



U.S. Department
of Transportation
**Federal Highway
Administration**

Texas Division

May 9, 2014

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In Reply Refer To:
HA-TX

CSJ: 0265-01-110
Highway: SH 71 from Presidential Blvd to SH 130
County: Travis County

Ms. Sonya Y. Hernandez
Project Delivery Manager
Environmental Affairs Division
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2483

Dear Ms. Hernandez:

We have thoroughly reviewed our records on this project which include, but are not limited to, the Environmental Assessment (EA) dated May 2014, the Public Hearing Summary and Analysis prepared by the Texas Department of Transportation, and all of the previous environmental studies and findings. Based upon our own agency review and consideration of the analysis and evaluation contained in the EA for this project and after further consideration of all social, economic and environmental factors, including input from the public involvement process, we hereby approve issuance of a finding of no significant impact for the SH 71 project.

We concur in the findings of the May 2014 EA in that 1) the Build Alternative is the recommended alternative for the SH 71 project, 2) the Build Alternative best meets the need and purpose of the project, and 3) the proposed project will have no significant impacts on the quality of the human or natural environment under the National Environmental Policy Act of 1969. In addition, based on this review, we find that an Environmental Impact Statement is not required for this project.

Sincerely,



Justin R. Ham, P.E.
Urban Engineer

Enclosure

Federal Highway Administration
Finding of No Significant Impact (FONSI)
SH 71 Express from Presidential Boulevard to SH 130
Travis County, Texas

Introduction

The Federal Highway Administration (FHWA) has determined, in accordance with 23 Code of Federal Regulations (CFR) § 771.119 and § 771.121, that the SH 71 Express Project (SH 71 from Presidential Boulevard to SH 130) will not have a significant impact on the human, cultural, or natural environment. This Finding of No Significant Impact (FONSI) for the preferred alternative is based on the May 2014 SH 71 Express Project Environmental Assessment (EA) document. The Draft EA was approved by the FHWA as satisfactory for further processing for public involvement on February 25, 2014. The Public Hearing Summary and Analysis, and Comment and Response Report (which includes responses to public comments) prepared by the Texas Department of Transportation (TxDOT) in May 2014 and any necessary revisions have been incorporated into the final EA.

The May 2014 SH 71 Express Project EA and the Public Hearing Summary and Analysis have been independently evaluated by the FHWA and determined to adequately and accurately discuss the purpose and need, alternatives, environmental issues and impacts, required mitigation measures, and public concerns. These documents provide sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. These documents are incorporated by reference into this decision document.

Project Background

Existing Facility

The existing SH 71 facility is a divided highway consisting of main lanes with intermittent frontage road lanes. The number of existing travel lanes in SH 71 varies within the project limits; there are two 12-foot main lanes and two frontage lanes in each direction at Presidential Boulevard, and three 12-foot main lanes between Presidential Boulevard and SH 130. There is a grade-separated interchange at Presidential Boulevard and SH 130, and an at-grade interchange at Farm-to-Market Road (FM) 973. Traffic signals are located along the SH 71 main lanes at FM 973 and SH 130, and along the eastbound and westbound frontage lanes at Presidential Boulevard. Sidewalks are present along the westbound frontage lanes, just west of Spirit of Texas Drive (approximately 270 feet), and along eastbound SH 71 west of FM 973 (approximately 460 feet).

Proposed Improvements

The SH 71 Express Project proposes adding one new toll lane in each direction to the existing SH 71 facility from Presidential Boulevard to SH 130. The project will include widening the existing SH 71 overpass at Presidential Boulevard, as well as constructing overpass structures at the FM 973 and SH 130 interchanges. A continuous bicycle and pedestrian facility will be built along SH 71 connecting the residential neighborhoods with transit, commercial areas, and community

facilities. North and south bicycle and pedestrian access will be provided via crosswalks and lane markings at the signalized intersections at Presidential Boulevard and FM 973, and the stop-controlled intersection at the Spirit of Texas Drive. The SH 71 bicycle and pedestrian facility will connect with Old Bastrop Highway near US 183 and the facilities being built as part of the FM 973 interchange project, as well as the Onion Creek Greenway being built by Travis County Parks Department. All improvements will be constructed within the existing right-of-way (ROW) with the exception of a portion of the bicycle and pedestrian facility, which will be built on property owned by Austin-Bergstrom International Airport (ABIA).

