



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

April 22, 2011

HP () and NH ()
Re-evaluation of an Environmental Assessment
Tarrant and Johnson Counties
CSJs: 0504-04-001 and 0504-05-001

State Highway 121: From FM 1187 to US 67

Ms. Janice Brown
Division Administrator
Federal Highway Administration
Austin, Texas 78701

Dear Ms. Brown:

FHWA issued a Finding of No Significant Impact (FONSI) on May 20, 2004, for the SH 121 project. The Environmental Assessment was reevaluated, and the subject project was declared Satisfactory for Further Processing by FHWA on January 14, 2011. A public hearing was held on March 1, 2011. Attached are two copies of the public involvement documentation, which includes a public hearing certificate, a summary and analysis of the hearing, a comment and response report, a transcript of the hearing, and other information documenting the public hearing. The public involvement requirements for this project have been fulfilled, and no changes to the re-evaluation will be required as a result of the comments received at the public hearing.

Also attached is a copy of the Environmental Permits, Issues and Commitments (EPIC) Sheet for the project.

We request your concurrence that the FONSI is still valid and that additional environmental studies are not required. If you have any questions, please contact Scott Ford, AICP, at (512) 416-2687.

Sincerely,

Melissa A. Neeley
Director of Project Delivery Management
Environmental Affairs Division

Attachments

Concur:  Date: 05/10/2011
Federal Highway Administration

THE TEXAS PLAN

REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY
PRESERVE THE VALUE OF TRANSPORTATION ASSETS

An Equal Opportunity Employer

Certification Statement

CERTIFICATION OF PUBLIC INVOLVEMENT PROCESS

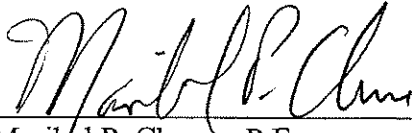
CSJ: 0504-04-001 & 0504-05-001
Highway: State Highway (SH) 121
Limits: From Farm to Market (FM) 1187
To United States Highway (US) 67
County: Tarrant and Johnson Counties

This is to certify that:

- (1) A public hearing was held at the Cleburne Conference Center, located at 1501 West Henderson Street, Cleburne, Texas on March 1, 2011 at 7:00 p.m. to discuss the reevaluation of the alignment modifications and tolling changes that have occurred since FHWA issued a Finding of No Significant Impact on May 20, 2004 for the above listed project.
- (2) The economic and social effects of the project's location and design and its impact on the environment have been considered;
- (3) The statutory provisions of the Civil Rights Act of 1964 have been considered in determining economic, social, and environmental effects; and
- (4) The project is consistent with such planning goals and objectives as have been promulgated and adopted by the communities involved.

Date

4/18/11



Maribel P. Chavez, P.E.
District Engineer
Texas Department of Transportation
Fort Worth District

Notice of Public Hearing

NOTICE OF PUBLIC HEARING STATE HIGHWAY 121

The Texas Department of Transportation (TxDOT) Fort Worth District will conduct a Public Hearing to discuss the alignment modification and tolling changes to SH 121 from FM 1187 to US 67 through the Cities of Crowley, Burleson, Joshua and Cleburne and southwestern Tarrant County and northern Johnson County. **The Public Hearing will be held at the Cleburne Conference Center, 1501 West Henderson, in the City of Cleburne, on Tuesday, March 1, 2011. Displays will be available for viewing at 6:30 P.M. with the formal hearing commencing at 7:00 P.M.**

The purpose of the hearing is to present the alignment modification and tolling changes that have occurred since the Federal Highway Administration issued a Finding of No Significant Impact (FONSI) for the SH 121 Environmental Assessment (EA) on May 20, 2004. The modifications in alignment are located at the far southern end of the project as it ties to US 67 and tolling changes are changing from an optional cash or electronic toll collection facility to a fully electronic toll collection facility and tolling of the initial phase of construction; which is two of the ultimate four lanes. These modifications are being addressed as a reevaluation of the EA.

Maps, drawings and other information about the project will be on display, which will show the location of the SH 121 corridor and proposed route changes. The study team will be available at the displays to assist in orientation and interpretation of the drawings and other materials and discuss environmental effects of the proposed changes. A tentative construction schedule can be obtained at the District Office address shown below. In addition, the plan layout, the environmental document and other pertinent information about the proposed project are on file and available for inspection at the following locations:

TxDOT Fort Worth District Office-2501 SW Loop 820; Fort Worth, Texas 76133; Telephone-(817) 370-6549, Donna Fowler

TxDOT Johnson County Area Office-2200 FM 2280; Keene, Texas 76031; Telephone-(817) 202-2900, Ronald Robinson, P.E.

All interested citizens are invited to attend this public hearing. Verbal and written comments from the public regarding this project are requested. Written comments may be submitted either in person or by mail to:

Maribel P. Chavez, P.E.
Texas Department of Transportation, Fort Worth District-SH 121
2501 Southwest Loop 820, P.O. Box 6868
Fort Worth, Texas 76115-0868

Comments must be received on or before March 11, 2011 in order to become part of the official hearing record. Persons interested in attending the hearing who have special communication or accommodation needs are encouraged to contact TxDOT at (817) 370-6610. Requests should be made at least 72 hours prior to public hearing. Reasonable efforts will be made by TxDOT to accommodate those needs.

AVISO DE AUDIENCIA PÚBLICA
Carretera Estatal 121

El Departamento de Transportación de Texas (TxDOT) del Distrito de Fort Worth llevará a cabo una Audiencia Pública para discutir la modificación de la alineación y los cambios de peaje a SH 121 de FM 1187 a EE.UU. 67 en las ciudades de Crowley, Burleson, Josué y Cleburne, el suroeste del Condado de Tarrant y el norte de Condado de Johnson. La Audiencia Pública se llevará a cabo en el Centro de Cleburne en el Conference Center 1501 W. Henderson, en la Ciudad de Cleburne, el Martes, 01 de marzo 2011. Muestra estará disponible para ver a las 6:30 PM. La audiencia formal se inicia a las 7:00 PM

El propósito de la audiencia es presentar la modificación de la alineación y los cambios de peaje que se han producido desde que la Administración Federal de Carreteras emitió un dictamen de Impacto No Significativo (FONSI) para la SH 121 Evaluación Ambiental (EA) el 20 de mayo del 2004. Las aproximadamente 14 millas propuestas como un carretera de dos carriles provisionales que en última instancia, se mejorara a una carretera de peaje dividida a cuatro carriles. Las modificaciones en la alineación se encuentran en el extremo sur del proyecto, ya que enlaza con EE.UU. 67 y los cambios de peaje están cambiando de una caja de telepeaje a un centro de cobro de peaje totalmente electrónico, en la fase inicial de construcción; en dos de los últimos cuatro carriles.

Estas modificaciones se están tratando como una reevaluación de la EA. La alineación FONSI 2004 inicialmente previsto FILA El ancho de la carretera que sería de 240 a 400 pies. Para que se acomode al diseño actual de construcción de la autopista de peaje se requeriría el típico ancho FILA de aproximadamente 220 a 600 pies. No se requiere la reubicación de las residencias y tampoco las empresas adicionales serán desplazadas debido a la modificación de la alineación.

Una parte del proyecto se encuentra dentro de la zona A de inundación. La Zona A es una llanura de inundación por 100 años. El diseño hidráulico para el proyecto propuesto estaría en conformidad con las políticas de diseño actual y las normas de TxDOT. La instalación de peaje en la forma propuesta permitiría el transporte de los niveles de inundación de 100 años sin causar daños considerables a la carretera, corriente u otros bienes. El impacto total permanente con la zona de humedad será de 0,25 Hectáreas.

