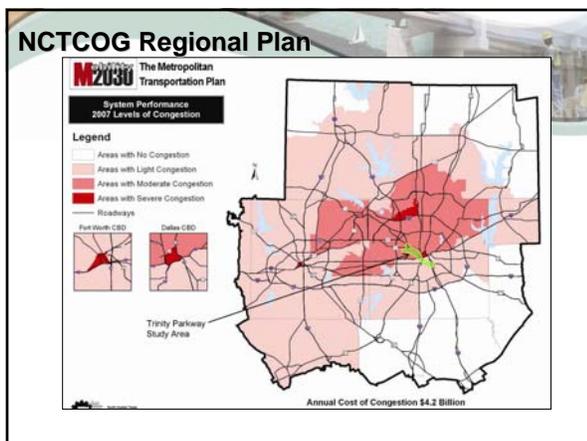
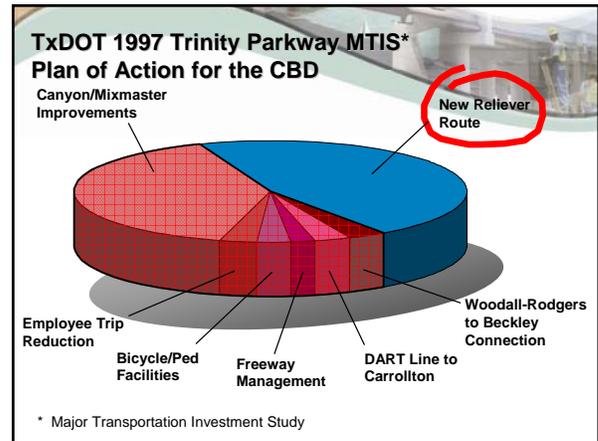
Dallas, TX
Interstate 35 at Interstate 30
Known as the "Mixer" by local motorists, these two local highways merge and struggle to carry more than 200,000 vehicles per day from downtown through the west side of the city.

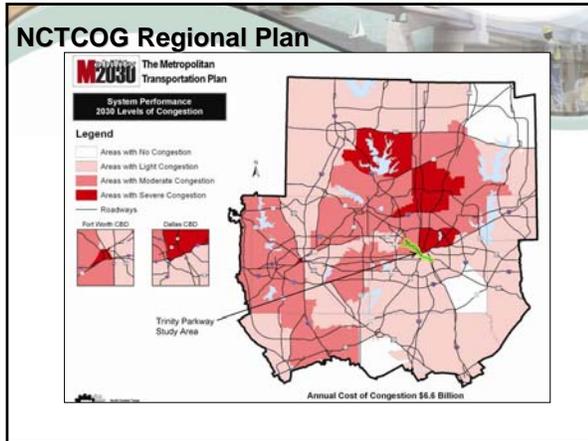
Interstate 75 at Interstate 30
This freeway interchange carries over 47,000 trucks per day. This is almost equivalent to 35

Contact: Harold Williams
Email: hwilliams@aaa.com
Phone: 202-462-2002

Contact: Arlene V. Ruiz
Email: aruiz@aaa.com
Phone: 407-444-9203

American Automobile Association Website
Article Date: February 14, 2005



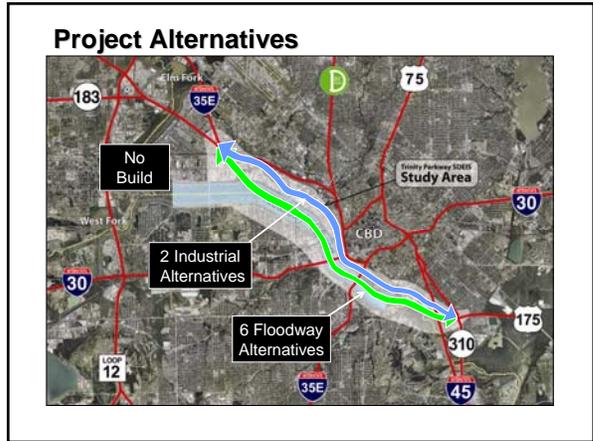


Trinity Parkway – Project Purposes

The Purposes of the Trinity Parkway are to:

- Improve mobility, manage congestion, increase safety, and accommodate future travel demands
- Minimize the physical, biological, and socio-economic effects on the human environment
- Provide compatibility with local development plans
- Act on voter approval for the Trinity Parkway project
- Provide enhancements of modal interrelationships

Project Alternatives

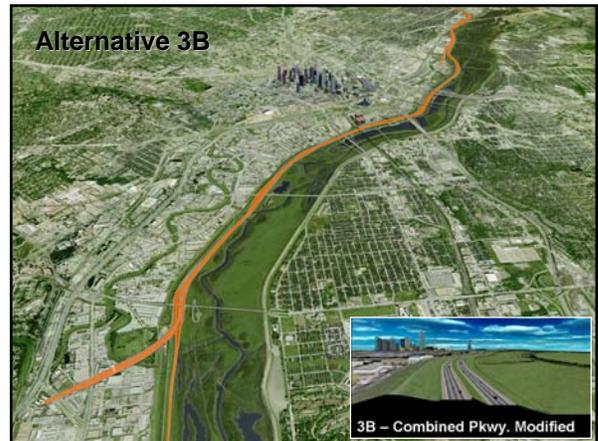


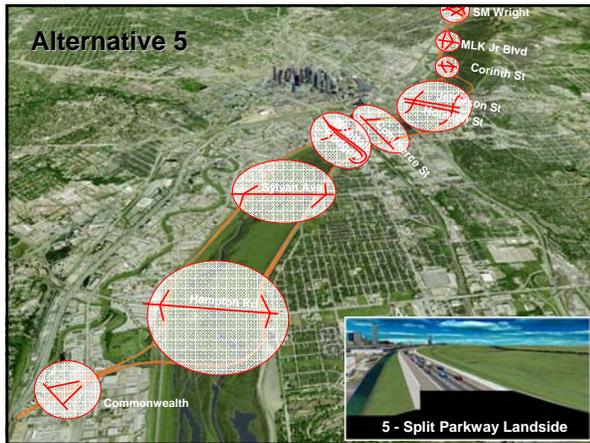
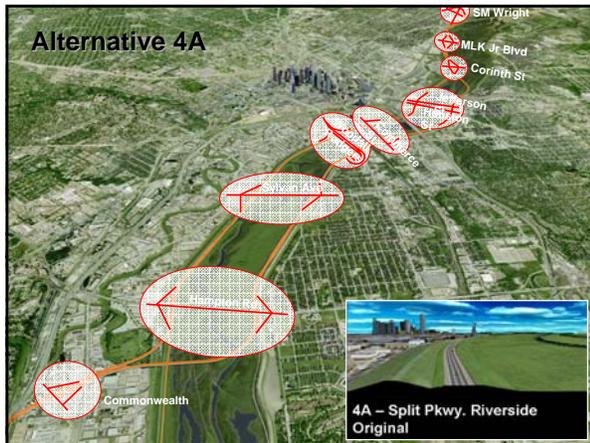
Build Alternatives

