

CHAPTER 7

AGENCY COORDINATION AND PUBLIC INVOLVEMENT

Agency coordination and public involvement are crucial to the successful delivery of transportation infrastructure projects. In recognition of the size, scope, and complexity of the proposed Loop 375 Border Highway West Extension Project, the project team led a strategically designed and proactive outreach effort to engage many stakeholders and resource agencies as well as provide an open and continuous public involvement process. The project team effort was designed to:

- Engage all stakeholders and participating agencies early and often during the project development process;
- Develop informed consent about the project;
- Discover, document, and integrate public and agency input;
- Provide opportunities for interactive and frequent participation throughout the project development process;
- Support and reinforce the environmental analysis;
- Provide an opportunity for collaboration of the project team, Texas Department of Transportation (TxDOT), participating agencies, and communities to gain consensus; and
- Use interdisciplinary teams to develop context sensitive solutions.

By proactively engaging agencies, stakeholders, and the general public, this approach satisfies the 43 Texas Administrative Code, Chapter 2 requirements. Chapter 7 serves to document the on-going agency coordination and public involvement activities in conjunction with development of the proposed Loop 375 Border Highway West Extension project.

7.1 NOTICE OF INTENT (NOI)

The initial NOI to prepare an Environmental Impact Statement (EIS) was first published in the *Texas Register* and the *Federal Register* in September 2007, prior to the first public scoping meeting. In September and October of 2007, the NOI was also published in the *El Paso Times* and *El Diario de El Paso*, the local Spanish language periodical.

The project is now planned to move forward as a state-funded EIS within a revised study area. In September 2011, TxDOT simultaneously published in the *Texas Register* both a rescission of the previous NOI to prepare a federal EIS, and a revised NOI informing that the on-going environmental review process would change to a state-funded EIS for the project. The revised NOI also gave notice of the revised project limits, to Park Street, near downtown El Paso, to Racetrack Drive at its intersection with Doniphan Road, approximately 8 miles (mi). In October 2011, the Federal Highway Administration (FHWA) published in the *Federal Register* a notice that the September 2007 NOI to prepare a federal EIS for the project was rescinded.

In June 2012, TxDOT published a revised NOI in the *Texas Register*, the *El Paso Times*, and *El Diario de El Paso*. The purpose of the revised 2012 NOI was to inform the public that TxDOT was to prepare a state-funded EIS for the project with revised project limits to reflect the extension of the eastern termini from Park Street to US 54, including a Coles Street Interchange, and to advise of changes in access near the western termini. As explained in the Draft EIS, the changes to the project were made in response to input received at public scoping meetings. Refer to **Appendix A** for copies of the published NOIs.

7.2 PROJECT COORDINATION PLAN

A Project Coordination Plan was prepared to facilitate and document the roles and responsibilities of the lead, participating, and cooperating agencies in the project development process. The Project Coordination Plan also outlined the structured process by which TxDOT, as the lead agency, would interact with other agencies and with the public throughout the project development process.

The Project Coordination Plan identified potential participating/cooperating agencies for the proposed project. Cooperating agencies are defined as state and federal agencies with special expertise pertaining to the proposed project or which have jurisdiction by law. If a state or federal agency chooses to decline or does not respond to the invitation then the agency would be treated as a participating agency. Participating agencies may include local, state, and federal agencies with special interest in a proposed project.

The U.S. Army Corps of Engineers (USACE), the International Boundary and Water Commission (IBWC), and the Natural Resources Conservation Service have jurisdiction over specific resources potentially impacted by the proposed project and, at the invitation of TxDOT, are officially serving in a cooperating agency role. Some federal agencies that were invited to be a cooperating agency chose not to do so; therefore, the final list of cooperating agencies differs slightly from the one presented in the approved Project Coordination Plan.

Participating agencies in the project development process include:

- El Paso County Historical Commission
- Texas Commission on Environmental Quality (TCEQ)
- Texas General Land Office
- Texas Historical Commission
- Texas Parks and Wildlife Department

Additionally, representatives of the City of El Paso, Camino Real Regional Mobility Authority, El Paso Metropolitan Planning Organization, and Customs and Border Protection (CBP) are active participants in the agency coordination and public involvement process. Refer to **Appendix B** for a copy of the Project Coordination Plan as revised and approved by TxDOT June 2012.