Mapas, planos y otra información sobre el proyecto estarán en exhibición, se mostrará la ubicación de la SH 121 corredores y los cambios propuestos a las rutas. El equipo de estudio estará disponible en la muestra para ayudar en la orientación y la interpretación de los dibujos y otros materiales y discutir los efectos ambientales de los cambios propuestos. Un programa de construcción provisional se puede obtener en la dirección de la Oficina de Distrito que se muestra a continuación. Además, el diseño del plan, el documento ambiental y otra información pertinente sobre el proyecto propuesto se encuentran archivados y disponibles para su inspección en los siguientes lugares:

Fort Worth, distrito de TxDOT bucle Oficina-2501 SW 820, Fort Worth, Texas 76133, teléfono (817) 370-6549, Donna Fowler

Johnson TxDOT Oficina del Condado de Área-2200 FM 2280; Keene, Texas 76031, teléfono (817) 202-2900, Ronald Robinson, el PE

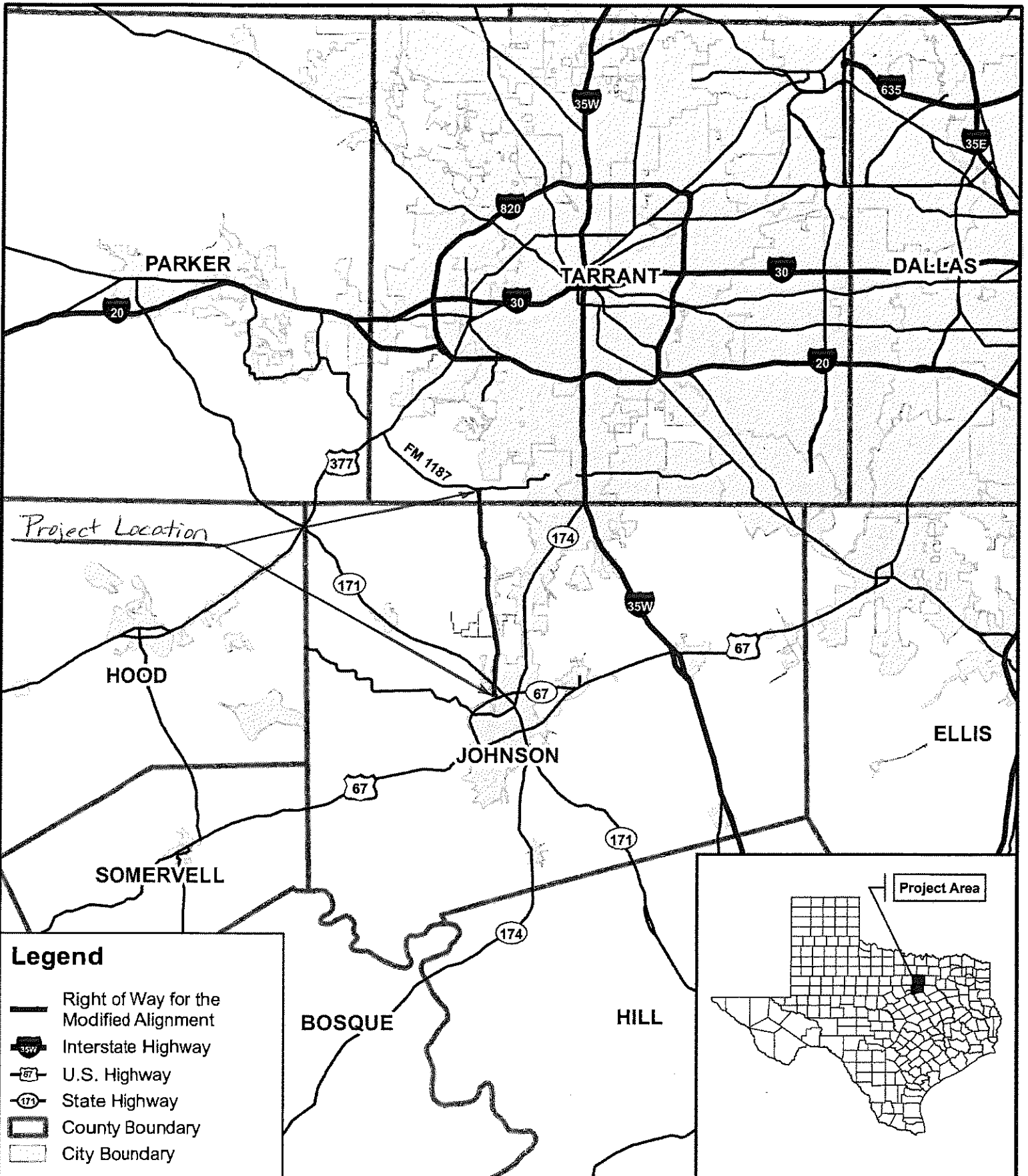
Todos los ciudadanos interesados están invitados a asistir a esta audiencia pública. Se solicitan comentarios verbales o por escrito, del público con respecto a este proyecto.

Los comentarios escritos podrán presentarse ya sea en persona o por correo a:

Maribel P. Chávez, el PE
Departamento de Transporte de Texas, Fort Worth, Distrito-SH 121
2501 bucle suroeste 820, P.O. Caja 6868
Fort Worth, Texas 76115-0868

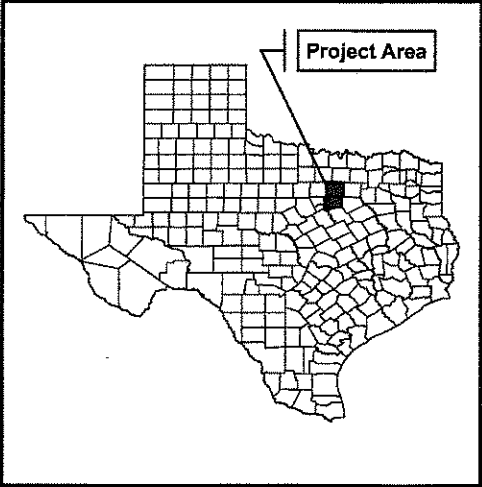
Las observaciones deben recibirse a más tardar el 11 de marzo 2011 con el fin de formar parte del registro de la audiencia oficial.

Las personas interesadas en asistir a la audiencia que tienen necesidades especiales de comunicación o de acomodo pueden contactar con TxDOT al (817) 370 6610. Las solicitudes deben hacerse por lo menos 72 horas antes de la audiencia pública. Haremos todos los esfuerzos razonables por TxDOT para satisfacer dichas necesidades.

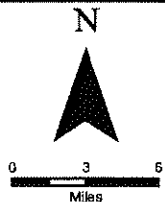


Legend

- Right of Way for the Modified Alignment
- Interstate Highway
- U.S. Highway
- State Highway
- County Boundary
- City Boundary



Re - evaluation
 State Highway 121
 FM 1187 to US 67
 CSJ: 0504-05-001
 CSJ: 0504-04-001
 Tarrant and Johnson Counties



General Location Map

Figure 1



Agenda

FORT WORTH DISTRICT

DISTRICT ENGINEER.....MARIBEL P. CHAVEZ, P.E.
DEPUTY DISTRICT ENGINEERBRIAN BARTH, P.E.

JOHNSON COUNTY AREA OFFICE

AREA ENGINEERRONALD ROBINSON, P.E.

NORTH TEXAS TOLLWAY AUTHORITY (NTTA)

(OFFICE RESPONSIBLE FOR DESIGN & CONSTRUCTION OF PROJECT)

EXECUTIVE DIRECTOR.....ALLEN CLEMSON
DIRECTOR OF PROJECT DELIVERYELIZABETH MOW, P.E.

PUBLIC HEARING
MARCH 1, 2011
SH 121
FROM FM 1187 TO US 67



DISPLAYS AVAILABLE FOR VIEWING AT 6:30 P.M
FORMAL PRESENTATION BEGINS AT 7:00 P.M.

AGENDA

WELCOME & INTRODUCTIONSMARIBEL P. CHAVEZ, P.E.
PROJECT OVERVIEW
& ENVIRONMENTAL PRESENTATIONJUDITH J. ANDERSON, P.E.
DESIGN OVERVIEWWADE STRONG, P.E.
RIGHT OF WAYSHEILA MILLS
OPPORTUNITY FOR COMMENTSJUDITH J. ANDERSON, P.E.
CLOSINGMARIBEL P. CHAVEZ, P.E.

***WRITTEN COMMENTS ARE DUE BY MARCH 11, 2011
AND MAY BE SUBMITTED TO:***

MRS. MARIBEL P. CHAVEZ, P.E.
DISTRICT ENGINEER
TEXAS DEPARTMENT OF TRANSPORTATION
FORT WORTH DISTRICT – SH 121
P. O. BOX 6868
FORT WORTH, TEXAS 76115-0868

**A WRITTEN COMMENT FORM IS PROVIDED IN THE INFORMATION
YOU PICKED UP AT THE REGISTRATION TABLE.**

PUBLIC HEARING INFORMATION

PROJECT: SH 121

LIMITS: FROM FM 1187 TO US 67

DESCRIPTION: CONSTRUCTION OF 4 LANE TOLLWAY ON NEW LOCATION WITH FULL ELECTRONIC TOLL SYSTEM.