Comments Applicable to all Build Alternatives:

- All are designated as controlled-access toll roads
- All have grade separations at crossings of existing highways and streets
- All have toll collection by TollTag® or ZipCash®
- All have a posted speed limit of 55 mph
- All are configured as six-lane facilities throughout... sized for year 2030 traffic
- All constructed in stages... six-lanes from IH-35E/SH-183 to Woodall Rodgers, four-lanes from Woodall Rodgers to IH-45 initially, six-lanes from IH-45 to US-175/SH-310





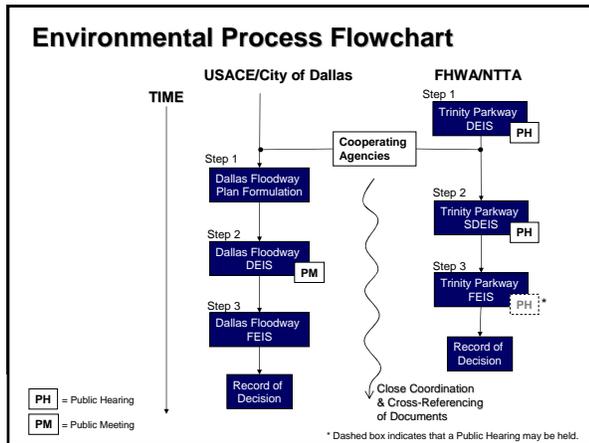


Interagency Agreements - 2005

- Jan. 28, 2005 - Draft EIS approved for circulation. March 29, 2005 - Public Hearing conducted. Feb. 11 thru April 8, 2005 - Public Comment period.
- April 13, 2005 - City of Dallas Council reaffirmed support for Trinity Parkway as an NTTA tollroad, and recommended Alt. 3B as the locally preferred alignment.
- May 11, 2005 - FHWA, USACE, USEPA, NTTA, TxDOT, NCTCOG, and the City of Dallas met to organize subsequent EIS strategy.
- July 2005 - FHWA requested USACE become a cooperating agency in the preparation of the Trinity Parkway EIS

Interagency Agreements – 2005 (cont'd)

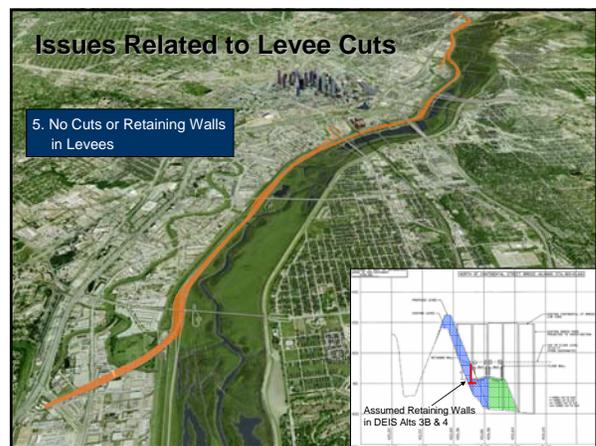
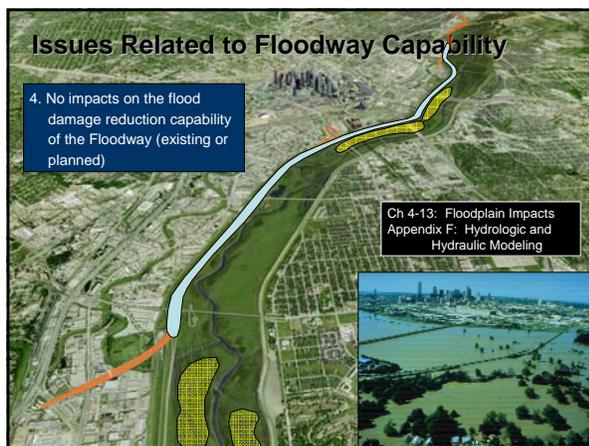
- Oct. 2005 - USACE FW District agreed to become a cooperating agency.
- Nov. 15 2005 - USACE FW District requested an SDEIS be prepared for Trinity Parkway, and stated its intent to use the TP EIS as basis for Section 404 (Wetlands) and Section 10 (Navigable Rivers) Permits.
- Nov. 17, 2005 - FHWA, USACE, USEPA, NTTA, TxDOT, NCTCOG, and the City of Dallas finalized the EIS Strategy.