7.3 PROJECT SCOPING

Scoping for the proposed project included a series of agency and public scoping meetings in 2007, 2011, and 2012. Each series of meetings was held at a strategic milestone in the project development process and each meeting focused on a specific aspect of the alternatives development process.

7.3.1 Agency Scoping Meetings

Agency scoping meetings were held for the following reasons:

- To elicit input and comments from cooperating and participating agencies regarding:
 - the development of the purpose and need of the proposed project, including providing previous transportation studies;
 - identification of the boundaries of the study area;
 - environmental and engineering constraints as well as known or potential significant versus insignificant issues;

- process and methodologies for alternatives development and evaluation;
- the Context Sensitive Solutions (CSS) Process;
- the range of alternatives (proposed universe, preliminary, and recommended reasonable alternatives); and
- the proposed project schedule.
- To elicit input and comments concerning the following project documents:
 - Project Coordination Plan
 - Purpose and Need Statement
- To answer questions concerning the proposed project
- To provide information on TxDOT’s right-of-way (ROW) Acquisition Process and Procedures

Table 7-1 provides the dates and attendance for each of these agency scoping meetings.

Table 7-1: Agency Scoping Meetings

| Series | Date/Time | Location | Attendance |
|----------|---|--|------------|
| Series 1 | October 23, 2007 9:30 am to 1:30 pm | El Paso International Airport Board Room, 6701 Convair Road El Paso, El Paso County, TX 79925 | 30 |
| | October 30, 2007 9:30 am to 1:30 pm | El Paso International Airport Board Room, 6701 Convair Road El Paso, El Paso County, TX 79925 | 25 |
| Series 2 | December 7, 2011 10:30 am to 2:30 pm | El Paso International Airport Board Room, 6701 Convair Road El Paso, El Paso County, TX 79925 | 43 |

Copies of the Agency Scoping Meeting Summary Reports and meeting minutes are included in **Appendix C**. All comments received from the agencies were thoroughly considered and, when determined appropriate, modifications were made to the planning documents.

Further coordination with these agencies would continue. Specifically, TxDOT would transmit a copy of the Draft EIS and Final EIS to each of the cooperating and participating agencies for review and comment when TxDOT publishes the Notice of Availability for public review.

7.3.2 Public Scoping Meetings

Three series of public scoping meetings were held for the proposed project. The first series was held on October 23 and October 30, 2007; the second on December 8, 2011; and the third on June 20, 2012. The purpose of these meetings was to receive input and comments from the public, present project information, answer questions, and develop a record of public views and participation.

These meetings served as a forum for the community to review and comment on the proposed project and project documents including: the Project Coordination Plan, the Purpose and Need Statement, the range of alternatives, the alternatives evaluation process, recommended reasonable alternatives, and other project information. Each meeting was held in an open house format where project team members interacted with the public. The open house format allowed the project team to answer questions and listen to concerns and suggestions of the potentially affected stakeholders and the general public in an informal, one-on-one setting.

Notices were mailed to potentially interested stakeholders. In addition, notice of the public scoping meetings was published in newspapers having general circulation in the study area.

All meetings held during and after 2011 were posted on the TxDOT Hearings and Meetings Schedule website (http://txdot.gov/public_involvement/hearings_meetings/schedule.htm), and the information provided at those meetings was uploaded on the project website (http://txdot.gov/project_information/projects/el_paso/border_highway_west.htm).

In recognition of the large Spanish-speaking population and the presence of environmental justice populations in the study area, notices were published in both English and Spanish. Meeting handouts and exhibits were available in both English and Spanish. Spanish-speaking project team members were present at the meetings and available to interact with/answer questions from individuals with Limited English Proficiency (LEP). A court certified Spanish Interpreter was also present at each meeting.

Table 7-2 provides information on publication of the public notices for the three public scoping meetings.

