

PUBLIC HEARING DOCUMENTATION
SH 121: From FM 1187 to US 67
TARRANT and JOHNSON COUNTIES
February 13, 2003

Public Hearing Summary and Analysis/Recommendations

District/County:

Fort Worth District/ Johnson and Tarrant Counties

Highway/Limits:

SH 121: From FM 1187 To US 67

CSJ:

0504-05-001 and 0504-04-001
(Formerly 2118-01-008 and 2118-02-008)

Proposed Improvements:

The State Highway (SH) 121 project is proposed as an initial two-lane highway, with the proposed ultimate facility as a divided four-lane toll road. The facility would be approximately 14 miles in length and located in southern Tarrant County and Johnson County. The proposed facility would serve north and central Johnson County by connecting United States Highway (US) 67, in Cleburne, to Farm-to-Market Road (FM) 1187. The proposed facility would be located almost entirely on new alignment.

The northern terminus of the project, FM 1187, is part of the National Highway System, and is also a major east-west roadway. FM 1187 extends from IH 20 west of Fort Worth in Parker County, through southern Tarrant County, past IH 35W and currently extends to Business 287 in Mansfield. The southern terminus of the proposed facility is at the US 67 on the northern side of Cleburne. US 67, which carries a large volume of traffic, is a major highway that is part of the National Highway System and the Texas Trunk System.

Right-Of-Way for the facility varies from 240 feet (ft) to 400 ft where interchanges are provided. Access ramps would be provided where necessary. Direct connections would be provided at the FM 1187 and US 67 interchanges. All major cross streets are planned to be grade-separated and access control would be maintained throughout the length of the facility. The initial phase of the ultimate four-lane facility would be constructed as a two-lane, at grade facility from FM 1187 to US 67.

Purpose and Need:

Continued growth and urbanization in the Dallas-Fort Worth region, including Johnson County, has resulted in the need for more efficient transportation systems to reduce existing congestion and accommodate future traffic demand. Population and employment opportunities within the project study corridor (PSC) are projected to grow. A substantial

population growth in Johnson County is anticipated between the years 1995 and 2025. During the same time period employment opportunities are expected to rise.

Projected growth demonstrates the need for additional local mobility within the Johnson County roadway network. The proposed project is also needed as a vital link within the regional network. The proposed project would connect US 67 with FM 1187 as an independent link between these two National Highway System roadways. The need for local emergency access, health care services, and demand for the major recreational facilities would also continue to grow. Therefore, from both a local and regional standpoint, the need has arisen to supplement the existing roadway network with new facilities in order to accommodate projected growth.

The purpose of the proposed project is to improve regional mobility and increase people and goods-carrying capacity as well as to alleviate local congestion.

Environmental Document Concurrence:

FHWA concurred with the document findings and approved as satisfactory for further processing on December 30, 2002.

Notices and Articles:

Notices announcing the Public Hearing were published in the Fort Worth Star-Telegram, Burleson Star/Crowley Review, and Cleburne Times Review on January 12, 2003 and February 2, 2003. Copies of the Public Hearing notice were mailed to property owners adjoining the project. Addresses for mailing of the notices to adjoining property owners were obtained from the County Appraisal District (the local taxing entity). A press release announcing the Public Hearing was faxed to the local media on February 2, 2003.

Public Hearing Date and Place:

A Public Hearing was held for the subject project on Tuesday, February 13, 2003 at 7:00 p.m. in the Cleburne Civic Center, 1501 West Henderson Street, Cleburne, Texas, to present project information and receive comments concerning the proposed construction of SH 121.

Attendance:

A total of 245 individuals attended the Public Hearing. The majority of citizens attending the Public Hearing typically reside in the area of the project, although a substantial number of those who attended do not live in the immediate project area. Attendance at the hearing was composed of 22 representatives of the Texas Department of Transportation (TxDOT), one representative of the Federal Highway Administration, seven representatives of the City of Cleburne, three representatives of the City of Joshua, two representatives of the City of Godley, three representative of Johnson Country, three representative from North Texas Tollway Authority (NTTA), three staff representatives from congressional elected officials, eight consultants, a shorthand court reporter, and 193 citizens.