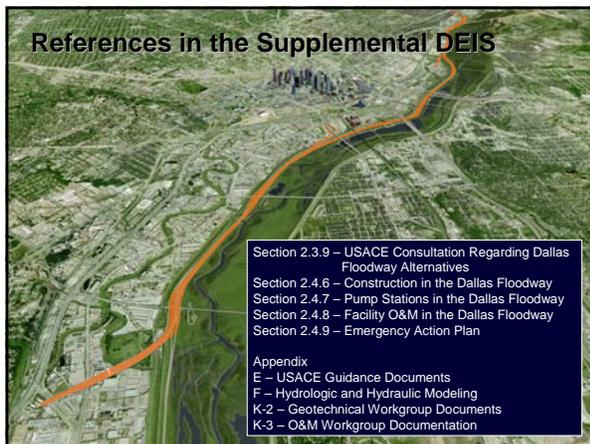
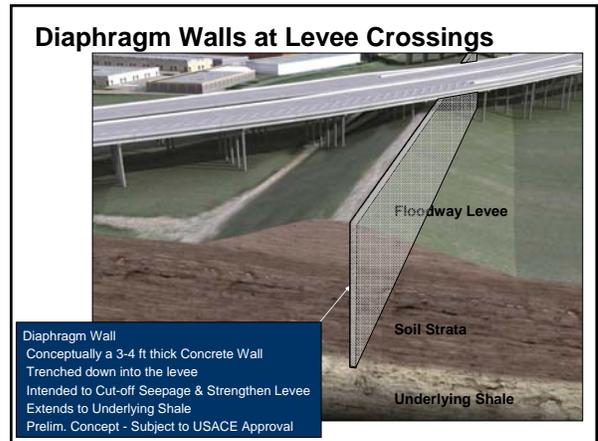
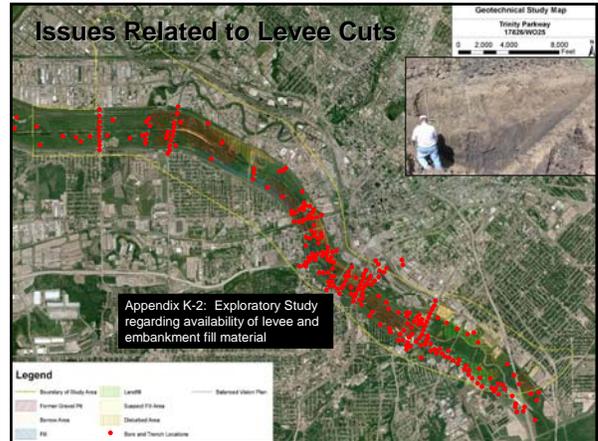
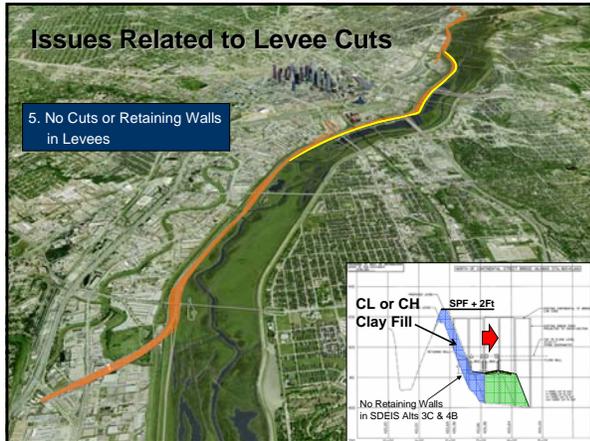


USACE Major Issues

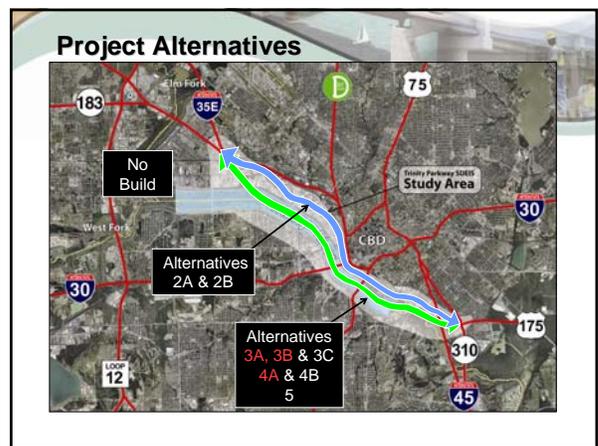
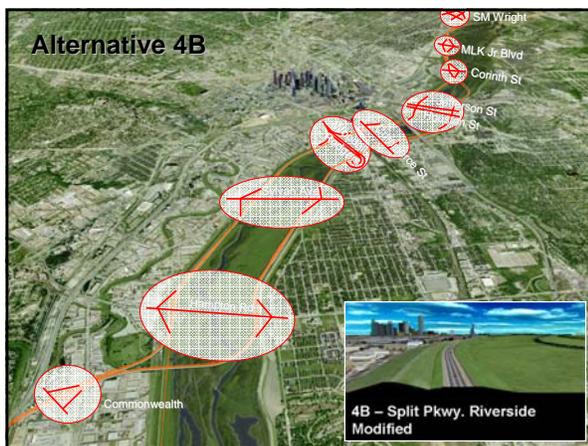
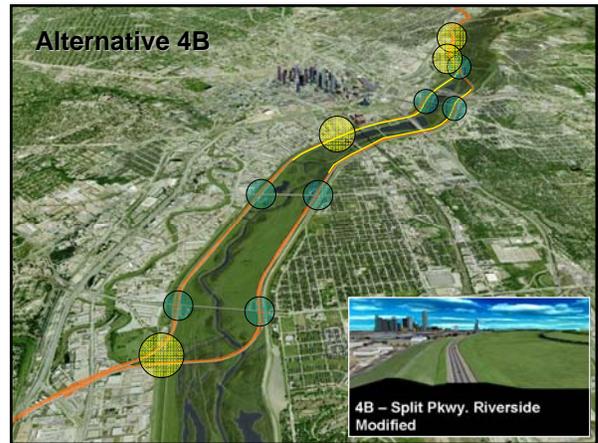
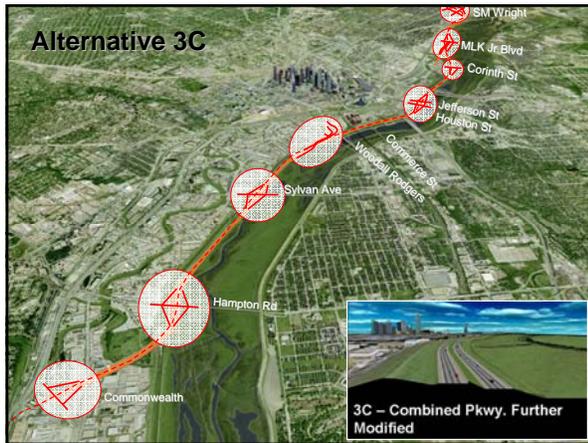
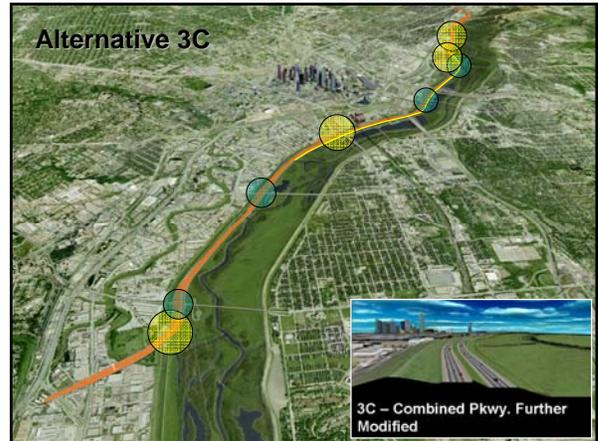
(Would apply to all roadway alternatives within the Dallas Floodway)