Table 7-2: Public Scoping Meetings Notices

| SERIES 1 October 23 & 30, 2007 Public Scoping Meeting | | SERIES 2 December 8, 2011 Public Scoping Meeting | | SERIES 3 June 20, 2012 Public Scoping Meeting | |
|---|--|--|---------------------------------------|---|-------------------------------|
| Publication | Publish Dates | Publication | Publish Dates | Publication | Publish Dates |
| <i>El Paso Times</i> | September 23, 2007 October 14, 2007 | <i>El Paso Times</i> | November 6, 2011 November 27, 2011 | <i>El Paso Times</i> | May 20, 2012 June 10, 2012 |
| <i>El Diario de El Paso</i> | September 23, 2007 October 14, 2007 | <i>El Diario de El Paso</i> | November 6, 2011 November 27, 2011 | <i>El Diario de El Paso</i> | May 20, 2012 June 10, 2012 |

Community participation is an important aspect of any major project. TxDOT has ensured that opportunities for community input in the project development process have been and would continue to be provided. Any future public involvement efforts, including the public hearing, would continue to utilize the same or similar publications and tools to notify environmental justice and LEP populations in the study area.

7.3.2.1 Public Scoping Meeting #1

The first series of public scoping meetings was held October 23 and 30, 2007. Agency scoping meetings were held on the same dates prior to each of the public scoping meetings. The October 23 meeting was held at the Hilos de Plata Senior Center, 4451 Delta Drive, El Paso, TX 79905. The October 30 meeting was held at the Westside Regional Command Center, 4801 Osborne Drive, El Paso, TX 79922. These meetings were held in an open house format and addressed the following subjects:

- Draft Purpose and Need Statement;
- Draft Project Coordination Plan;
- Range of alternatives;
- Method of alternatives analysis and level of detail to evaluate alternatives;
- Request for public comments (public comment forms to be used to evaluate alternatives);

- Information for issue identification and resolution, including information regarding the environmental and socioeconomic resources located within the study area and the general locations under consideration.

At the October 23 meeting, a total of 38 people registered their attendance. Of these, one was an elected official and 37 were property owners, residents, and business owners. Also in attendance were 21 project team representatives.

At the October 30 meeting, a total of 36 people registered their attendance. Of these, one was a media representative and 35 were property owners, residents, and business owners. One representative of FHWA and 19 project team representatives were also in attendance.

Nine individuals provided written comments by completing comment forms/questionnaires at the October 23 meeting, and 14 individuals provided written comments at the October 30 meeting. Many of the comments received were general in nature and in regard to truck traffic operations, increased traffic downtown near schools, access to neighborhoods and businesses, noise and vibration, the ROW acquisition process, railroad issues, toll financing, and the schedule for the project.

Subsequent to the first series of public scoping meetings, a Public Scoping Meeting Summary Report was prepared. The report included a meeting summary, meeting handouts, meeting exhibits, sign-in sheets, meeting photographs, copy of exhibit boards, comments received, and comment responses. A brief summary of the meeting is included in **Appendix C**. A complete copy of the Public Scoping Meeting Summary Report, which is incorporated herein by reference, is on file and available for review at the TxDOT El Paso District office and on the project website.

7.3.2.2 Public Scoping Meeting #2

The second public scoping meeting was held December 8, 2011 at the University of Texas at El Paso (UTEP) Campus, El Paso Natural Gas Conference Center Wiggins Road, El Paso, TX 79968. The agency scoping meeting was held prior to this meeting on December 7, 2011. The second public scoping meeting was held in an open house format and addressed the following subjects:

- the approved Project Coordination Plan and approved Purpose and Need Statement;
- the range of alternatives based on the approved Purpose and Need Statement;
- the method and level of detail used for the alternatives analysis, after taking into consideration input given during the initial public scoping meeting;
- information for issue identification and resolution, including information regarding the environmental and socioeconomic resources located within the study area and the general locations under consideration; and
- updated information regarding changes in project limits and study area.

A total of 70 people registered their attendance at the public scoping meeting. Of these, five were elected officials or representatives of elected officials, and 65 were property owners, residents, and business owners. Additionally, 26 project team representatives were in attendance.