Conducted By:

An introduction was made by Maribel Chavez, PE, Fort Worth District Engineer. Charles Conrad, P.E., Director Transportation Planning and Development Fort Worth District, gave the procedures for the hearing; Bill Wimberley, P.E., District ROW Engineer discussed ROW procedures; while Lynn Pipkin, P.E., with Carter & Burgess, presented the design overview.

Exhibits:

A Public Hearing agenda with relevant project information and a list of TxDOT contacts was available at the Public Hearing. Schematic overview maps were also made available to the public at the Public Hearing along the walls of the auditorium.

Comments From Elected/Local Officials:

Verbal: Nine public officials or their designated representatives were recognized and spoke at the Public Hearing. All spoke in favor of the project.

Written: Three resolutions and three letters from elected officials all in favor of the project were received during the comment period.

Comments From the Public:

Verbal: Seven individual citizens spoke at the Public Hearing and presented oral statements for the record during the public comment portion of the Public Hearing.

Written: A total of 16 written statements from the general public were received before the end of the 10-day comment phase of the Public Hearing that closed on Sunday, February 23, 2003.

Summary of How Major Comments/Issues Were Addressed:

Public issues and/or concerns raised as a result of the Public Hearing are addressed with information contained within either the project design or in the environmental assessment. All known environmental and engineering issues regarding the proposed construction of SH 121 are resolved to a point that is considered reasonable and feasible.

Recommendation:

All comments have been satisfactorily addressed and the project is recommended for approval as a Finding of No Significant Impact (FONSI) with no changes from the plan presented at the Public Hearing.

Comment and Response Report

ORAL COMMENTS

Comment 1:

FROM: Susan Dimaline, representing United States Congressman Joe Barton, supports the project and is interested in any progress made to improve access and reduce congestion for the area.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 2:

FROM: Beth Melergin, representing State Representative Arlene Wohlgemuth, cited the importance of highway infrastructure to economic development and stated that SH 121 would better prepare Johnson County to meet the transportation needs of its citizens.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 3:

FROM: Thomas C. Hazlewood, Mayor of Cleburne, reported that the Cleburne City Council passed a resolution in favor of the project on February 11, 2003.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 4:

FROM: Kay Walls, of the North Texas Tollway Authority Board of Directors, commented that the project would provide the area with a much needed north-south route from southern Johnson County to Fort Worth and would also solidify Johnson County's ability to attract new business, residents, and industry.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 5:

FROM: Clint Forrest, Chairman of the Cleburne Chamber of Commerce Transportation Committee, spoke in favor of the project and thanked many of the people involved.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 6:

FROM: Ron Harmon, former Johnson County Commissioner, spoke in favor of the project.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 7:

FROM: R.C. McFall, Johnson County Commissioner, spoke in favor of the project and thanked many of the people involved.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 8:

FROM: Robert Kelly—Stated project was a long time coming and glad it is finally underway.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 9:

FROM: James McHale—Stated that currently FM 1902 has a high accident rate and is concerned because if the construction trucks will be using FM 1902 during the construction phase of this proposed project, that will compound the high accident rate problem. Also stated concern regarding the cost of this project on State funds.

RESPONSE: The project would be constructed on new location where no roadway currently exists. During construction, cross traffic will continue to use existing roadways as available. At various time during certain construction phases, particular cross roads may be temporarily closed for safety reasons. No detrimental effects are anticipated to public safety.

Section 1602 of the Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178, June 9, 1998), known as the High Priority Projects Program provides designated funding for specific projects (commonly referred to as demonstration projects) identified by Congress and is now included in 23 U.S.C. 117. Funding in the amount of \$25 million has been earmarked specifically for the construction of SH 121 from IH 30 to the Tarrant/Johnson County Line under this category of TEA-21. In addition, \$7 million to extend SH 121 to US 67 in Cleburne has also been made available.