ESTIMATED CONSTRUCTION COST: \$163.2 MILLION – ULT. FACILITY

ESTIMATED START OF CONSTRUCTION: INTERIM “SUPER 2”-LATE 2011
ULT. (ADD. 2 LANES)-DEPENDS ON TRAFFIC VOLUMES

ESTIMATED DURATION OF CONSTRUCTION: INTERIM “SUPER 2”- 26 MONTHS
ULT. (ADD. 2 LANES)-APPROX. 24 MONTHS

RIGHT-OF- WAY ALREADY ACQUIRED BY TXDOT: 153 PARCELS AT 544.956 ACRES FOR A COST OF \$15,209,912

RIGHT-OF-WAY TO BE ACQUIRED BY NTTA: 15 PARCELS; APPROX. 116 ACRES ESTIMATED AT \$2,154,100

RIGHT-OF-WAY INFORMATION:
TEXAS DEPARTMENT OF TRANSPORTATION
FORT WORTH DISTRICT OFFICE
2501 SOUTHWEST LOOP
P. O. BOX 6868
FORT WORTH, TEXAS 76115
TELEPHONE: (817) 370-6551

AND

NORTH TEXAS TOLLWAY AUTHORITY
5900 W. PLANO PKWY, SUITE 100
PLANO, TEXAS 75093
TELEPHONE: (214) 461-2000

DESIGN INFORMATION:
(ENVIRONMENTAL DOCUMENT, SCHEDULE, MAPS, ETC.)

TEXAS DEPARTMENT OF TRANSPORTATION
FORT WORTH DISTRICT OFFICE
2501 SOUTHWEST LOOP
P. O. BOX 6868
FORT WORTH, TEXAS 76115
TELEPHONE: (817) 370-6549

AND

TEXAS DEPARTMENT OF TRANSPORTATION
JOHNSON COUNTY AREA OFFICE
2200 FM 2280
KEENE, TEXAS 76031
TELEPHONE: (817) 202-2900

AND

NORTH TEXAS TOLLWAY AUTHORITY
5900 W. PLANO PKWY, SUITE 100
PLANO, TEXAS 75093
TELEPHONE: (214) 461-2000

**Public Hearing Summary and
Analysis/Recommendations**

PUBLIC HEARING SUMMARY AND ANALYSIS

District/County: Fort Worth District/Tarrant County and Johnson County
Highway/Limits: State Highway (SH 121) (Chisholm Trail Parkway)
From: Farm to Market (FM) 1187
To: United States Highway (US) 67
CSJ: 0504-04-001 and 0504-05-001

PROPOSED IMPROVEMENTS:

The ultimate proposed facility would be a four-lane divided toll road. 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 proposed project is approximately 14 miles in length. A Finding of No Significant Impact was received May 20, 2004; however, the proposed facility was originally proposed as a two-lane interim, non-tolled facility to be ultimately improved to a divided four-lane toll road; in addition a commitment was made to reevaluate the project prior to construction of the toll facility. Due to funding issues, alternative methods were sought for implementation of the process in a timelier manner than the usual pay-as-you-go system that Texas Department of Transportation (TxDOT) uses. As a result, the facility will be stage constructed with two lanes first; however they will not be free as was previously presented in the 2003 public hearing but will be tolled, with tolls being set by the North Texas Tollway Authority (NTTA) in compliance with the Regional Transportation Councils Policy. In addition, modifications to the alignment have been made to reduce impacts to Lake George Marti for flood storage retention. This alignment modification is located at the southern limit as it ties into US 67. Another modification of the initial phase, as well as the ultimate toll facility, is the tolling system that has been changed from optional cash or electronic toll system to a fully electronic toll system, eliminating the wide toll plazas required for the cash transactions. There has been a minor alignment shift at FM 1187 which deals strictly with geometry and height and length of the overpass. Due to these changes and the previous commitment concerning the toll facility, a re-evaluation of the environmental assessment has been prepared in accordance with the National Environmental Policy Act, or NEPA, to determine whether the original Finding of No Significant Impact is still valid. The reevaluation received satisfactory for further processing from the Federal Highway Administration (FHWA) on January 14, 2011 with final approval pending the completion of the public hearing

PURPOSE AND NEED:

The purpose of the hearing was to present the alignment modifications and tolling changes that have occurred since the FHWA issued a Finding of No Significant Impact (FONSI) for the SH 121 Environmental Assessment (EA) on May 20, 2004. The need for the facility is to provide access to and from southern Tarrant County and Johnson County to alleviate congestion, improve regional mobility, and accommodate future traffic volumes and population demand within the area. The purpose of the facility is to provide safe and effective transportation while enhancing mobility for the growing population in southern Tarrant County and Johnson County. The facility would provide direct linkage between transportation corridors in Tarrant County and Cleburne in Johnson County while increasing the carrying capacity of the area roadway network. The facility would also relieve regional congestion primarily with the Interstate Highway (IH) 35W and US 67 corridors along with other major transportation facility and provide improved mobility and increased accessibility to the areas in Tarrant and Johnson Counties.

ENVIRONMENTAL DOCUMENT APPROVAL:

FHWA approved the document as satisfactory for further processing on January 14, 2011.

NOTICES:

Public Hearing Notices were published on Sunday, January 30th, 2011 and Sunday, February 20th, 2011 in the *Fort Worth Star-Telegram*, the *Burleson Star*, and the *Cleburne Times Review*. The notice was also published on Thursday, February 3rd, 2011 and Thursday, February 17th, 2011 in the *Crowley Star Review* and the *Joshua Star Tribune*. A Spanish version of the notice was published on Saturday, February 12th, 2011 and Saturday, February 19th, 2011 in *La Estrella* and on Friday, February 4th, 2011 and Friday, February 18th, 2011 in *La Semena*. In addition, public hearing notices were mailed to adjoining property owners and public officials.

PUBLIC HEARING DATE AND LOCATION:

TxDOT conducted a public hearing on March 1, 2011 to discuss the alignment modification and tolling changes that have occurred since the Federal Highway Administration issued a Finding of No Significant Impact for the Environmental Assessment on May 20, 2004 to SH 121 from FM 1187 to US 67 through the Cities of Crowley, Burleson, Joshua and Cleburne and southwestern Tarrant County and northern Johnson County. The public hearing was held in the Cleburne Conference Center, located at 1501 West Henderson, Cleburne, Texas. An open house viewing was available beginning at 6:30 pm, and the formal presentation began at 7:00 pm.

ATTENDEES AND EXHIBITS:

A registration table was set up with sign-in sheets for attendees and elected officials with written comment forms and speaker registration forms. Registered attendance totaled 103 people, including 66 citizens from the general public, 18 TxDOT representatives, 9 consultants and 10 elected officials. The open house began at 6:30 pm to allow the public to review information pertaining to the proposed project and ask questions prior to the formal hearing. Information stations were available at the open house with a schematic design station, environmental station, a right-of-way station and a written comment station. Exhibits displayed at the public hearing included two identical sets of the schematic design plans with typical sections and two copies of the Environmental Assessment reevaluation.

All exhibits were available for viewing from 6:30 pm until the public hearing ended to give all attendees an opportunity to view all the exhibits and documents on display and discuss and ask questions regarding the proposed project with project team members before and after the formal public hearing.

PUBLIC HEARING CONDUCTED BY:

An introduction was made by Maribel Chavez, District Engineer for the Fort Worth District of the Texas Department of Transportation. Judy Anderson, the Fort Worth District's Programs Administration Engineer, gave the procedure for the hearing. Wade Strong, NTTA's consultant project engineer discussed a brief overview of the project's modifications. Sheila Mills gave a brief presentation on right-of-way acquisition and described the needed right-of-way.

VERBAL:

Four people spoke. Two people spoke of concerns over the cost/funding, of the project, the agreement between NTTA and TxDOT, and hydraulic/flooding issues. One person expressed general support for the project and one expressed concerns about flooding near Lake George

Marti.

WRITTEN COMMENTS:

Three people wrote concerning the proposed project. One person requested hydraulic reports for Rock Creek and its tributaries, as well as a financial funding plan. Another wrote about their concern for rechanneling Buffalo Creek in two places, which could affect the fence on their property. The third requested that all maps used be oriented to North pointing upward.

SUMMARY OF MAJOR COMMENTS:

The major concern for the project was primarily financial funding/cost for the proposed project and the 50-year agreement between TxDOT and the NTTA. Other concerns were over possible flooding of Rock Creek and Lake George Marti.

RECOMMENDATION:

Consideration has been given to the financial and hydraulic concerns. All comments have been satisfactorily addressed and the project is recommended for approval as a Finding of No Significant Impact (FONSI).

Public Hearing Comment and Response Report

COMMENT AND RESPONSE REPORT
Chisholm Trail Parkway (SH 121)
MARCH 1, 2011

Several comments were similar and combined into a single comment; therefore the comments may not be verbatim. Names are matched to comments in the table below.