Four people presented verbal comments via a court reporter station. In addition, 29 written comments were received by the submission deadline. Many of the comments received were in

regard to maintaining access to the downtown area from the Chihuahuita Community. Other concerns included impacts to the American Smelting and Refining Company (ASARCO) site, concerns about hazardous materials, ROW, and toll financing. There was overwhelming support for a border alignment (Border A) in the Chihuahuita/downtown area and equal support for the two alignment options (Border B and Rail Yard B) in the western part of the study area. There was also support for the No-Build Alternative.

Subsequent to the second series of public scoping meeting, a Public Scoping Meeting Summary Report was prepared. The report includes a meeting summary, meeting handouts, meeting exhibits, sign-in sheets, meeting photographs, comments received, and comment responses. A brief summary of the meeting is included in **Appendix C**. A complete copy of the Public Scoping Meeting Summary Report, which is incorporated herein by reference, is on file and available for review at the TxDOT El Paso District office and the project website.

7.3.2.3 Public Scoping Meeting #3

The third public scoping meeting was held June 20, 2012 at the UTEP Campus, El Paso Natural Gas Conference Center Wiggins Road, El Paso, TX 79968. The third public scoping meeting was held in an open house format and addressed the following subjects:

- the updated and approved Project Coordination Plan and Purpose and Need Statement;
- the range of alternatives based on the Purpose and Need Statement;
- the method and level of detail used for the alternatives analysis, after taking into consideration input given during the previous public scoping meeting;
- information for issue identification and resolution, including information regarding the environmental and socioeconomic resources located within the study area and the general locations under consideration; and
- updated information regarding changes in project limits, study area, downtown access, and access at New Mexico 273.

A total of 79 people registered their attendance at the public scoping meeting. Of these, five were elected officials or representatives of elected officials, 67 were property owners, residents, and business owners, and seven were representatives of the media. Additionally, 26 project team representatives were in attendance.

Four people presented verbal comments via a court reporter station. In addition, 56 written comments were received by the submission deadline. Attendees were generally in support of the proposed project and its schedule. Several attendees were concerned with plans in the downtown area, specifically the proposed closure of Santa Fe Street having a negative impact to businesses. Attendees noted the need for improved access along the south side of downtown. Numerous concerns were also raised regarding the proposed closed connection to New Mexico 273 and the need to maintain access to US 85 as it currently exists.

Subsequent to the third series of public scoping meeting, a Public Scoping Meeting Summary Report was prepared. The report includes a meeting summary, meeting handouts, meeting exhibits, sign-in sheets, meeting photographs, comments received, and comment responses. A brief summary of the meeting is included in **Appendix C**. A complete copy of the Public Scoping Meeting Summary Report would be available for review at the TxDOT El Paso District office and the project website.

7.4 CSS COMMUNITY WORKSHOPS

To further facilitate and encourage public engagement in the project development process, a series of “context sensitive solutions” workshops were conducted. CSS respond to both the physical context of the project and to the context of community values. The FHWA defines CSS as:

. . . a collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility. Context sensitive solution is an approach that considers the total context within which a transportation improvement project will exist.

In 2012, two committees were formed in order to begin a dialog on what the citizens of the area wanted for the project culturally, practically, and aesthetically. Also, these committees engaged stakeholders in identifying community values and needs related to project planning. The series of workshops, which augmented the public scoping process, served as a forum for vetting community and resource agency issues and concerns in a collaborative, interactive, and constructive manner.

The first committee was the Technical Advisory Committee and the second was the Aesthetics Advisory Committee.

7.4.1 Technical Advisory Committee

The purpose of the Technical Advisory Committee was to:

- serve as an extension of the agency coordination team;
- provide input on the CSS aesthetic design;
- advise the project team of upcoming planning and programming studies in the area; and
- serve as a link between the project team and their respective Technical Advisory Committee agencies.