1. No transfer of lands
2. Maintain federal project primacy
3. No impacts on Dallas Floodway O&M, flood fighting and surveillance
4. No impacts on the flood damage reduction capability of the Floodway (existing or planned)
5. No cuts or retaining walls in levees
6. Avoid / mitigate impacts of bridge crossings, ramps and interchanges on levees





New Alternatives in the SDEIS



Comparison Table

Note: All costs shown in 2007 dollars, rounded to millions (M).
Project costs are expected to increase in future years due to inflation.

Trinity Parkway Alternative	Length (Miles)	Estimated Right-of-Way (Ac)	Estimated Right-of-Way Cost (\$)	Estimated Construction Cost (\$)	Estimated Agency Cost (\$)	Total Estimated Cost (\$)
1 (No Build)	--	--	--	--	--	--
2A	8.83	264	\$ 392 M	\$ 1,321 M	\$ 364 M	\$ 2,079 M
2B	8.83	350	\$ 353 M	\$ 976 M	\$ 276 M	\$ 1,606 M
3A	8.67	371	\$ 94 M	\$ 773 M	\$ 211 M	\$ 1,079 M
3B	8.67	372	\$ 111 M	\$ 809 M	\$ 221 M	\$ 1,142 M
3C	8.67	379	\$ 111 M	\$ 925 M	\$ 252 M	\$ 1,290 M
4A	8.84	462	\$ 101 M	\$ 872 M	\$ 241 M	\$ 1,216 M
4B	8.84	490	\$ 102 M	\$ 1,005 M	\$ 275 M	\$ 1,384 M
5	8.90	372	\$ 114 M	\$ 1,068 M	\$ 296 M	\$ 1,479 M

Table 2-7. SDEIS - Total Length, Right-of-way, And Estimated Costs

U. S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS FORT WORTH, TEXAS

PERIODIC INSPECTION REPORT DALLAS FLOODWAY TRINITY RIVER, DALLAS, DALLAS COUNTY, TEXAS

REPORT NO. 9 3-5 DECEMBER 2007

Dallas Floodway Project Periodic Inspection Report No. 9 (FINAL)
The City of Dallas announces Final Report Findings for Dallas Levee System in the Dallas Floodway Project Periodic Inspection Report No. 9.

More information... www.dallascityhall.com

Public Release April 1, 2009

Dallas Floodway Project Periodic Inspection Report No. 9 (FINAL)

April 1, 2009

The City of Dallas announces the results of the Dallas Floodway Project Periodic Inspection. Following the findings that reported during numerous public hearings in 2007, the Corps of Engineers (CoE) issued a new rating system process for periodic inspection when it was along with similar, less detailed annual inspections.

The following documents provide additional information from the April 1, 2009 Council 94 included in a C&A that was put together to help answer questions that might arise from a request from the U.S. Army Corps of Engineers for the Dallas Levee System. If you have questions, please contact Mr. Mike Lohm at 214-570-2322.

Corps of Engineers Periodic Inspection Report Dallas Floodway Project Report # 9 City of Dallas - Final Report Findings for Dallas Levee System (Final PDF, City of Dallas)

City of Engineers Periodic Inspection Report Dallas Floodway Project Report Number 9 (Final PDF)

Showing the Criteria for Accessing Levee Systems on 9/11 Flood Maps

Corps of Engineers Periodic Inspection Report Dallas Floodway Project Report Number 9 (Final PDF, Dallas City Council)

www.dallascityhall.com

Trinity River levees fail U.S. Army Corps of Engineers review

07-42 AM OCT 04 PM 04, April 3, 2009

By MICHAEL A. LINDENBERGER / The Dallas Morning News
milindenberger@dallasnews.com

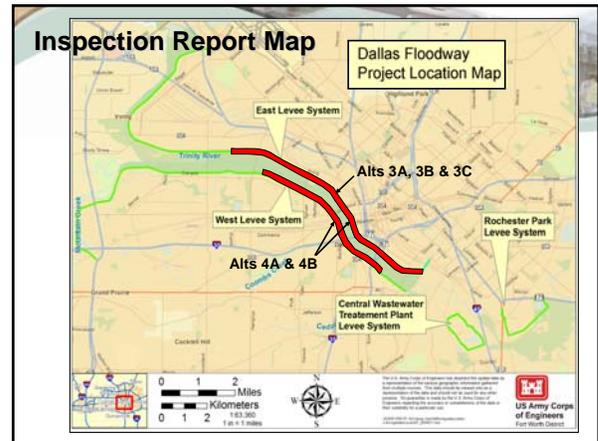
The Trinity River levees in downtown Dallas have fumbled an important review by the U.S. Army Corps of Engineers, leading more doubt on plans to build the Trinity Parkway toll road.

The findings released Tuesday will also trigger a new federal review of the city's flood risk, which could mean higher insurance rates for property owners in the Trinity's flood area and more roadblocks to other development.