The need for the project, or reason for the project, is identified in the EA as follows:

1. Congestion relief due to regional population and economic growth
2. Improve mobility due to increased congestion levels on the roadway
3. Improve vehicle and pedestrian facilities

The purpose of the project, or solutions to the need, as identified in the EA are:

1. Improve traffic flow
2. Improve mobility
3. Improve vehicle and pedestrian safety while effectively managing congestion

The SH 71 Express Project was developed in accordance with the National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR § 1500-1508), FHWA Environmental Impact and Related Procedures (23 CFR § 771), and the TxDOT environmental and public involvement rules (43 Texas Administrative Code [TAC] Part 1, Chapter 2), and other related federal and state requirements.

In a letter dated March 21, 2013, TxDOT requested concurrence from the FHWA to proceed with the preparation of an EA for the SH 71 Express Project according to 23 CFR § 771.115 and § 771.119. FHWA concurred with TxDOT's recommendation to proceed with an EA on April 12, 2013.

Review of the EA

TxDOT, in cooperation with the Central Texas Regional Mobility Authority (Mobility Authority), completed the final EA in May 2014. The EA considered and analyzed the potential social, economic, and environmental impacts related to the proposed improvements to SH 71.

The potential impacts studied include direct, indirect, and cumulative impacts of the project. Direct effects are defined by the CEQ regulations (40 CFR § 1508) as being "caused by an action and occur at the same time and place." Indirect effects are defined as effects that are "caused by an action and occur later in time or farther removed in distance, but are still reasonably foreseeable," and may "include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related impacts on air, water and other natural systems, including ecosystem." Cumulative impacts are the incremental

impacts that the project's direct and indirect effects have on a resources in the context of the myriad of other past, present, and future effects on that resources from unrelated activities.

In accordance with the CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR § 1500-1508), FHWA regulations 23 CFR § 771, and FHWA and TxDOT guidance, reasonable alternatives, identified through early corridor studies and agency input, were developed and evaluated. Two preliminary alternatives were carried forward into the EA: the No-Build Alternative and the proposed Build Alternative.

The No-Build Alternative assumes the construction of other projects currently planned and programmed in the Capital Area Metropolitan Planning Organization (CAMPO) 2035 Regional Transportation Plan (RTP), as amended, including the previously-approved FM 973 improvements. There would be no change to the existing capacity of SH 71, and the increasing traffic demand on the facility would decrease mobility, safety and air quality, and increase congestion within the proposed project area. There would also be no planned safety improvement to pedestrian access under the No-Build Alternative.

Several project coordination and development meetings were held with representatives from FHWA, TxDOT, CAMPO, and the project team to develop the Build Alternative. The development of the Build Alternative was predicated on meeting the project's purpose and need, consistency with the CAMPO 2035 RTP, and minimizing the need for additional ROW. Continued refinement of the proposed Build Alternative resulted through collaboration among ABIA, Capital Metropolitan Transportation Authority (Capital Metro), City of Austin – Department of Aviation, and other agency stakeholders. This coordination resulted in project refinements including the incorporation of bicycle and pedestrian facilities into the proposed Build Alternative. The outcome of this coordination and analysis was the identification of the proposed Build Alternative to be studied in the EA against the No-Build Alternative. TxDOT has recommended the approval of the proposed Build Alternative as the Preferred Alternative in the Draft EA and is now recommending it be the Selected Alternative as part of this FONSI decision.