The committee included members from:

- Camino Real Regional Mobility Authority
- City of El Paso
- El Paso County Water Improvement District No. 1
- El Paso Metropolitan Planning Organization
- IBWC
- TCEQ
- USACE, Albuquerque District
- U.S. Border Patrol Sector Program Management Office
- U.S. Department of the Interior - National Park Service
- U.S. Department of Homeland Security CBP
- U.S. Environmental Protection Agency
- UTEP

Table 7-3 shows the meeting dates and locations:

Table 7-3: CSS Technical Advisory Committee Workshops

| Time/Date | Location |
|-------------------|-------------------------------|
| January 31, 2012 | TxDOT El Paso District Office |
| February 23, 2012 | TxDOT El Paso District Office |
| March 22, 2012 | TxDOT El Paso District Office |
| April 26, 2012 | TxDOT El Paso District Office |
| June 28, 2012 | TxDOT El Paso District Office |

7.4.2 Aesthetics Advisory Committee

The purpose of the Aesthetics Advisory Committee was to:

- provide a regional perspective on design and aesthetics
- reflect the identity and values of the community
- help define community preferences and character
- inform the community of the Aesthetics Advisory Committee topics and provide feedback to the project team and Technical Advisory Committee

The committee included members from affected neighborhood associations, businesses, landowners, artists/art associations, education, and other special interest groups. The Aesthetics Advisory Committee members were contacted by invitational letters and emails as well as newsletters.

Table 7-4 shows the meeting dates and locations:

Table 7-4: CSS Aesthetics Advisory Committee Workshops

| Time/Date | Location |
|------------------|--------------------------|
| February 9, 2012 | Armijo Recreation Center |
| March 8, 2012 | Bowie High School |
| April 12, 2012 | Bowie High School |
| May 17, 2012 | Bowie High School |

As of the current date of the Draft EIS, a report documenting the CSS process is currently being reviewed. A summary of the CSS process would be included as an appendix in the Final EIS. A complete copy of the CSS report, would be on file and available for review at the TxDOT El Paso District and the project website.

7.5 PUBLIC AND RESOURCE AGENCY ISSUES

Public controversy to date has been minimal. Key topics that have surfaced during the public scoping process are as follows:

- Concerns about downtown access, specifically the Chihuahuita community, downtown business district, and New Mexico
- Toll financing concerns
- ROW acquisition concerns
- Interest in aesthetic design
- Hazardous materials concerns, particularly in reference to the ASARCO site
- Cultural resources concerns, with special interest in the Hart's Mill/Globe Mills area

Coordination with participating agencies has focused on potential impacts to various environmental and cultural resources as well as transportation solutions within the study area. Resource agencies have worked closely with the project team through participation in the agency scoping meetings, alternatives workshops, and the Technical Advisory Committee.

7.6 DRAFT EIS PUBLIC HEARING

After TxDOT approves the Draft EIS for circulation, TxDOT will also hold a public hearing. TxDOT will make the Draft EIS available at designated locations for the general public at least 30 days before the date of the public hearing and for a minimum of 10 days following the hearing for a total 45 day review and circulation period. Notices of the hearing will be published in the *El Paso Times* and *El Diario de El Paso*. The first notice will be published at least 30 days before the date of the hearing. The second notice will be published not more than 20 days or less than seven days before the date of the hearing. If impacts to parks, recreational areas, or historic sites are anticipated, two additional notices would be published, in accordance with Vernon's Code, Chapter 26.002. These notices would be published in between the 30- and 7-day publications.

TxDOT will mail notice of the hearing to landowners abutting the project study area as identified by tax rolls, and to affected local governments, public officials, and participating agencies. TxDOT will also mail notice of the hearing to a list of elected public officials, individuals, groups that have expressed interest in the project, and anyone who registered previously.

The focus of the hearing would be to present the Draft EIS and reasonable alternatives, and to encourage and solicit public comment. An exhibit viewing session would be held prior to the formal presentation.

Comments formally made during the hearing and mailed comments that are postmarked within 10 days of the hearing will be included as part of the formal record for the project. A Public Hearing Summary Report would be prepared and would include written responses to public comments. The Public Hearing Summary Report would be made available to the public following the public hearing.