Comment 10:

FROM: Bryce Vandenberg—Commented he did not buy property as an investment but rather bought a home that now will be gone because of the current alignment. Would like everyone to know that there is a human price to pay for the project.

RESPONSE: In accordance with Federal regulations, the Relocation Assistance Program will assist Mr. Vandenberg to relocate. Mr. Vandenberg did not request that the alignment be relocated to avoid his property; however, if the alignment were relocated to avoid Mr. Vandenberg's property other property owners would be impacted by the new alignment.

In addition, TxDOT utilized a systematic and interdisciplinary approach to evaluating the various alternatives considered for the proposed SH 121. The preferred alignment was chosen because of its ability to improve safety (design depicts current TxDOT design standards) and enhance mobility. This alignment constitutes a culmination of the most desirable attributes of the other alternatives and fulfills the purpose and need of the proposed action.

Comment 11:

FROM: Roger Harmon, Johnson County Judge, read a Johnson County Commissioner's Court Resolution in favor of the project.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 12:

FROM: Randall Luck, Mayor of Joshua, reports that the City of Joshua approved a resolution on February 11, 2003, in favor of the project.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 13:

FROM: Randall Granel—Comments that he appreciates the fact that TxDOT acted on his earlier comments following a May 2000 Public Meeting and fashioned Alternative "D" which greatly minimized impacts to his property.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 14:

FROM: Charlie Roberson—Moved to get away from the big city with his family and now the current alignment cuts his property in half. He likes to see progress, but that building the roadway affects people.

RESPONSE: In accordance with Federal regulations, Mr. Robertson will be paid fair market value for his property. Moving the alignment to avoid Mr. Robertson's property would cause the project to impact other property owners.

In addition, TxDOT utilized a systematic and interdisciplinary approach to evaluating the various alternatives considered for the proposed SH 121. The preferred alignment was

chosen because of its ability to improve safety (design depicts current TxDOT design standards) and enhance mobility. This alignment constitutes a culmination of the most desirable attributes of the other alternatives and fulfills the purpose and need of the proposed action.

Comment 15:

FROM: Tim Schneck—Comments that the current commute from Joshua to Fort Worth is miserable. The alignment is impacting his property, but would have liked to have seen the project 15 or 20 years ago.

RESPONSE: The current project will ease congestion and improve mobility.

Comment 16:

FROM: Eric Bolton—Wants to know if Don Lee Road is going to be a county road, and when will they upgrade it. Also wants to know if CR 904 and CR 1022 will be upgraded.

RESPONSE: The intersecting roads within the immediate project limits will be improved. Improvements of these crossroads outside the project limits will be the responsibility of the County.

WRITTEN COMMENTS

Comment 1:

FROM: Cleburne City Council—The Council passed Resolution RS02-2003-21 in favor of the project.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 2:

FROM: Ron Harmon, President, Harmon Consulting, Inc., submitted letter in favor of the project.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 3:

Texas Representative Arlene Wohlgemuth, sent letter citing the importance of highway infrastructure to economic development and stating that SH 121 would better prepare Johnson County to meet the transportation needs of its citizens.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 4:

FROM: United States Congressman Joe Barton, supports the project and is interested in any progress made to improve access and reduce congestion for the area.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 5:

FROM: - The Johnson County Commissioner's Court, submitted Resolution RS02-2003-21 in favor of the project.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 6:

FROM: - The City of Joshua submitted a resolution approved on February 11, 2003, in favor of the project.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 7:

FROM: Greg Timmons—Comments that there is no room for at-grade crossings. Would also like a copy of Final EA with Public Hearing documentation.

RESPONSE: The major crossings are grade-separated. The use of temporary at-grade crossings actually requires less ROW than the ultimate proposed grade-separated interchanges. The EA and Public Hearing documentation will be made available to the public at the TxDOT Fort Worth District Headquarters. Copies of this material will be available to the public on request at the TxDOT Fort Worth District Headquarters.

Comment 8:

FROM: Bernis and Frances Johnson—Oppose the plan. They do not like the overpass so close to their house. They feel the plan destroys their home.