The proposed Build Alternative includes the construction of two new 12-foot toll lanes (one in each direction) from Presidential Boulevard to SH 130. The toll will be based on a fixed pricing mechanism. While not yet determined, the fixed toll is expected to range from \$0.29 per mile for a 2-axle automobile to \$1.16 for a 5-axle truck. The toll lanes will be located on the inside of the existing facility with the outer lanes continuing to operate as general purpose non-toll lanes. The same number of non-toll lanes as exist today will remain. The project will also widen the existing SH 71 overpass at Presidential Boulevard and construct overpasses at FM 973 and SH 130. Designated turnarounds will be built at the Presidential Boulevard and FM 973 intersections. A continuous bicycle and pedestrian facility will be built along SH 71 to the north and south. Bicycle and pedestrian access will be provided via crosswalks across SH 71 at the signalized intersections at Presidential Boulevard and FM 973, and at the stop-controlled intersection as the Spirit of Texas Drive. When toll operations begin, the toll lanes will be operated and maintained by the Mobility Authority. The Mobility Authority is an independent government agency created in 2002 to improve the transportation system in Williamson and Travis counties. TxDOT will continue to operate and maintain the non-tolled main lanes.

The proposed Build Alternative will stay within the existing ROW and avoid impacts to parklands and historic resources. No residential relocations or commercial displacements will result from the proposed Build Alternative. The impacts of the Build Alternative will include:

- Impact to riparian vegetation along Onion Creek near the Onion Creek Bridge – the project will not impact the riparian conservation area located approximately 5 miles upstream in McKinney Falls State Park, which is a contributing factor that qualifies this segment of Onion Creek as an ecologically significant stream. The impacts to the riparian vegetation near the Onion Creek Bridge will be minimized by replanting of native vegetation in the riparian areas for natural resource benefit, including extensive landscaping developed as part of the Context-Sensitive Solutions (CSS) process for an enhanced human user experience.
- Impact to Texas fatmucket habitat – this mussel is listed as a state endangered species by Texas Parks and Wildlife Department (TPWD) and as a candidate species by U.S. Fish and Wildlife Service (USFWS). As such it is not subject to the legal protection under the Endangered Species Act. TxDOT will coordinate with the TPWD and take appropriate conservation measures, such as moving the mussels upstream prior to construction. Moreover, in the event that the Texas fatmucket is reconsidered for Federal listing or is listed prior to construction completion, TxDOT will enter into consultation with the USFWS and take measures to avoid affecting the species.
- Toll fee – the economic impact of tolling will be minimized by maintaining the same number of non-toll lanes as exist today. The fixed toll is expected to range from \$0.29 cost per mile for a 2-axle automobile to \$1.16 for a 5-axle truck; with a tolled length of 3 miles, the toll rate would be \$0.87 and \$3.48 for automobiles and 5-axle trucks, respectively.
- Increased localized levels of Mobile Source Air Toxic (MSAT) emissions – the increase in vehicular speeds and reduced congestion along SH 71 will offset these effects. Improved travel speeds and reduced congestion on SH 71 will induce some motorists to take SH 71 instead of their normal route. MSAT emissions may decrease around the roadways that these motorists will not be using.
- Impact to community cohesion resulting from the closure of several median openings – this will accentuate the north-south barrier effect of the roadway by making it more cumbersome to access the neighborhoods, businesses, and community facilities in the project area. These impacts will be mitigated by the improved connectivity and safety afforded by the addition of bicycle and pedestrian facilities and turnarounds at Spirit of Texas Drive and Presidential Boulevard.

The benefits of the Build Alternative will include:

- Decreased congestion when compared to the No-Build Alternative.
- Provision of an accessible diversion route so motorists in queues behind incidents are able to circumvent congestion.
- Minor reduction of travel time for all users, including transit, as Cap Metro busses will be permitted to use utilize the express lanes free of charge.

- Providing additional through lanes to reduce incident response times for emergency services.
- Addition of bicycle and pedestrian facilities to the north and south sides of SH 71, which will create a safer link between the residential neighborhoods, commercial businesses, community facilities, transit stops, as well as other bicycle and pedestrian facilities outside of the project area. The Build Alternative's bicycle and pedestrian facilities will provide a safer and continuous link to Old Bastrop Highway near US 183 and facilities being built as part of FM 973, and Onion Creek Greenway projects.
- CSS treatments to bridges, retaining walls, and landscaping that will enhance the aesthetic quality of the community.
- The proposed SH 71 Express Project will address the purpose and need of the project by providing added capacity to the corridor to accommodate the projected growth in population and traffic. Both the capacity and operational improvements will aid regional congestion and improve mobility through the SH 71 corridor. The SH 71 Express Project will provide an express bypass of traffic queues caused at signalized intersections and facilitate access to ABIA and other activity and employment centers. The toll lanes will also act as an express east-west highway facility, offering an alternative to congested conditions caused by traffic incidents occurring within the main lanes. Pedestrian and vehicle safety will be enhanced by replacing median openings with designated turnarounds at Presidential Boulevard and FM 973, installing median barriers, and adding a continuous east-west bicycle and pedestrian facility with north-south connections to Old Bastrop Highway near US 183, FM 973, and Onion Creek Greenway projects, as well as Spirit of Texas Drive and Presidential Boulevard. Protocols may be established during incident management or other emergencies to facilitate the use of toll lanes and main lanes for emergency congestion relief or incident response as needed.