Name of Individual	Representing	Comment #'s
Larry Loveless	Johnson County Republican Party	1, 2, 3, 4, 5, 6, 10
Diane Williams	Congressman Bill Flores' Office/Northern Region District Office	7
James Patterson	self	8, 16
R. Baker Hughes	Texas Patriots Tea Party	1, 2, 9, 10, 11, 12, 13
Robert Kelly	City of Cleburne	14
Garland Carroll	self	15

Comment 1: Two individuals raised a concern about the funding/financing of the Chisholm Trail and requested a breakdown of funding sources and/or a copy of the Funding Plan.

Response: The Chisholm Trail will be financed (100%) by the NTTA with the exception of a \$25 million earmark from the FHWA and approximately \$27.67 million from TxDOT and local entities used for ROW and utilities. A copy of the project funding agreement and associated financing plan will be made available once all components of the project agreement are executed. In addition, NTTA held a public hearing and notice of intent for Chisholm Trail Project Financial Forecast at the Cleburne Conference Center on March 23, 2011; while not a TxDOT activity this hearing directly tied to the funding for the facility.

Comment 2: Two individuals raised concerns about the 50 year agreement allowing the NTTA to design, build, maintain, and operate the Chisholm Trail.

Response: NTTA, as a political subdivision of the State of Texas, has been empowered to design, construct, operate, and maintain turnpike projects in the north Texas region. The executed project agreement between the NTTA and TxDOT authorizes the NTTA to perform these services for the Southwest Parkway (IH 30 to FM 1187) and the Chisholm Trail (FM 1187 to US 67). The NTTA will maintain ownership of the Chisholm Trail in perpetuity. This agreement is not the standard 52 year term of a Comprehensive Design Agreements (CDA) with TxDOT. As stated at the hearing, allowing NTTA to design, build and operate, the facility can be implemented sooner than the traditional method of pay as you go. At this time and the foreseeable future, TxDOT does not have funding to build this facility.

The IH 30 turnpike that was “paid off” and turned back over to the state was done so because of the legislation behind it. Toll facilities today are generally not in legislation and are a way for

facilities to be implemented in a more timely manner. Depending on the agreements developed, some will eventually be returned to the state, but others will remain toll facilities in perpetuity.

Comment 3: One individual raised concerns about the [methods of] repair of a two-lane roadway and general quality of construction.

Response: Should repair of the two lane toll road be necessary the means and methods for repair are well documented by TxDOT and other transportation agencies. The repairs would not be any different than any other two lane roadway that needs repairs; some minor disruption to traffic could be expected. However, the additional lanes to the Chisholm Trail Parkway are listed in the Metropolitan Transportation Plan as being opened to traffic prior to 2019, thus making the two-lane repair an unlikely scenario.

Comment 4: One citizen inquired as to how much the roadway would cost per mile.

Response: As reported in the EA re-evaluation, the corridor segment is being constructed at an approximate cost of \$177,095,052, resulting in a cost of \$13.5 million/mile. Once open to traffic the 2013 toll rate would be \$0.1616/mile; the toll rate will comply with the Regional Transportation Council rates. The public hearing agenda indicated the cost of construction at \$163.2 million for the ultimate facility (these are approximate costs based on the estimate at the time).

Comment 5: Concerned about “selling out to NTTA”

Response: By terms of the project agreement the NTTA is partnering with TxDOT and the local governments to deliver the Chisholm Trail in a timelier manner. The NTTA will assume the responsibility of the design, construction, maintenance and operation of the facility allowing TxDOT to use their federal transportation dollars on other regional roadways.

Comment 6: Should be able to pay the road off and have it come back to our [TxDOT] control

Response: The Chisholm Trail Parkway is not being developed under the same financial model as the IH 30 Turnpike. Once the tollway is “paid off” revenues will be used to pay for maintenance and operation of the facility and help support other local projects.

Comment 7: General support for the project and its progress.

Response: Comment noted.

Comment 8: One citizen had a concern about Lake George Marti and the potential of flooding/increased water on property.

Response: As stated in the EA reevaluation, the hydraulic design for the proposed project would be in accordance with the current TxDOT design policies and standards. The toll road facility as proposed would permit the conveyance of the 100-year flood levels without causing substantial damage to the road, stream or other property. Additionally, proper coordination has taken place with local floodplain administrators and mitigation near Lake Marti included in the project design. The toll road is designed to pass water that is coming to it without adding any appreciable difference to the downstream flood levels.

Comment 9: One citizen requested a breakdown of what entity is paying what amount of dollars to build and maintain.

Response: The Chisholm Trail will be financed and maintained (100%) by the NTTA with the exception of a \$25 million earmark from the FHWA and approximately \$27.67 million from TxDOT and local entities used for ROW and utilities.

Comment 10: Two citizens had comments on the NTTA being a private/nongovernmental agency.

Response: The NTTA is not a private or nongovernmental organization. The NTTA is a political subdivision of the State of Texas under Chapter 366 of the Transportation Code, and is empowered to acquire, construct, maintain, repair and operate turnpike projects; to raise capital for construction projects through the issuance of Turnpike Revenue Bonds; and to collect tolls to operate, maintain and pay debt service on those projects.

The Authority has appointed representatives from Collin, Denton, Dallas and Tarrant counties, as well as one from a surrounding county, on its Board of Directors.

Comment 11: One citizen raised concerns about the hydraulic study at Rock Creek and the 50 year flood plain associated with it.

Response: As stated in the EA reevaluation, the hydraulic design for the proposed project would be in accordance with the current TxDOT design policies and standards. The toll road facility as proposed would permit the conveyance of the 100-year flood levels without causing substantial damage to the road, stream or other property. Additionally, proper coordination has taken place with local floodplain administrators and mitigation near Lake Marti included in the project design.

Comment 12: Citizen understands that the hearing was integral to getting funding, and hoped the funding doesn't go through right now until these questions can be answered.

Response: The Public Hearing is an important element to the NEPA process and is required for environmental clearance; however, it is not directly tied to funding.

Comment 13: One citizen commented that “if we just got the sales tax from our vehicles that was supposed to go to pay for the roadways, we’d have ample funds to build this road. If we got the tax that comes from our fuel that comes to pay for roads, we’d have ample dollars. We wouldn’t need NTTA to put out bonds or anything else. We’d have a lot of money every year to take care of our roadways being built and maintained.”

Response: Ideally the Highway Trust Fund (gas tax) would support the construction and maintenance of roadways through user-supported fuel-tax revenue. The idea is that drivers who use the roadways will need to buy gas, and generally how much gas they buy corresponds to how many miles they've driven or how much they've used our roadways.

Currently there is a critical funding shortage at the state and national level. As the gas tax rate is not tied to inflation, revenues are declining as the fuel efficiencies of vehicles increase. This coupled with the population explosion in the north central Texas area and an aging infrastructure severely limited available revenue for increased capacity and maintenance of the current roadway system. Current estimates reveal the statewide funding shortfall for the next 20 years is over \$300 billion dollars.

Comment 14: One citizen stated they “would appreciate all maps displayed on walls or screen to be oriented north pointing up.”

Response: Comment noted.

Comment 15: One citizen stated that “Rick Bailey [Johnson County Commissioner Precinct 1] does a fine job, and he tries his damndest to take care of everybody.”

Response: Comment noted.

Comment 16: One citizen requested a copy of the hydraulic study for Rock Creek and its Tributaries and a copy of the financial funding plan – how much each entity is providing to build the Road, compared with income estimates for the 50 yr dominion of the Road.

Response: As stated during the hearing, all information utilized in the development of the Chisholm Trail reevaluation, including the hydraulic reports, are available for inspection and copy at the TxDOT District Office, Johnson County Area Office or the NTTA Offices. Annual financial documents are available on the NTTA website:

<http://www.ntta.org/AboutUs/News/AnnualReportDisclaimer.htm> or copies may be obtained by sending a request to:

Janice Davis
Chief Financial Officer
P.O. Box 260729
Plano, Texas 75026

Comment 17:

One citizen commented on the plan to re-channel Buffalo Creek two places for right of way construction through my property. They stated their preference that the new channel would be on their property, so fence would not have to cross the creek. If fence crosses the creek, flooding would cause fence to wash out.

Response: Comment noted. Per requirements of Section 404 of the Clean Water Act, the NTTA has designed the project in such a way as to minimize impacts to Buffalo Creek. Adverse impacts to Buffalo Creek have been permitted by the United States Army Corps of Engineers and mitigation banking credits have been approved and purchased for the impacts. The suggested re-aligning and channelization of Buffalo Creek to avoid fence crossings would be inconsistent with the “avoidance, minimization and mitigation” requirements of the section 404 permitting process.