The corps inspected 170 aspects of the levees in late 2007, and found 24 "unacceptable." City officials said they

Also Online:

- [Fell on: What's the next step for City?](#)
- [Download U.S. Army Corps of Engineers report on Trinity levees](#)
- [04/04/09: Former Dallas Mayor Gink not Army Corps over Trinity project](#)
- [04/03/09: Federal funds may not cover Trinity River levee repairs](#)
- [03/24/09: Dallas areas near Trinity River levees at Dallas City Council meeting](#)
- [02/25/09: Trinity levees fail Army Corp. review, building toll road plan in doubt](#)



Inspection Report Major Findings

- Insufficient crest height rendering the East and West Levees incapable of successfully accommodating the Standard Project Flood without overtopping
- Significant encroachments and penetrations that impact the integrity and performance of the levees, as well as inhibit access for O&M, surveillance and flood fighting purposes
- Damaged gate closures
- Unstable structures

Inspection Report Major Findings (cont'd)

- Severe cracking of the levees
- Erosion; Vegetation
- Siltation; Channel instability
- Failure to meet USACE design criteria regarding relevant factors of safety for embankment stability and seepage gradients

Agency Position Regarding Inspection Report New Information

- TxDOT, FHWA & NTTA will review the findings of the Inspection Report as they may relate to Trinity Parkway
- The agencies will identify and develop further studies needed with respect to the levee conditions and its impact on the Trinity Parkway Floodway alternatives
- The agencies will continue to coordinate with the City of Dallas and USACE to develop remedial actions if needed
- In the event a Floodway alternative is recommended for Trinity Parkway, further studies and initial results regarding the Parkway and the levees would be presented to the public in the future, but prior to the Final EIS

Environmental Impacts

National Environmental Policy Act (NEPA)

- In order to meet NEPA process goals and comply with laws, regulations and policies, projects need to be carried out in such a way that they:
 - **Avoid** adverse (negative) impacts
 - Where adverse impacts cannot be avoided, impacts would be **Minimized**
 - Unavoidable adverse impacts should be **Mitigated**
 - Environmental **Enhancements** should be developed as appropriate
 - Mitigation and enhancement measures are eligible for Federal funding

“Avoid, Minimize, Mitigate, Enhance”

Trinity Parkway NEPA Process

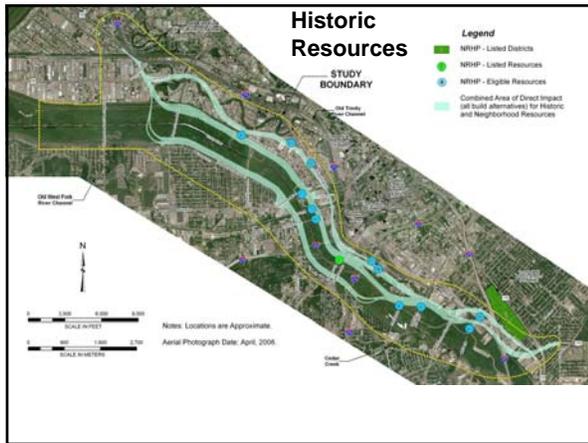
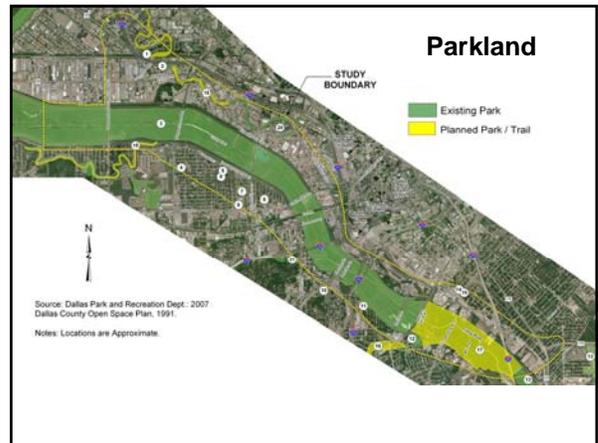
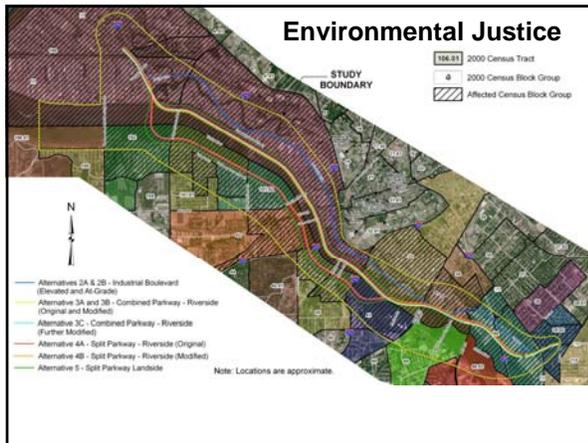
- Type of document: Environmental Impact Statement (EIS) and Section 4(f) Evaluation
- Section 4(f) USDOT statutorily required evaluation of significant public parks, wildlife refuges, and significant historic sites
- Supplemental Draft EIS was developed in conjunction with the USACE to address specific concerns about the proposed floodway alternatives and discusses the social, economic and environmental effects of
 - No Build Alternative, and
 - Eight Build Alternatives

Resources and Issues

- Need and Purpose
- Right-of-Way and Utility Adjustments
- Relocations and Displacements
- Descriptions of the Existing and Proposed Roadway Facility
- Surrounding Terrain and Land Use
- Traffic Projections
- Alternatives (No-Build and Build)
- Socio-economic Impacts
- Community Cohesion and Environmental Justice
- Public Facilities and Services
- Parkland
- Section 4(f) Properties
- Lakes, Rivers, and Streams
- Waters of the U.S., including Wetlands
- Water Quality
- Floodplain Impacts
- Threatened and Endangered Species
- Vegetation and Wildlife Habitat
- Historical and Archeological Sites
- Invasive Species and Beneficial Landscaping
- Prime, Unique, and Special Farmland Impacts
- Air Quality Assessment
- Mobile Source Air Toxics
- Noise Assessment
- Hazardous Materials
- Visual Impacts
- Construction Impacts
- Indirect and Cumulative Impacts
- Items of a Special Nature

Resources and Issues

- Need and Purpose
- **Right-of-Way and Utility Adjustments**
- **Relocations and Displacements**
- Descriptions of the Existing and Proposed Roadway Facility
- Surrounding Terrain and Land Use
- Traffic Projections
- Alternatives (No-Build and Build)
- Socio-economic Impacts
- Community Cohesion and **Environmental Justice**
- Public Facilities and Services
- **Parkland**
- **Section 4(f) Properties**
- Lakes, Rivers, and Streams
- **Waters of the U.S., including Wetlands**
- Water Quality
- **Floodplain Impacts**
- Threatened and Endangered Species
- Vegetation and Wildlife Habitat
- **Historical and Archeological Sites**
- Invasive Species and Beneficial Landscaping
- Prime, Unique, and Special Farmland Impacts
- Air Quality Assessment
- Mobile Source Air Toxics
- **Noise Assessment**
- **Hazardous Materials**
- Visual Impacts
- Construction Impacts
- **Indirect and Cumulative Impacts**
- Items of a Special Nature



Section 4(f) and Section 106

A Draft Section 4(f) Evaluation has been prepared as part of the SDEIS.