RESPONSE: The overpass is necessary to accommodate the SH 121 interchange with SH 171. Moving the alignment at this location would result in a taking of the Johnson home, the home of another property owner, or a water tower owned by the City of Cleburne. The proposed alignment would impact the Johnson property, but would not take their home, thus, minimizing impacts to the Johnson property.

In addition, TxDOT utilized a systematic and interdisciplinary approach to evaluating the various alternatives considered for the proposed SH 121. The preferred alignment was chosen because of its ability to improve safety (design depicts current TxDOT design standards) and enhance mobility. This alignment constitutes a culmination of the most

desirable attributes of the other alternatives and fulfills the purpose and need of the proposed action.

Comment 9:

FROM: H.L. Mallory—Suggests moving the alignment five or six thousand feet to the west in order to not impact his horse pasture.

RESPONSE: Moving the alignment five or six thousand feet to the west would avoid impacts to Mr. Mallory's horse pasture. However, moving the alignment to avoid Mr. Mallory's property would cause the project to impact other property owners. Mr. Mallory will be paid fair market value for his property.

In addition, TxDOT utilized a systematic and interdisciplinary approach to evaluating the various alternatives considered for the proposed SH 121. The preferred alignment was chosen because of its ability to improve safety (design depicts current TxDOT design standards) and enhance mobility. This alignment constitutes a culmination of the most desirable attributes of the other alternatives and fulfills the purpose and need of the proposed action.

Comment 10:

FROM: Robert and Mildred Week—Are concerned about being between 2 overpasses and within feet of the proposed SH 121. They feel that is unfair and unacceptable.

RESPONSE: The proposed alignment will take right-of-way from the back portion of the Weeks' property. Moving the alignment to avoid the Weeks' property would cause the project to impact other property owners. In accordance with Federal regulations, the Weeks will be paid fair market value for their property and will be paid any applicable damages to the remainder of their property.

In addition, TxDOT utilized a systematic and interdisciplinary approach to evaluating the various alternatives considered for the proposed SH 121. The preferred alignment was chosen because of its ability to improve safety (design depicts current TxDOT design standards) and enhance mobility. This alignment constitutes a culmination of the most desirable attributes of the other alternatives and fulfills the purpose and need of the proposed action.

Comment 11:

FROM: Ramon Duisdale—Supports project citing positive benefits.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 12:

Bill and Anita Goodall—Are in favor of the current alignment and thank all involved for their hard work.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 13:

FROM: Leon and Carolyn Gregory—Are in favor of the current alignment and feel the project is long overdue.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 14:

FROM: David Bell—Concerned about runoff onto his land. Also made note that the land is an estate and that three people need to be contacted regarding ROW acquisition.

RESPONSE: The hydraulic design practices for this project would be in accordance with the current TxDOT design policy and standards. The highway facility would permit conveyance of the 100-year flood levels without causing significant damage to the highway, stream, or other property. This project would not raise the base flood plain elevation to a level that would violate the applicable flood plain regulations or ordinances. The TxDOT District Right of Way Office will accommodate the estate situation during the ROW acquisition process.

Comment 15:

FROM: Frederick and Chasety Bennett—Concerned because County Road 920 ROW would be within 20' of the front of his house and would take 80% of his front yard. He suggests shifting the alignment to buy him out completely and reduce impacts to neighbor across the street.

RESPONSE: The Bennett's property is located west of the proposed 121 alignment and on the south side of County Road 920. In order to avoid impacts to the Bennett's property, TxDOT will limit ROW taking at this point along the proposed SH 121 and will not purchase ROW for the widening of County Road 920 at this location. Future widening of County Road 920 will be the responsibility of Johnson County.

Comment 16:

FROM: Augusta Ellis (Jackie) Curry—would like to know why SH 121 did not connect to FM 1902. She would also like to know if the alignment can be shifted to west in order to only impact the back end of her lot.