Public Hearing Transcript

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PUBLIC HEARING
FOR
SH 121 RE-EVALUATION PROJECT
TEXAS DEPARTMENT OF TRANSPORTATION

HELD AT CLEBURNE CONVENTION CENTER
1501 WEST HENDERSON STREET
CLEBURNE, TEXAS
March 1, 2011
7:15 p.m.

COPY

1 P R O C E E D I N G S :

2 MS. CHAVEZ: Okay. By my watch, I've
3 got 7:22 -- or 7:15. I'm ahead. Okay. We've got a
4 little after 7:15. Okay, with that, I'd like to convene
5 this public hearing for the re-evaluation of the
6 environmental for the construction of State Highway 121
7 from FM 1187 to US 67, and that will be as a fully
8 electronic toll road. So if you're not real sure what
9 we're here for, that's what we're here for, folks.

10 Good evening, and welcome to this public
11 hearing. My name is Maribel Chavez, and I am the
12 District Engineer for the Fort Worth District of the
13 Texas Department of Transportation, also known as TxDOT.
14 On behalf of the Department, I would like to express my
15 appreciation and thanks to everyone for attending this
16 public hearing. I'd also like to thank the City of
17 Cleburne for the use of this facility. Thank you very
18 much for that.

19 And this is one of the important, if not
20 the most important, parts of the process in implementing
21 any type of transportation project, and this is the
22 public involvement part of the project, and that is very
23 important to any public project. So that's why we're
24 here tonight is to listen to you, the public, and take
25 your comments and address them at a later date.

Jenny L. Bonnes, CSR, RPR
Dolores Stewart & Associates (817)810-0244

1 I'd like to explain a little bit about
2 this project in that it is a joint effort between
3 the Department and the North Texas Tollway
4 Authority, also known as NTTA, and, of course, our
5 local communities, both some cities and, of course,
6 counties as well. We've had many years of working
7 on this project. A lot of hard work has gone into
8 figuring this whole project out; everything from how
9 to fund it, to implementing, and, of course, to
10 maintain and operate the facility.

11 TxDOT and NTTA are jointly developing
12 this project, and upon final acceptance by the NTTA,
13 they will have the lead in implementing and operating
14 this toll road. So with that, I'd like to call on staff
15 to explain to you exactly what this process is about and
16 how we'll conduct this hearing. We'll also have various
17 speakers speak to you and explain to you the various
18 elements of both the process and the project itself.

19 And at this time, I would like to turn
20 the public hearing over to Judy Anderson, our Programs
21 Administration Engineer from the Fort Worth District of
22 TxDOT, and she'll outline for you the procedures for
23 this hearing as well as introduce this project.

24 Judy?

25 MS. ANDERSON: Today we are here to

1 present to you the changes that have occurred to this
2 project since we conducted our public hearing February
3 on 13th, 2003, and later received our Finding of No
4 Significant Impact on May 20th, 2004 from the Federal
5 Highway Administration, or FHWA. We are making both
6 audio and video recordings of this hearing so that your
7 statements can be accurately transcribed and understood.

8 I would like to emphasize the difference
9 between a public meeting and a public hearing for
10 transportation projects. Meetings are informal in
11 nature, and there's a gathering of information, or an
12 exchange of information, with questions being raised and
13 answered in dialogue during the course of the meeting.
14 Hearings, on the other hand, are formal and are to
15 present information to you, the attendee, about a
16 recommended plan derived from input from previous public
17 involvement activities and design considerations.

18 More specific information about
19 hearings, your rights and your ability to make
20 statements, will be given later as we proceed in this
21 hearing. I will now outline the purpose and procedures
22 for this hearing and provide a project introduction.

23 The state and federal government have
24 various laws, regulations, and guidelines that outline
25 the processes whereby public awareness of system

1 planning and project planning can be assured. The
2 opportunity for public involvement in these
3 developmental phases can be realized in conjunction with
4 technical, social, economic, and environment conditions.

5 As part of our public involvement
6 process in developing highway projects, we hold public
7 meetings and hearings as a matter of public information
8 for those people who are going to be affected by a
9 project and for those who have a need to be aware of our
10 project design.

11 In addition, hearings are held to
12 receive formal statements from the public regarding
13 facets of the project that may be of concern to an
14 individual or group. All of the oral statements,
15 written statements, and exhibits received will be given
16 careful consideration in the final stage of the
17 development of this project.

18 When TxDOT submits a plan for any
19 project that involves significant right-of-way
20 acquisition, additional mobility, alignment changes, or
21 the incorporation of any tolling aspect, or other
22 potential significant impacts, regulations require the
23 Department to certify that it has held a public hearing
24 or has afforded the opportunity for such a hearing; that
25 it has considered the economic and social effects of-

1 such a project, its impact on the environment, and its
2 consistency with the goals and objectives of planning
3 promulgated by the communities involved.

4 In accordance with these processes, a
5 notice of public hearing was published on Sunday,
6 January 30th, 2011 and Sunday, February 20th, 2011 in
7 the Fort Worth Star-Telegram, the Burleson Star, and the
8 Cleburne Times Review. The notice was also published on
9 Thursday, February 3rd, 2011 and Thursday, February
10 17th, 2011 in the Crowley Star Review and the Joshua
11 Star Tribune. The notice was also published in Spanish
12 on Saturday, February 12th, 2011 and Saturday, February
13 19th, 2011 in La Estrella, and on Friday, February 4th,
14 2011 and Friday, February 18th, 2011 in La Semena.

15 In addition, adjoining property owners
16 and public officials were mailed individual notices.
17 Adjoining property owners are identified by using tax
18 rolls and previous public involvement sign-in sheets.
19 Therefore, if the tax rolls are updated after the
20 Department receives the list, or you did not attend
21 previous meetings held, you may not have been included
22 on the list. Hopefully, everyone interested was made
23 aware through their neighbors and other media notices.

24 As for the agenda today, I will outline
25 the procedures for this hearing and provide an

1 introduction to the projects modifications and changes.
2 The project design engineer will then discuss in more
3 detail the alignment modifications and other changes to
4 the proposed project and bring out various aspects of
5 the proposed plan.

6 We will also have a representative from
7 the right-of-way section that will present to you the
8 right-of-way acquisition relocation procedures and how
9 that will occur. We will then take a recess for ten to
10 twenty minutes to allow everyone time to look at the
11 display in more detail. Several individuals involved in
12 the project will be on hand at the display to assist you
13 with questions that you may have and to help you
14 understand how the project will affect each abutting
15 property.

16 After the recess, the floor will be open
17 for statements so that we may have the benefit of your
18 concerns about the project. This time will be strictly
19 for statements only, with your stated concerns being
20 responded to only in the written summary and analysis of
21 this hearing. In response to the statements, the plan
22 may be altered if a feasible and prudent adjustment is
23 possible. If altered, there will be a meeting with the
24 affected property owners to discuss the alterations.

25 Bear in mind that statements should be

1 made to tell us what you like about the project, as well
2 as what you don't like. There have been cases where the
3 project was revised in response to negative statements,
4 only to learn that we had changed something that others
5 wanted but had not voiced their concerns. Help us to
6 make as balanced a design that we can that will
7 accommodate the needs of everyone by telling us about
8 your needs, both pro and con.

9 Written statements will be received
10 through Friday, March 11th, 2011 and may be submitted to
11 the address located on the back of the written statement
12 form. This form is located at the registration table.
13 If you didn't receive one as you came in, please feel
14 free to get one during the recess or after the hearing.
15 If you desire to speak today, please fill out a form at
16 the registration desk before the recess is over.
17 However, if you do not register, the floor will be open
18 for statements before adjournment.

19 In order to move the hearing along, we
20 ask that statements be limited to a maximum of three
21 minutes. If your oral statement will exceed three
22 minutes, please furnish a written statement. You may
23 include any information you feel is necessary to explain
24 your concerns, such as graphs, charts, tables, drawings,
25 or photographs. Please submit all of this information

Jenny L. Bonnes, CSR, RPR
Dolores Stewart & Associates (817)810-0244

1 in hard copy.

2 The purpose of this hearing is to
3 present the alignment modifications and tolling changes
4 that have occurred since the Federal Highway
5 Administration issued a Finding of No Significant Impact
6 for this portion of the State Highway 121 on May 20th,
7 2004. The approximate 14-mile facility was originally
8 proposed as a two-lane interim-free facility to be
9 ultimately improved to a divided four-lane toll road.

10 Due to funding issues, alternative
11 methods were sought for implementation of the process in
12 a more timely manner than the usual pay-as-you-go system
13 that TxDOT uses. As a result, the facility will be
14 stage constructed with two lanes first; however, they
15 will not be free as was previously presented in the 2003
16 public hearing but will be tolled, with tolls being set
17 with NTTA in compliance with the Regional Transportation
18 Councils Policy.