The Federal Highway Administration will make a Section 4(f) determination for impacts to historic sites.

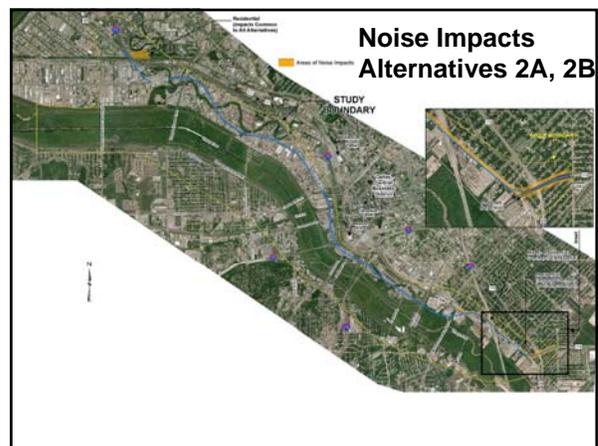
Section 106 consultation is ongoing with pertinent agencies.

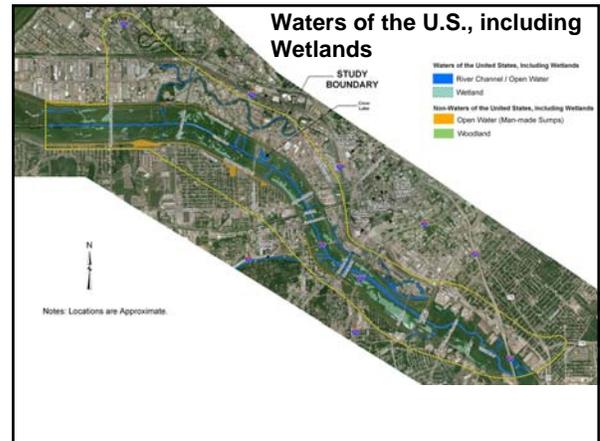
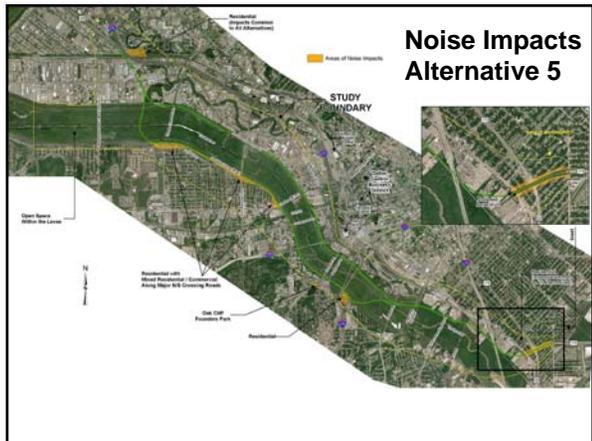
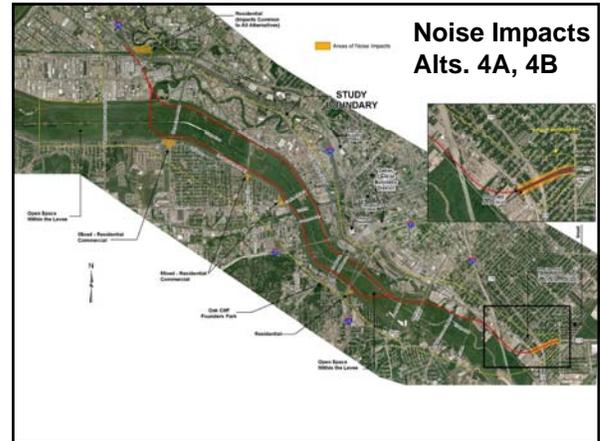
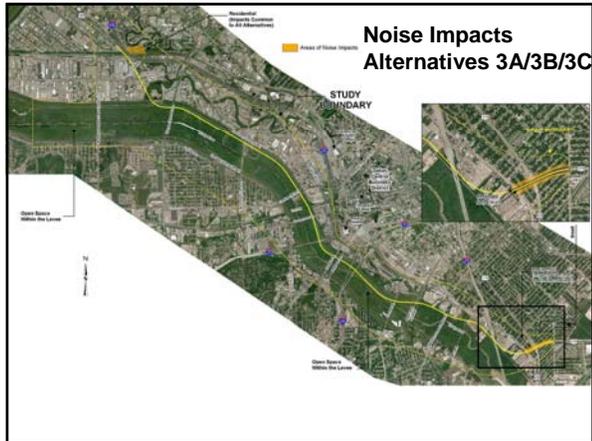
Section 106 of the National Historic Preservation Act:

- Requires federal agencies to take into account the effects their activities and programs have on historic properties
- Identifies potential conflicts between projects and historic preservation
- Resolve any conflicts in the public interest

Summary of Noise Impacts

Affected Properties	1 (No-Build)	2A Industrial Elevated	2B Industrial At-Grade	3A Combined Riverside Original	3B Combined Riverside Modified	3C Combined Riverside Further Modified	4A Split Riverside Original	4B Split Riverside Modified	5 Split Landslide
Single Family	---	208	201	127	127	127	164	164	224
Multi-Family	---	0	0	0	0	0	0	0	0
School	---	0	0	0	0	0	0	0	0
Park	---	1	1	1	1	1	2	2	2
Community Center	---	0	0	0	0	0	0	0	0
Church	---	0	0	0	0	0	0	0	0
TOTAL Noise Impacted Receivers	---	209	202	128	128	128	166	166	226