As noted above, the EA examined the direct, indirect, and cumulative impacts of the project and identified potential impacts of special concern. The EA concluded:

1. The proposed Build Alternative is the recommended Preferred Alternative for the SH 71 Express Project.
2. The proposed Build Alternative meets the purpose and need of the project by improving traffic flow, mobility, and vehicle and pedestrian safety while effectively managing congestion.
3. The proposed project will have no significant impacts to the quality of the human or natural environment.

TxDOT's recommendation of the proposed Build Alternative resulted from a process that involved the public and close coordination with various federal, state, and local government agencies.

Public Involvement

Public involvement is an integral and critical component of the NEPA project development process. The public involvement team for the SH 71 Express Project included representatives

from TxDOT Austin District, TxDOT Environmental Affairs Division, Mobility Authority, and the project consultant team. The public involvement process included extensive consultation with and participation by the FHWA.

Project Website

As part of the public outreach process, a project website (www.SH71Express.com) was launched on August 5, 2013. Information made available on the website include a project overview, frequently asked questions, project information such as the proposed improvements, latest news, publications, environmental overview, public involvement, CSS, study timeline, project contact information, and an electronic comment form. The project website was continuously updated throughout the environmental process.

Stakeholder Outreach

Several meetings with agency stakeholders were conducted to obtain their input on the proposed improvements during the project development. Comments and concerns provided at these meetings have been considered in the development of the proposed project. A list of stakeholder meetings that were conducted is provided below:

- May 28, 2013 ABIA
- July 10, 2013 Capital Metro
- August 9, 2013 City of Austin
- September 11, 2013 ABIA, City of Austin Transportation Department, Travis County, and Capital Metro

Public Meeting

The first public meeting for the SH 71 Express Project was held on August 13, 2013. Official public notices (classified legal and display advertisements) were published in English in the *Austin American-Statesman* and *The Bastrop Advertiser* as well as in Spanish in *El Mundo*. Additional notice was provided in the first edition (Summer 2013) of the project newsletter that was mailed to community members within a 2-mile radius of the project corridor. Social media (TxDOT and Mobility Authority Facebook and Twitter) were also used as tools for notifying the public about the public meeting. Electronic message signs announcing the event were also placed along the corridor during the week leading up to the meeting. The meeting was conducted in an “open house” format with project exhibits on display, and the project team (TxDOT staff and consultants) was available to provide information and answer questions. The open house was held to inform the public of the proposed corridor improvements and to collect public comment and feedback. During the comment period that extended through August 23, 2013, the public was afforded the opportunity to submit comments electronically via the website and e-mail, by fax, and in writing via regular mail.

Public Hearing

A Public Hearing was held on April 1, 2014. As with the Public Meeting, the Public Hearing notice was published in English in the *Austin American Statesman* and *The Bastrop Advertiser*