19 In addition, modifications to the
20 alignment have been made to reduce impacts to
21 Lake George Marti for flood storage retention. This
22 alignment modification is located at the southern limit
23 as it ties into US 67. Another modification of the
24 initial phase, as well as the ultimate toll facility, is
25 the tolling system that has been changed from an optimal

1 cash or electronic toll system to a fully electronic
2 toll system, eliminating the wide toll plazas required
3 for the cash option.

4 There has been a minor alignment shift
5 at FM 1187 which details -- deals -- excuse me --
6 strictly with geometry and height and length of the
7 overpass. Due to the modifications, a re-evaluation of
8 the environmental assessment has been prepared in
9 accordance with the National Environmental Policy Act,
10 or NEPA, to determine whether the original Finding of No
11 Significant Impact is still valid.

12 The document covers the social,
13 economic, and environmental effects of the project as a
14 result of the project modifications since it was last
15 officially presented to the public. The document
16 includes information covering impacts associated with
17 air quality, noise, water quality, vegetation,
18 archeology, historical properties, along with other
19 aspects of the project.

20 The re-evaluation has been reviewed by
21 FHWA, and TxDOT has received satisfactory for further
22 processing bringing us to this hearing today. What this
23 means thus far is that the re-evaluation has confirmed
24 our original findings of No Significant Impacts pending
25 the public involvement associated with those

1 modifications.

2 I would like to point out something that
3 may have alarmed some of you in the notice you received.
4 The original environmental document indicated
5 right-of-way widths ranging from 240 feet to 400 feet.
6 The notice that was sent to you and the re-evaluation
7 indicate right-of-way widths ranging from 220 feet to
8 600 feet. The difference in the numbers shown is
9 explained fairly simply. The original numbers were
10 based on a concept plan, which are basically lines on an
11 aerial view.

12 Because we have had ongoing detail
13 design and development of the project, the requirements
14 have been refined and shows the needs to be both lower
15 and higher widths previously shown. I don't want you to
16 be alarmed and think that we will be coming to ask you
17 for more property because that is not the case. For
18 those properties that have already been purchased, which
19 was almost all, it was based on the detailed information
20 and has not changed; so we should not be coming back to
21 you trying to acquire more property.

22 Now, I want to introduce NTTA'S
23 consultant project engineer, who will gave you brief
24 overview of the project's modifications.

25 MR. STRONG: Thanks, Judy.

1 Hello, my name is Wade Strong. I'm an
2 engineer with Rodriguez Transportation Group from
3 Austin. I am presenting the description of the Ultimate
4 State Highway 121 facility, particularly focusing on the
5 changes to the display since the 2003 public hearing.
6 State Highway 121 is also known as Chisholm Trail
7 Parkway and will connect to Southwest Parkway, currently
8 under construction in Fort Worth.

9 As shown on the highway display in the
10 back of the room and also on the location map up on the
11 screen, State Highway 121 is located in southern Tarrant
12 and northern Johnson Counties. The public hearing
13 displays are oriented both the same with north oriented
14 to the left. So if you look at the drawing there, and
15 I'm getting my little arrow going over there, the north
16 end of job is right there at FM 1187, and 121 proceeds
17 on southward into Cleburne, and the southern end is at
18 US 67.

19 The public hearing displays depict the
20 plan view, which is shown on the top; the profile view
21 is on bottom, and this particular section, on the side.
22 And that's the displays that are in the back of the
23 room. We also have other engineering information for
24 you to look at, if you wish to, such as horizontal
25 alignments and other profiles of the cross roads for you

1 to look at.

2 This is the typical section, which is
3 like a cross section of the proposed highway. The usual
4 right-of-way width is 320 feet wide. Two main lanes
5 each direction with a ten-foot wide shoulders are
6 proposed for the Ultimate. This is known as a divided
7 rural highway with ditches and cross culverts that will
8 be used to convey storm water runoff.

9 This is another section where it also
10 includes entrance and exit ramps. The right-of-way
11 width increases up to approximately 600 feet wide at
12 these interchange locations. The ramps will have four
13 and eight-foot wide shoulders on them. The ramps are
14 one lane and widened as needed at the intersections for
15 capacity and for turning movements. Typical sections
16 in the profiles for each of the cross streets are also
17 shown on the displays in the back.

18 As Judy said, State Highway 121 is
19 planned to be constructed in phases. The interim
20 facility will include one side of the highway where both
21 directions of traffic will be located. One lane each
22 direction is shown in yellow. The blue is the future
23 construction.

24 There will also be a concrete barrier
25 dividing each of those lanes in each direction for

1 safety. There will also be two passing lane locations
2 in each direction, both north and south of FM 917. This
3 is the passing lane typical section for the southbound
4 direction. You can see there were three lanes proposed
5 there, two in one direction and one in the other, and
6 this is the passing lane for the northbound direction.

7 The complete public hearing display is
8 available in the back for tonight's hearing and presents
9 the Ultimate Highway 121 facility with all
10 modifications. The plan view shows the location of the
11 proposed highway, and the color code is the main lanes
12 on the ground surface and are shown in yellow. The
13 bridge structures are in red. The ramps are that
14 purple, or dark blue, color. The cross roads are shown
15 in green. Other projects are shown in gray. The
16 proposed right-of-way is a dashed orange line. And the
17 toll gantries for ramps in the main lane are shown in
18 red.

19 The profile view that's shown in the
20 display in the back is like an elevation view of the
21 proposed highway. It also shows the existing ground,
22 which is kind of a black dashed line, and the proposed
23 highway is a dark black line there on top. Bridges are
24 shown in red and cross streets in green.

25 Just south of FM 1187, the project will

1 connect to the State Highway 121 project that extends
2 north into Fort Worth, known as Southwest Parkway.
3 There's a bill currently proposed in the legislature for
4 renaming that segment from FM 1187 up into Fort Worth at
5 I-30 to Chisholm Trail also. So the names could be
6 changing soon.

7 State Highway 121 will be a controlled
8 access highway, meaning access will be limited to ramps,
9 and interchanges with ramps for access from State
10 Highway 121 are provided at these locations, FM 1187,
11 County Road 920, FM 1902, County Road 913, FM 917,
12 County Road 904, Sparks Road, and County Road 1125. On
13 the south end of the project, US 67 will be accessed by
14 the intersection of the State Highway 121 main lanes and
15 the US 67 frontage roads.

16 The project accommodates four
17 future direct connector ramps between US 67 and State
18 Highway 121. Work is currently underway by TxDOT on US
19 67 on Nolan River Road that will accommodate the 121
20 south terminus. The interim facility presented in the
21 2003 public hearing was not tolled. State Highway 121
22 will now be tolled in the interim phase as well as
23 ultimate.

24 All tolled collection for State Highway
25 121 will be by electronic toll collection. The ramp

1 toll gantries are located south of FM 1187, south of
2 County Road 920, north of County Road 913, north of FM
3 917, north of County Road 904, and south of Sparks Road.
4 And the main lane toll gantry is located between County
5 Road 904 and Sparks Road on the south end of the
6 project.

7 Another change from the 2003 public
8 hearing plan was on the north end at FM 1187.
9 Originally, FM 1187 was to be reconstructed about ten to
10 fifteen feet lower than the existing highway. This is a
11 plan view showing that location. In the profile view,
12 the current plan is to leave FM 1187 at its current
13 location, thus raising the 121 main lanes in this area,
14 resulting in a slightly longer bridge structure.

15 The 2003 public hearing display had a
16 different alignment than what is now proposed between
17 County Road 902 and State Highway 171 near the south end
18 of the project. This diagram focuses on the changed
19 alignment. We also have plots of those in front and
20 also in the back. Again, this is oriented with north to
21 left.

22 You can see Lake George Marti there kind
23 of on the right side of that diagram. The old alignment
24 that was shown at the 2003 public hearing is in blue,
25 and it overlaps flood plains and creeks that lead into

1 Lake George Marti.

2 As the plans were being developed, we
3 realized that it would be better to move the alignment
4 about 500 feet west, as shown in yellow, provide a
5 better crossing of the creeks and less impacts on the
6 flood creeks and the flood storage of Lake George Marti.

7 So please review the public hearing
8 displays in the back in greater detail during the
9 recess. And after presentations, make comments or ask
10 questions, if needed. Thank you for your interest in
11 the project.

12 MS. ANDERSON: Now, I'd like to
13 introduce Sheila Mills for the North Region Resource
14 Center of TxDOT. Sheila will provide brief right-of-way
15 information concerning what has been purchased and
16 relocated and what is still remaining.