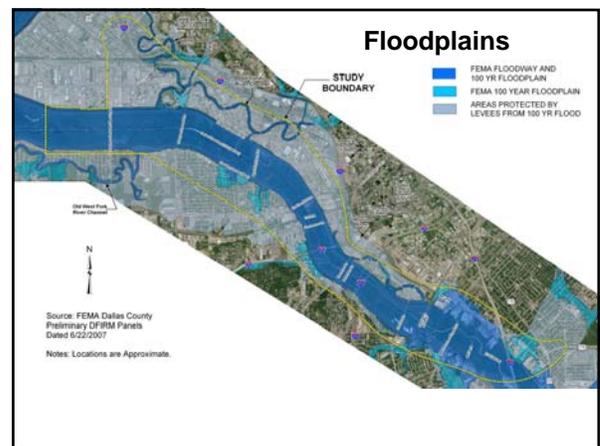


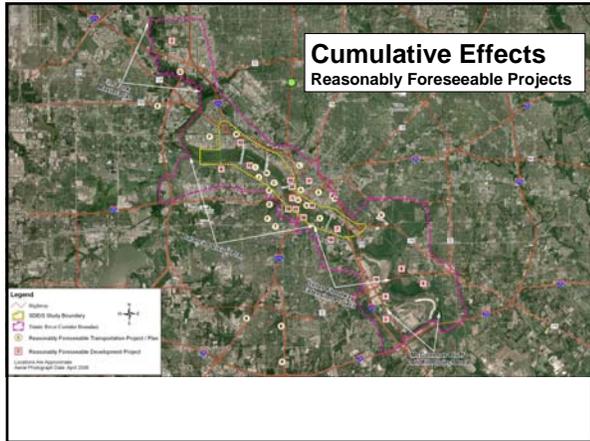
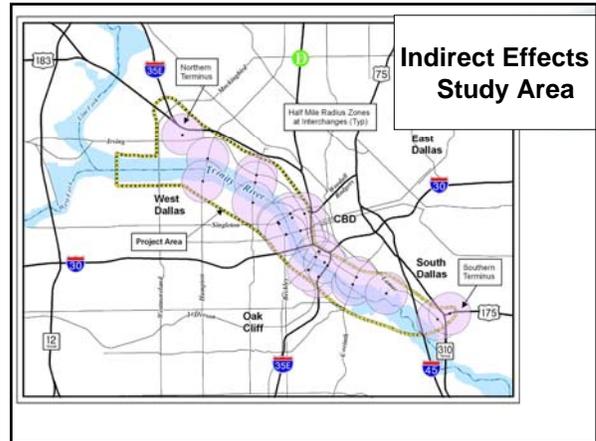
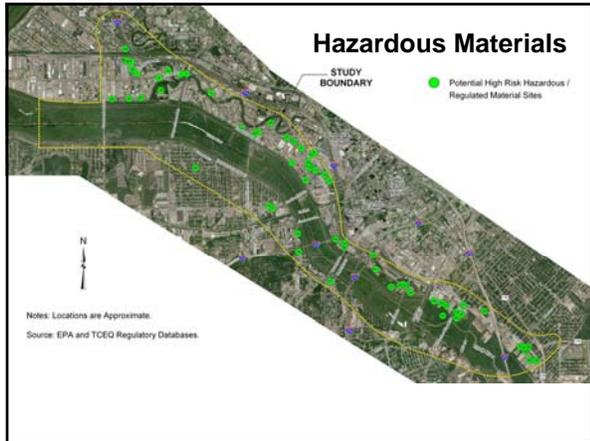


Waters of the U.S., including Wetlands

Build Alternative	Emergent Wetlands		Forested Wetlands		Open Water Intermittent		Historic Trinity River Channel		Intermittent Stream		Trinity River		Total	
	Fill	Ex.	Fill	Ex.	Fill	Ex.	Fill	Ex.	Fill	Ex.	Fill	Ex.	Fill	Ex.
1 (No-Build)	--	--	--	--	--	--	--	--	--	--	--	--	--	--
2A	--	--	1.4	--	--	--	2.7	--	0.1	--	--	--	4.2	--
2B	--	--	2.5	--	--	--	6.3	--	0.2	--	--	--	9.0	--
3A	12.6	20.6	1.7	--	3.8	2.5	0.3	--	0.2	--	0.3	40.4	18.9	63.5
3B	11.7	20.6	1.3	--	3.5	2.5	0.8	--	0.2	--	0.2	40.4	17.7	63.5
3C	17.0	20.6	1.3	--	4.4	2.5	1.5	--	0.2	--	3.0	40.4	27.4	63.5
4A	14.9	20.6	1.7	--	3.0	2.5	0.4	--	0.2	--	2.0	40.4	22.2	63.5
4B	35.8	20.6	1.3	--	5.8	2.5	1.2	--	0.1	--	3.0	40.4	47.2	63.5
5	2.0	--	--	--	0.1	--	8.2	--	0.1	--	1.3	--	11.7	--

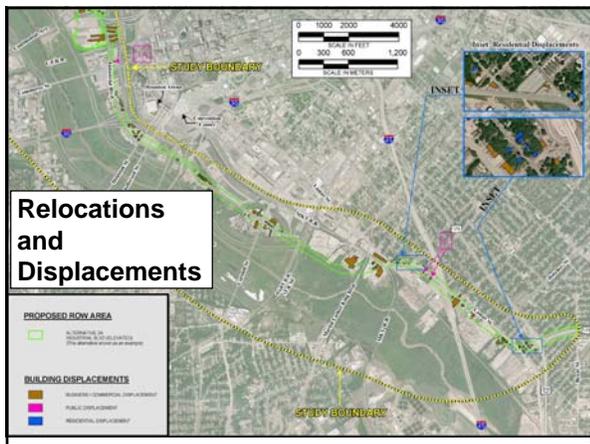
Notes:
1. All quantities shown in acres. Calculated areas are estimates only.
2. "Fill" impacts are expected from roadway construction; Excavation ("Ex.") impacts are expected from potential borrow areas.