and in Spanish in *El Mundo*. Additional notice was provided in a postcard that was mailed to community members within the 2-mile radius of the project corridor. Social media (TxDOT and Mobility Authority Facebook and Twitter) were also used as a tool for notifying the public about the public hearing. Electronic message signs announcing the event were placed along the corridor during the week leading up to the hearing. The hearing began as an “open house” with project exhibits on display and the project team (TxDOT staff and consultants) was available to provide information and answer questions. The open house was followed by a presentation of the project elements and findings in the Draft EA, and how stakeholders could provide their input for the official record and stay engaged in the project. The presentation concluded with an opportunity for stakeholders to provide verbal comments for the official project record. At the hearing, stakeholders were also afforded an opportunity to provide verbal comments to the court reporter and provide their written comments in the comment box. After the hearing and during the comment period that extended through April 11, 2014, the public was afforded the opportunity to submit comments electronically via the website and e-mail, by fax, or in writing via regular mail. A total of 17 comments were received during the public comment period. Four speakers gave verbal testimony at the Public Hearing, and 13 comments were submitted in writing. The majority of the concerns were based on the improvements ending at SH 130 as opposed to continuing further east to Ross Road, the merging at SH 71 and the Ross Road intersection resulting in increased congestion, and tolling.

CSS Workshops

The first CSS Workshop was conducted on August 29, 2013, to obtain stakeholder input of the CSS concepts being developed for the corridor. Stakeholders including community members and interest groups (City of Austin, Travis County, City of Austin – Department of Aviation, Bike Austin, the Mobility Authority, and Capital Metro) were invited to serve as members of the CSS Advisory Group. Three CSS themes (Welcome to Austin, Music, and Local Culture) were presented at the workshop, and the Welcome to Austin theme was selected as the preferred theme to carry forward into the aesthetic design.

A second workshop was conducted on November 19, 2013, to obtain stakeholder input of the CSS concepts that were developed for the corridor based on the Welcome to Austin theme. The concepts were presented to the public at the Public Hearing and were posted to the project website. No official comments were received during the Public Hearing concerning the recommended CSS elements.

Changes Made to the SH 71 Express Project as a Result of Public Input

As a result of close coordination with stakeholders, agencies, and the community, TxDOT was able to identify and address community needs and concerns throughout the project development process. The following is a summary of key public issues and the corresponding actions taken by TxDOT:

- Bicycle and Pedestrian Amenities: TxDOT held several meetings with stakeholder and government agencies to develop a bicycle and pedestrian plan for the corridor. As a result of this coordination, new bicycle and pedestrian amenities have been proposed; these will connect to the existing bicycle and pedestrian amenities already within and adjacent to the project area. The new facilities will provide important connections between US 183 at Old Bastrop Highway and the Onion Creek Greenway and to ABIA.

- Improved Capital Metro Transit Stops: TxDOT's coordination with Capital Metro identified the need to relocate one transit stop and make improvements to several other stops in the project area. The improvements include transit bays to allow for safer boarding and improved transit shelters.
- Visual Impact of Overpasses: TxDOT worked with the CSS Advisory Committee to develop design guidelines for the corridor. The project will commit resources towards aesthetic elements and landscaping with the *Welcome to Austin* based theme.

Mitigation and Commitments

A majority of the potential impacts associated with the construction of the Build Alternative were avoided or minimized as documented in the EA. The design and construction of the SH 71 Express Project will incorporate measures to minimize harm to the environment as described in the table below. As there is no ROW acquisition for the proposed project, there will be no displacement of homes or businesses. The Build Alternative is expected to have minimal effects on the commercial properties and public facilities in the project area, such as changes in travel patterns associated with the closure of median openings.

Resource	Commitment
Water Resources	<p>Permanent impacts to waters of the U.S. will be permitted according to Nationwide Permit #14, Linear Transportation Projects. The permanent fill into waters of the U.S. at the Onion Creek crossing will not be more than 0.10 acre and a pre-construction notification to the U.S. Army Corps of Engineers (USACE) will not be required. No wetlands are present in the project area.</p> <p>The project will disturb more than 5 acres of land; therefore, TxDOT is required to comply with the Texas Pollutant Discharge Elimination System General Permit for Construction Storm Water Discharges. A Storm Water Pollution Prevention Plan (SW3P) will be in place prior to the start of construction and will be maintained until the site is stabilized. A Notice of Intent (NOI) stating that a SW3P has been developed will be filed with the Texas Commission on Environmental Quality (TCEQ) prior to and after construction, as warranted.</p> <p>The proposed Build Alternative includes a drainage system that will be regulated under the Municipal Separate Storm Sewer System (MS4) permit held by TxDOT. The MS4 program regulates storm water discharges to local water bodies to protect the receiving streams. The city of Austin operates the MS4 within the city boundaries. TxDOT will provide an NOI for the change to the MS4 permit to the city of Austin and coordination will occur as necessary.</p> <p>Measures will be taken to prevent and correct erosion that may develop during construction. Temporary and permanent erosion controls will be in compliance with TxDOT Standard Specifications and will be in place prior to and after construction as warranted. They will be inspected on a regular basis to ensure maximum effectiveness.</p>