17 MS. MILLS: Good evening. As previously
18 discussed, additional right-of-way will be needed to
19 discuss this project. Property rights needed for the
20 expansion of the Texas Highway System are required under
21 the guidelines of the Uniform Relocation Assistance and
22 Rural Property Acquisition Access Act of 1970.

23 Further, it is the policy of TxDOT that
24 individuals impacted by transportation systems expansion
25 shall not be denied benefits, excluded from

1 participation, or otherwise be subjected to
2 discrimination based on the grounds of race, color, sex,
3 age, handicaps, or national origin.

4 The State's authority to acquire
5 property for the Transportation System is founded in the
6 Fifth Amendment to the Constitution to the United
7 States. This authority can be used only when there is a
8 demonstrated public need for the property and the
9 property owners are compensated with just compensation.
10 Just compensation is defined as fair market value.

11 This project is needed in order to
12 increase the capacity for future growth and to generally
13 improve the safety of traffic operations in the
14 corridor. This hearing tonight is part of the process
15 of demonstrating the public need. The acquisition of
16 this right-of-way will be of joint effort between the
17 Texas Department of Transportation and the North Texas
18 Tollway Authority.

19 Because this is a re-evaluation of our
20 initial findings, right-of-way acquisition and
21 relocation has been ongoing for several years. To date,
22 TxDOT has acquired 153 of the 168 parcels needed for
23 construction of this facility. The remaining 15 parcels
24 will be purchased by NTTA once financial close is
25 received. They sell bonds for the building of the

1 facility.

2 During the recess, someone from NTTA
3 will be available should those property owners have
4 questions concerning when their property will be
5 acquired. The 153 parcels that TxDOT has acquired
6 included relocations, which have already occurred. It
7 is not anticipated that there will be additional
8 displacements.

9 As previously stated, each impacted
10 property owner has been or will be offered just
11 compensation for their property needed for the project.
12 To arrive at this value, TxDOT hires independent
13 appraisers to prepare a detailed appraisal report for
14 each property. These independent appraisers are highly
15 regarded professionals in our community. They're bound
16 by professional and ethical standards to produce
17 property values that reflect true market conditions.

18 When the appraisal is completed, an
19 offer will be presented to the landowner. Our
20 negotiator will discuss the highway project's impact on
21 your property and answer any questions you may have. He
22 or she will also discuss the alternatives that are
23 available in the acquisition process under the laws of
24 implement domain. Each property owner is given a
25 minimum of 30 days to consider the offer.

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1 We also have a program for relocation of
2 personal property for the route of proposed highway
3 expansions. A relocation agent will be assigned to work
4 with the owner to get the property moved and to discuss
5 any eligible benefits.

6 We have a couple of brochures in the
7 back of the room. It's going to be in this back corner
8 at the break. If we haven't already addressed
9 acquisition relocation with you, and you are going to be
10 an affected property owner, we ask that you take these
11 brochures. And just a reminder, the NTTA also follows
12 the same procedures for acquisition and relocation as
13 TxDOT.

14 Please review the public hearing
15 displays in greater detail during the recess, and after
16 the presentations, make any comments or ask questions as
17 needed. Thank you.

18 MS. ANDERSON: Thanks, Sheila.

19 At this time I'd like to -- that's
20 pretty much our presentation, just so you're aware. But
21 I would like to acknowledge the elected officials and
22 City and County personnel that are with us today, so if
23 you'll please stand when I call your name.

24 I have Dale Sturgeon with the City of
25 Cleburne. Rick Baily with Johnson County. Thank you,

1 sir. Don Beeson with Johnson County. Thank you.
2 Robert Kelly with the City of Cleburne. Thank you.
3 Diane Williams with Congressman Bill Flores' office.
4 Justin Hewlett with the City of Cleburne. Thank you.
5 I have Dr. Webster with Tarrant County, Precinct 1.
6 Roger Harmon, Johnson County Judge, and Verly Edwards
7 representing Rob Orr.

8 Are there any other public officials
9 that did not sign up or that are here that would like to
10 be recognized?

11 MS. WHITE: Gail White.

12 MS. ANDERSON: Could you state your name
13 again, ma'am?

14 MS. WHITE: Gail White.

15 MS. ANDERSON: Gail White. With the
16 City of --

17 MS. WHITE: Cleburne.

18 MS. ANDERSON: City of Cleburne, okay.
19 Thanks for your cooperation on that.

20 All the information developed concerning
21 this project, including the environmental documentation,
22 is available upon request for public inspection and
23 copying at the TxDOT District office located at I-20 and
24 McCart Avenue in Fort Worth, and also the TxDOT Johnson
25 County Area office located in Keene on FM 2280, and the

1 North Texas Tollway Authority offices in Plano.

2 We've also brought a copy of the
3 environmental document and its re-evaluation with us
4 tonight for your viewing during the recess and after the
5 hearing. As a reminder, if you did not sign in when you
6 came, please do so. This is for our records in
7 determining attendance at the hearing. Also, please
8 register at the registration table during the recess if
9 you desire to make an oral statement.

10 When we reconvene, you will be given the
11 opportunity to give us your statement. Remember, we are
12 conducting this hearing so we can present to you the
13 modifications that have occurred to the project since
14 the 2003 public hearing. The remainder of the facility
15 is still as previously presented.

16 Before we recess, I would like to
17 introduce some personnel from TxDOT and representatives
18 from NTTA that will be available at the displays and in
19 selected areas to assist with orientation on the
20 drawings and to answer other questions that you may have
21 regarding this project.

22 For the design aspects -- and I want
23 y'all to stand and I guess make your way back where you
24 need to go -- we have Wade Strong. He's with NTTA
25 Consultant Staff, and he'll be back there. We also have

1 Ronald Robinson. He is the TxDOT Area Engineer for
2 Johnson County, and he'll be back there to help.

3 With right-of-way concerns, and they're
4 going to be kind of back over in that far corner over
5 there (indicating), we have Sheila Mills from TxDOT, and
6 Kelly Price also from TxDOT. We will have Scott Yates
7 representing the North Texas Tollway Authority. And for
8 environmental, you'll have me. I'll be back in the
9 corner back over here (indicating).

10 And my watch is a little different than
11 Maribel's. My watch says it's a quarter to 8:00. So
12 we'll recess now for about fifteen minutes, and so we'll
13 reconvene at about 8:00.

14 (Recess.)

15 MS. ANDERSON: It's now about eight
16 minutes after 8:00 by my watch, and at this time I'm
17 reconvening the public hearing. I will call on the
18 individuals that have previously expressed a desire to
19 make a statement. When I call your name, please come up
20 to the microphone up here and give us your name and then
21 your statement. Please limit your statement to a
22 maximum of three minutes. For those of you that still
23 have questions, we will be available after the hearing
24 to address any of your questions.

25 Okay. First on the list that I have is

1 Larry Loveless.

2 MR. LOVELESS: My name is Larry
3 Loveless. I'm a resident of the Burleson area. I've
4 got several statements. One of the things I'm concerned
5 about is funding and how it's cut for this particular
6 segment of the highway. I understand that NTTA is going
7 to be managing it for about 50 years. That seems like
8 an extremely long time to pay that thing off.

9 I'm more concerned about the aspect of
10 having NTTA, which is a private organization, sort of,
11 in conjunction with a U.S. TxDOT -- you know, public
12 money versus private money. And throughout the history
13 of the United States, you know, most of our toll roads
14 have been done by private enterprise. And now we're
15 doing a little bit different.

16 We've done things like the turnpike,
17 I-30, between Dallas and Fort Worth. That was paid off.
18 It was turned back over to the Texas State. The next
19 thing I'm concerned about is repairs. We put these
20 one-lane tollways in, and when we get a section to
21 repair, it is going to be terrible.

22 My concern is that I've walked on Roman
23 roads in Europe and North Africa, and those things are
24 2,000-plus years old and they're still going. Why can't
25 we build a road that's strong and can handle our traffic

1 for at least ten years without repair?

2 And second, how much per mile are we
3 paying? We haven't seen any charts on, you know, how
4 much -- you know, how much does the estimate cost for
5 that? And I know you're rolling your eyes, but --

6 MS. ANDERSON: Are you talking about --
7 actually, in the agenda the cost of the roadway is in
8 there.

9 MR. LOVELESS: We didn't see it. We saw
10 the cost of the property being purchased, roughly
11 \$18,000 an acre, which some of that acreage -- it's a
12 rough estimate. And that's -- you know, some of that
13 acreage is way above value. But anyway, we're just
14 concerned that TxDOT is selling out to NTTA for too long
15 a period. We should be able to pay the road off and
16 then have it come back to our control.