RESPONSE: The alternative of allowing SH 121 to follow the existing FM 1902 was considered (as Alternative A). This alternative was eliminated from further discussion based on its potential interruption to local travel patterns and impacts to surrounding property owners during construction. Potential interruptions to local traffic patterns include designating or constructing detours during construction.

Potential impacts to property owners include restricting access to property during construction. The alignment crosses the back portion of the Augusta Ellis Curry tract. The alignment does not go through the middle of the tract. If SH 121 had been located on the current route of FM 1902 and extended south along CR 1022, more residential properties would be affected by the widening. In addition, local access would have required a more urbanized facility, further increasing impacts along the route.

Comment 17:

FROM: Doris and Bobby Ward (W.K. Dunn Estate)—Are concerned because the alignment is splitting land in half which cuts off access of cattle to water.

RESPONSE: West Buffalo Creek is on the west side of alignment. The aerial photographs show a stock pond on the east side of the alignment. Cattle have access to water on both sides of the proposed SH 121. A stock pass at this location would not be cost effective.

Comment 18:

FROM: Clara Doggett—Concerned about noise due to elevated ramps from SH 121 to Industrial Boulevard. Also concerned about the increase in heavy truck traffic. She suggests changing the alignment further north to accommodate Wal-Mart.

RESPONSE: Ms. Doggett's residence is located approximately 200 feet east of the proposed right-of-way near the proposed SH 121 interchange with SH 171 (Industrial Boulevard). Due to location of the Doggett residence (ground level) and the associated geometry of the ramps, noise abatement (such as a noise barrier for and individual residence) would exceed the cost effective criteria of \$25,000 per receiver and, therefore, would not be reasonable.

In addition, TxDOT utilized a systematic and interdisciplinary approach to evaluating the various alternatives considered for the proposed SH 121. The preferred alignment was chosen because of its ability to improve safety (design depicts current TxDOT design standards) and enhance mobility. This alignment constitutes a culmination of the most desirable attributes of the other alternatives and fulfills the purpose and need of the proposed action. One of which is to provide a more direct route from Johnson County to the City of Fort Worth. SH 121 would overpass US 67 and merge directly into existing CR 1216.

Comment 19:

FROM: Terry Morris—Favors the project but, suspects City is trying annex land for tax purposes.

RESPONSE: TxDOT has no knowledge of the City of Joshua annexing land for tax purposes and has no authority related to such annexation.

Comment 20:

FROM: Karen Payne—Pleased with project.

RESPONSE: This comment states a favorable response to the overall project. No response required.

Comment 21:

FROM: R.W. and Gail Skiles—Concerned because they was told that this project would probably never happen or if it did, it would be west of CR 1017. Concerned because their property on the west side of alignment is going to be land-locked. R.W Skiles and Randy Bowers discussed a location for an access road. However, he would like for TxDOT to consider paving Daniel Drive, a private development road, which comes to the west side of his property. Notes that a request has been placed for the County to take over that road, but they refused to act due to the condition of the road. He hopes that by TxDOT paving the road, County Maintenance might accept it. Therefore, he would get an access road and his neighbors would have a decent County-maintained road adjacent to their homes.

RESPONSE: TxDOT will provide access to his property by extending the construction of a proposed County Road to connect to his property.

Comment 22:

FROM: Garland Carroll—Runs a cattle operation with his family on 200 acres, project will divide property and take stock ponds. He would like to know how long will road remain limited access. He comments on access, public trespassing, loss of family fishing and hunting land, impacts to trees and noise impacts.

RESPONSE: TxDOT utilized a systematic and interdisciplinary approach to evaluating the various alternatives considered for the proposed SH 121. The preferred alignment was chosen because of its ability to improve safety (design depicts current TxDOT design standards) and enhance mobility. This alignment constitutes a culmination of the most desirable attributes of the other alternatives and fulfills the purpose and need of the proposed action. The road will remain limited access. Property takings including amenities such as shade trees will be negotiated during the ROW acquisition process. Tree and noise impacts are addressed in the Environmental Assessment and were determined not to be significant. Trespassing onto private property is a criminal matter beyond the scope of TxDOT's responsibility and authority.