Resource	Commitment
Threatened and Endangered Species	Prior to construction, the Texas fatmucket will be removed from the project area and relocated upstream from the area believed to be impacted from construction. Coordination between TxDOT and TPWD will occur to develop a relocation action plan prior to construction. The Texas fatmucket is a candidate species for listing as endangered under the Endangered Species Act. Should the Texas fatmucket be listed or proposed for listing prior to or during construction, construction activities that would impact Onion Creek will be halted and coordination with the USFWS will ensue.
Vegetation	Efforts will be taken to avoid and minimize disturbance of vegetation and soils during construction. All disturbed areas will be re-vegetated, according to TxDOT specifications after construction. In accordance with Executive Order 133112 on Invasive Species, the Executive Memorandum on Beneficial Landscaping, and the 1999 FHWA Guidance on Invasive Species, only non-invasive species will be planted within the ROW. Riparian areas at Onion Creek will be replanted with native vegetation to protect the significant riparian habitat downstream from any negative impacts from this project.
Migratory Birds	In the event that migratory birds are encountered on-site during project construction, every effort will be made to avoid harm of protected birds, active nests, eggs, and/or young. The contractor will remove all old migratory bird nests between September 1 and January 31 from any structure where work will be done. In addition, the contractor will be prepared to prevent migratory birds from building nests between February 1 and August 31. All methods will be approved by the Austin District Biologist in advance of planned use.
Federal Aviation Administration (FAA) Coordination	Due to the proximity of the proposed project to ABIA, coordination with FAA is required. Form 7460-1, <i>Notice of Proposed Construction or Alteration</i> , was submitted electronically to the FAA on December 3, 2013. Coordination is required to take place at least 45 days prior to the start of construction or alteration. Coordination will be complete before construction.
CSS	CSS <i>Welcome to Austin</i> elements, as recommending during the CSS workshops, will be implemented into the final design of the project.

Monitoring and Enforcement

All commitments and conditions of approval stated in the EA (**Section 5 Permits and Commitments**) will be monitored by TxDOT and other appropriate federal, state, and local agencies to ensure compliance.


FHWA Decision

FHWA has reviewed all of the relevant documents and materials and all environmental studies and findings. Based upon our own independent review and analysis we find that the May 2014 SH 71 Express Project EA analyzed and considered all of the relevant potential environmental impacts and issues. The FHWA concurs with the findings made in the EA that: (1) the Build Alternative is now the Selected Alternative for the SH 71 Express Project, (2) the Build Alternative best meets the purpose and need of the project and with all of the required

mitigation commitments to be implemented as specified above has the least amount of impacts to the resource areas, and (3) the proposed project will have no significant impacts on the quality of the human or natural environment under NEPA.

Based upon our own agency review and consideration of the analysis and evaluation contained in the EA for this project, and after further careful consideration of all social, economic, and environmental factors, including input from the public involvement process, the FHWA hereby approves the issuance of a FONSI for the SH 71 Express Project. The FHWA further approves the Build Alternative as the Preferred Alternative for selection as the proposed action for this project. The Selected Alternative will best fulfill the purpose and need for the project and meet the goals identified for the SH 71 corridor. The Build Alternative is consistent with and included in CAMPO's FY 2013–2016 TIP and the CAMPO 2035 RTP, as updated June 2013.

As to project mitigation, TxDOT is hereby required to ensure completion of all mitigation outlined above and set out specifically in the May 2014 SH 71 Express Project Final EA. TxDOT is also required to ensure that any and all federal, state, and local permit requirements and conditions are met and otherwise complied with.


Justin Ham, P.E.
Urban Programs Engineer
Federal Highway Administration

Date: 5-9-14