17 MS. ANDERSON: Thank you for your
18 statement.

19 Next, I have Diane Williams.

20 MS. WILLIAMS: Good evening. I'm with
21 Congressman Bill Flores' office here in Cleburne. Well,
22 actually, I'm with the Northern Region District office,
23 and we represent Johnson, Somervell, and Hood Counties.
24 And I'm just happy to see that we're at this point.
25 This has been a long arduous process with many, many

1 people contributing lots of time, lot of hours, lots of
2 input that has actually been taken. Many, many
3 meetings, and we know that the roadway is going to
4 provide group transportation, and it is also going to
5 provide some benefits, and we stand ready to help
6 support this through the completion of the project, if
7 there's anything that we can do. We're just glad to be
8 a part of the process, and that's all I have to say.

9 MS. ANDERSON: Thank you.

10 Next, I have James Patterson.

11 MR. PATTERSON: My concern is, I live
12 along that road. They put that Marti Lake in; they
13 flood me out. Now, they're putting in that interstate.
14 How much more water am I going to get?

15 MS. ANDERSON: Thank you for your
16 statement.

17 Next I have Jerry Smith.

18 (No response from Mr. Smith.)

19 MS. ANDERSON: Next is R. Baker Hughes.

20 MR. HUGHES: I'm Baker Hughes. I'm a
21 property owner within about a mile of the new --
22 actually of 1902, as it currently exists. And I'm also
23 here as president of Texas Patriots Tea Party, so y'all
24 know the question I'm going to ask is, how are you going
25 to pay for it?

1 And I haven't seen any financial plan
2 that gives me a breakdown of what entity is paying what
3 amount of dollars to get this thing built, and then also
4 to maintain it. And all I get from people, when I ask
5 that question, is they don't know. And I was actually
6 told that the entire plan doesn't even exist yet. So
7 there's a question mark.

8 I like new roads. I was raised in
9 Texas. I love going from Brownsville out to the West
10 Plains. And we enjoy good roads, don't we? But we've
11 got to pay for them the right way and we've got to
12 maintain them the right way, and I don't see any
13 indication yet that we're going about this right.

14 And like Mr. Loveless here, I have a
15 concern about a nongovernmental entity having control of
16 a roadway for 50 years that is not controlled by
17 taxpayers. I know they have a board of appointees, but
18 I have no control over those appointees. They do not
19 answer to me. So I don't like that. I don't like 50
20 years of this roadway being out from under the control
21 of the taxpayers.

22 And so I'm going to ask some unanswered
23 questions here. You said that there was a number in
24 here about how much it's going to cost. This says
25 estimated construction cost of 163 million dollars. I

1 assume that number is about 20 years old because I was
2 told a billion dollars here tonight.

3 So we have a lot of unanswered
4 questions. Also an unanswered question about the
5 hydraulic study. Rock Creek and its tributaries
6 overflowed, and I was told that the 50-year flood plain
7 has been taken into account. I know that some of my
8 neighbors live in the 50-year flood plain, and it has
9 flooded twice in the last five years. So the 50-year
10 flood plain is not exactly accurate for Rock Creek.

11 We haven't seen the study. I've asked
12 for one. I've been told I'll get one. I'd like to see
13 a hydraulic study, and I'm told that the preliminary
14 exists, but the actual final hydraulic study does not
15 exist because this is being reworked somewhat with NTTA.
16 And so there's an awful lot of unanswered questions
17 about this road. And so I'm not pleased with what we
18 know so far, and I understand this hearing is integral
19 to getting funding, and I hope the funding doesn't go
20 through right now until these questions can be answered.

21 And on the matter of funding, if we just
22 got the sales tax from our vehicles that was supposed to
23 go to pay for the roadways, we'd have ample funds to
24 build this road. If we got the tax that comes from our
25 fuel that comes to pay for roads, we'd have ample

1 dollars. We wouldn't have to have NTTA put out bonds or
2 anything else. We'd have a lot of money every year to
3 take care of our roadways being built and maintained.

4 Thank you.

5 MS. ANDERSON: Thank you.

6 I don't have anybody else that was
7 signed up to present a statement. Is there anybody that
8 did not sign up that would like to make a statement at
9 this time?

10 Yes, sir. I'd like you to come up and
11 say your name, please.

12 MR. PATTERSON: I'd like to say that
13 Rick Baily back there does a fine job, and he tries his
14 damndest to take care of everybody.

15 MS. ANDERSON: Thank you for your
16 statement, sir.

17 Each statement made at this hearing and
18 each written statement received on or before March 11,
19 2011 will be carefully analyzed in writing and summary
20 analysis. Where appropriate, changes will be
21 incorporated into the project design and the analysis
22 will be attached to the environmental document.

23 In addition, property owners that are in
24 an area that may have a change made will be contacted
25 and coordinated with concerning any proposed changes.

1 After review of this transcript of these proceedings and
2 addressing of all concerns and concepts contained in the
3 statements, environment approval for the re-evaluation
4 is anticipated.

5 After receiving confirmation of the
6 validity of the Finding of No Significant Impacts by the
7 Federal Highway Administration, the schedule of
8 construction activities will be determined by NTTA. At
9 this time NTTA anticipates construction to begin in late
10 2007 for the interim facility.

11 Maribel.

12 MS. CHAVEZ: On behalf of the Department
13 of Transportation, I'd like to thank you for coming and
14 for participating in this public hearing. I'd also like
15 to thank the City of Cleburne for the use of the
16 facility. It is now, according to my watch, about 22
17 after -- my watch, I know it is different. I'm not sure
18 what time I'm on. And with that, this public hearing
19 for the re-evaluation of the environmental issues on
20 State Highway 121 from FM 1187 to US 67 is officially
21 adjourned.

22 Again, as Judy said, we will be here as
23 long as you would like us to, and we'll maintain all the
24 displays. As Judy said, you do have time by which to
25 submit any written documents, and then we will address

1 all of those documents in the written summary and
2 analysis for this re-evaluation. And with that, again,
3 thank you very much for coming out, and we'll be here as
4 long as you need us to address any questions or comments
5 or concerns.

6 Thank you very much.

7 (Hearing adjourned.)

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1 STATE OF TEXAS)

2 COUNTY OF TARRANT)

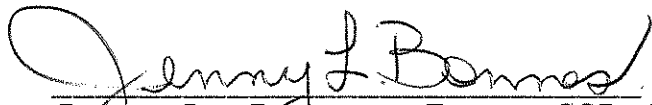
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4 I, JENNY L. BONNES, Certified Shorthand
5 Reporter in and for the State of Texas, do hereby
6 certify that the above and foregoing contains a true
7 and correct transcription of all portions of
8 evidence and other proceedings in the above-styled
9 and numbered cause, all of which occurred and were
10 reported by me.

11 WITNESS MY OFFICIAL HAND this 9th day of
12 March, 2011.

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14



15

Jenny L. Bonnes, Texas CSR 6471
Expiration Date: 12/31/12
Firm Registration No. 70
Dolores Stewart & Associates
1701 Pennsylvania Street
Fort Worth, Texas 76104

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Copy of Written Comments



SH 121

Johnson and Tarrant Counties

Public Hearing

March 1, 2011

3-8-11

The Texas Department of Transportation (TxDOT) actively seeks your comments on this proposed project. Your comments are always welcome and will be given serious consideration during the remainder of project development. Written comments may be submitted to the District Office using this form or by letter postmarked by March 11, 2011. Written and verbal comments will become part of the project record and will be included in the written summary and analysis of the public hearing. Thank you for your comments.

OFFICIAL COMMENTS:

I understand the plan is to rechannel Buffler Creek. Two places for right of way construction through my property.

I would prefer the new channel would be on my property, so fence would not have to cross the creek.

If fence crosses the creek, flooding would cause fence to wash out.

Name

Garland Carroll

Address

1499 W. Vaughn Rd.
Cleburne, Tx 76033

Phone

817-641-7140
Call 817-996-1074

Seal Here



SH 121
Johnson and Tarrant Counties
Public Hearing
March 1, 2011

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OFFICIAL COMMENTS:

I would appreciate all map displayed on walls
on screen to be oriented North pointing up.

Name Robert Kelly
Address 302 N Ridge Way
Cleburne TX 76033
Phone 817 641 2511

Seal Here



SH 121
 Johnson and Tarrant Counties
 Public Hearing
 March 1, 2011

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OFFICIAL COMMENTS:

I'd like a copy of the hydrologic study for Rock Creek and its tributaries.

I'd like a copy of the financial funding plan - how much each entity is providing to build the Road, compared with income estimates for the 50 yr duration of the Rd.

Name

R. Baker Hughes

Address

2533 Cheyenne
 Crowley TX 76036

Phone

817 690 1903

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