Right-of-Way Acquisition

Right of Way	1 No-Build	2A Industrial Elevated	2B Industrial At-Grade	3A Combined Riverside Original	3B Combined Riverside Modified	3C Combined Riverside Further Modified	4A Split Riverside Original	4B Split Riverside Modified	5 Split Landside
Privately Owned	---	126.7	205.6	155.5	174.7	157.3	196.5	167.2	223.2
Public Land	---	137.2	144.2	215.3	197.7	221.9	265.8	323.2	149.3
TOTAL (Acres)	---	263.9	349.8	370.8	372.4	379.2	462.3	490.4	372.5



Property Displacements

Displacements	1 No-Build	2A Industrial Elevated	2B Industrial At-Grade	3A Combined Riverside Original	3B Combined Riverside Modified	3C Combined Riverside Further Modified	4A Split Riverside Original	4B Split Riverside Modified	5 Split Landside
Commercial Buildings	---	272	228	27	34	29	30	24	39
Residential Buildings	---	8	6	6	6	6	11	11	20
Public Buildings	---	5	11	--	--	--	--	--	3
TOTAL	---	285	245	33	40	35	41	35	62

Possible Permits and Approvals Needed

- TPDES General Permit for Construction (TCEQ)
- Rivers and Harbors Act, § 10 (USACE)
- Clean Water Act, Section 404 (USACE)
- Municipal Separate Storm Sewer System (TCEQ)
- Clean Air Act Conformity Determination
- Section 401 Water Quality Certification (TCEQ)
- National Flood Insurance Program (FEMA)
- Trinity River Corridor Development Certificate (City of Dallas)
- NHPA Section 106 (FHWA, TxDOT, SHPO and ACHP)
- Interstate Access Agreement (FHWA, TxDOT and NTTA)
- Toll Agreement (FHWA, TxDOT and NTTA)
- FEIS, Section 4(f), and ROD approval (FHWA)
- 33 U.S.C. Section 408 (USACE)

Mitigation & Monitoring may include...

- Relocation assistance
- Construction oversight and environmental monitoring
- Noise walls
- Restoration of Waters of the U.S.
- Implementation of landscaping and revegetation
- Mitigation Agreements with Texas Historical Commission
- Sidewalks; neighborhood access

If a Build Alternative is recommended, mitigation will be finalized prior to publication of the anticipated ROD

Right-of-Way Acquisition and Relocation

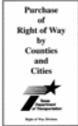
Booklets Available



Right-of-Way Acquisition Process

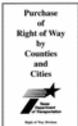
Conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

1. The Acquiring Entity obtains:
 - Environmental clearance
 - Local agency agreements
 - Approved right-of-way map
 - Funding
 - Release from TxDOT Austin to begin the acquisition process



Right-of-Way Acquisition Process

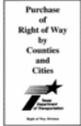
2. Acquiring Entity orders:
 - Property title information
 - Five-year sales data
 - Preliminary title commitment



Right-of-Way Acquisition Process

3. Acquiring Entity assigns independent appraisers:

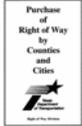
- Appraisers contact owners
- Appraisers submit appraisals
- Acquiring Entity reviews appraisals for approval



Right-of-Way Acquisition Process

4. Acquisition agent presents offer to property owner, including:

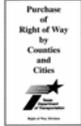
- Appraised value of property
- Compensable damages to remaining real property
- Relocation assistance



Right-of-Way Acquisition Process

5. Property owner may then:

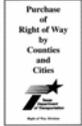
- a. Donate land
- b. Accept offer
- c. Submit counter offer, if appropriate
- d. Begin eminent domain proceedings, if an agreement on value is not reached



Right-of-Way Acquisition Process

5b. When owner accepts:

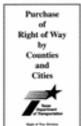
- Owner signs deed and Memorandum of Agreement
- The Acquiring Entity issues a warrant to owner and title company
- Owner closes at title company and is compensated for new right of way



Right-of-Way Acquisition Process

5c. Owner counter offers:

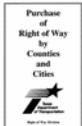
- Owner may submit counter offer if owner believes it does not represent fair market value
- Acquiring Entity reviews counter offer and either accepts or rejects it
- If rejected, owner may accept original offer or proceed to eminent domain



Right-of-Way Acquisition Process

5d. Eminent Domain:

- Court appoints three (3) commissioners to hear owner and Acquiring Entity
- Commissioners decide award
- Acquiring Entity deposits award in registry of court and takes possession
- Either owner or Acquiring Entity shall have the right to appeal to jury trial



Right-of-Way Acquisition Process

6. Relocation Assistance

- Administered by Acquiring Entity
- Available to those who qualify as a result of the acquisition of right of way



Right-of-Way Acquisition Process

6a. Relocation Assistance (cont.)

- The benefits are applicable to all individuals, families, businesses, farmers, ranchers and non-profit organizations without regard to race, color, religion, sex, or national origin



Right-of-Way Acquisition Process

6b. Relocation Assistance (cont.)

- If the owner will need to move, do not do so until negotiations have begun unless you first secure a written notice of "Intent to Acquire" from the Acquiring Entity



Right-of-Way Acquisition Process

6c. Relocation Assistance (cont.)

- Appeal procedures are available for displacees who do not agree with any amounts offered for relocation reimbursement (see "Purchase of Right of Way by Counties and Cities" booklet)



Right-of-Way Acquisition Process

6d. Relocation Assistance (cont.)

- See the "Relocation Assistance" booklet for regulations governing the relocation of advertising signs not purchased as real property



Public Comment Process

- Elected officials or representatives from local governments will be allowed to provide a statement
- Speakers will be called based on returned speaker forms
- Following registered speakers, unregistered speakers will be allowed an opportunity to comment

Recess

- 20 minute recess
- Comment period following recess

Public Comments

Please note that we will not attempt to respond to your comments at this time

Comments will be given full consideration and a written response will be provided for the project record as part of the FEIS

Submission of Comments

- Submit comment card or letter to:
 - Written comment table (tonight) or
 - Attn: Corridor Manager
Re: Trinity Parkway Project
NTTA
P.O. Box 260729
Plano, TX 75026
- Comments will also be accepted by email at trinityparkway@ntta.org
Comments must be postmarked or received by May 15, 2009

Elected Officials Comments

Please step to the microphone and state your name, title, and comment

Public Comments

Please step to the microphone and state your name, address, and comment

Please limit comments to 3 minutes

Speaker's Time Remaining:

0:00

