

**IH 35W Public Hearing
CSJs: 0014-16-252, 0014-16-255, 0081-12-041, and 0081-13-904**

COMMENT AND RESPONSE REPORT

**Public Hearing
December 15, 2011**

Comment and Response Report

IH 35W: From SH 114 to IH 820

(CSJs 0014-16-252, 0014-16-255, 0081-12-041, and 0081-13-904)

Name of Individual	Representing	Comment #	Type
Mike Curtis	Self	1	Written
Unknown	Self	1	Written
Larry Anfin	Coors Distributing of Fort Worth	1	Written
Eddie Gossage	Texas Motor Speedway	1	Written
Michael Berry	Hillwood Properties	1	Written
Amanda Wilson & Chad McKeown	North Central Texas Council of Governments	1	Written
Barney B. Holland, Jr.	Barney Holland Oil Company	1	Written
Mac Churchill	35W Coalition	1	Written
William J. Conley, Jr.	The Bondurant Group, LLC	1	Written
Sean Luckie	The Grove at Sandshell Drive Apartments	2	Written
Russell Fuller	Self	3	Written
Kurt Homan	Self	4	Written
Jim Wells	CNL Commercial Real Estate	1,5	Written
Nassar Shafipour	Self	6	Written
Parvis Yazhars	Self	6	Written
Ken Yazmaki	Self	6	Written

Comment 1

The commenter's expressed approval for the project and a speedy implementation.

Response 1

Comment noted.

Comment 2

The commenter has concerns about the encroachment of the northbound access road and believes the road would come up to the west wall of their apartment complex. States residents were originally told construction of the access road was to be a part of Segment 1 of the North Tarrant Express (NTE), but after a land assessment, construction was moved to Segment 3. Requests updated information about environmental impacts due to the roadway shifting closer to The Grove at Sandshell Drive Apartments. Commenter indicates he acts as an agent for The Grove at Sandshell Drive Apartments.

Response 2

The environmental assessment (EA) and preliminary design for the proposed improvements to IH 820 from IH 35W to SH 121/SH 183, including the IH 820/ IH 35W interchange were approved by the Federal Highway Administration (FHWA) on December 5, 2008. This project covered the area including The Grove at Sandshell Drive apartment complex. Based on the approved preliminary design, additional right of way impacting the apartment complex was needed to accommodate the proposed northbound frontage road for the IH 820/IH 35W interchange.

As presented at the public hearing, the Texas Department of Transportation (TxDOT) is proposing to design and construct an interim facility for a portion of IH 35W from IH 820 to US 81/US 287 interchange (Segment 3B). As part of the detailed design process for Segment 3B, TxDOT is currently evaluating design alternatives for the northbound frontage road and relocation of existing utilities in an effort to reduce the amount of right of way needed from The Grove at Sandshell Drive apartment complex.

Once the frontage road design change is reviewed and approved, the amount of right of way necessary for the construction of the frontage road and relocation of existing utilities will be determined. The amount of ROW needed will be no greater than the amount indicated in the approved EA or preliminary design for IH 820. Since this portion of the Segment 3B project is located within the limits of the approved EA for IH 820, right of way acquisition can begin once the frontage road design is approved.

Comment 3

The commenter requested a DVD of the design visualization presented at the public hearing.

Response 3

A DVD of the design visualization presented at the hearing was provided.

Comment 4

The commenter states that the Public Hearing was very informative and the representatives answered his questions pleasantly. He has three issues with the design:

- A. The IH 35W and IH 820 interchange currently under construction only provides access ramps to eastbound IH 820 managed lanes. He describes not providing a full interchange would be a waste of public and private resources. He understands that there is not funding for a complete reconstruction of the interchange and asks that the interchange not be reconstructed until there is complete funding.
- B. The maps provided at the hearing indicate that there is not a southbound US 287 to northbound IH 35W connection. He describes this connection is vital for trucks coming from the northwest who are continuing to Alliance, Denton and Oklahoma. Currently trucks must head south on IH 35W and u-turn at the Basswood Boulevard exit in order to head north on IH 35W. He describes he has spent 20 minutes waiting through this delay and requests a direct connector bridge to connect US 287 to IH 35W northbound.
- C. He suggests the proposed roadway be constructed with reinforced concrete similar to the DFW Connector in order to save maintenance costs and extend the life of the roadway.

Response 4

- A. *The IH 35W/IH 820 interchange is not part of the proposed project. The interchange was included with the proposed improvements to IH 820 from IH 35W to SH 121/SH 183, which received environmental clearance from FHWA on December 5, 2008. Only the managed lane direct connectors from northbound and southbound IH 35W to eastbound IH 820 are included in the current construction along IH 820. TxDOT is currently working with the NTE developer, North Tarrant Express Mobility Partners to determine if it would be feasible to include reconstruction of the remaining IH 35W/IH 820 interchange with the proposed improvements being planned to IH 35W from IH 30 to IH 820.*

- B. *During the planning stage of the proposed project it was determined the traffic volumes from US 81/US 287 southbound to IH 35W northbound were not sufficient to warrant a direct connector. Regional traffic movements from US 81/US 287 southbound may currently use SH 114 to access IH 35W north. A future extension of SH 170 westward to US 81/US 287 is planned in Mobility 2035: The Metropolitan Transportation Plan for North Central Texas that will also provide future connectivity for regional movements between US 81/US 287 and the IH 35W corridor. Local movements would be expected to currently use the Basswood Boulevard interchange along IH 35W just south of US 81/US 287. Local connectivity between the corridors along North Tarrant Parkway, just north of the interchange, will be enhanced in the future. A planned interchange at US 81/US 287 and North Tarrant Parkway would provide local connectivity along the city street to the current interchange with IH 35W.*
- C. *Determining the most appropriate, cost effective pavement type, rigid or flexible, for projects involves multiple factors typically not determined during the preliminary design phase. These factors include fluxuations in cost of materials based on oil and fuel prices, soil conditions, quality of construction and life cycle costs for maintenance and rehabilitation during the life of the pavement. These factors are considered in preparing the pavement design report during the detailed design phase of the project.*

Comment 5

The commenter represents property owners at two locations along the proposed project. He would like to state his support for the proposed project; however he is concerned about the required right-of-way and its impact to the properties. He respectfully requests to be included in the design process in order to minimize impacts.

Response 5

The proposed expansion of the IH 35W facility is designed to provide safety and mobility along the IH 35W corridor to accommodate the projected traffic growth in year 2035. The addition of four managed (toll) lanes, two in each direction, between the general purpose (non toll) lanes and frontage roads can not be provided within the existing ROW for IH 35W. The proposed right of way (ROW) for IH 35W includes a 20 foot border from the frontage road curb to the property line.

For the subject properties located at 13500 Heritage Parkway and 13650 Heritage Parkway, Parcels 95 and 97B adjacent to IH 35W, the amount of additional ROW needed for the expansion of IH 35W is approximately 40 feet measured from the existing ROW. Based on the displays presented at the public hearing, it appears the impacts from the acquisition on the subject properties is the loss of head in parking.

The location of the proposed Westport Parkway exit ramp and the Alliance Boulevard entrance ramp located adjacent to Parcels 96, 97, 97A, 97B and 97D were determined based upon TxDOT's design guidelines in TxDOT's Roadway Design Manual (RDM) and a level of service (LOS) analysis. The proposed ramp spacing and locations were set to provide safety and mobility along the IH 35W corridor to accommodate the projected traffic growth in year 2035. Based on the location of the proposed entrance ramp, the existing driveway serving Parcel 97 will be closed for traffic safety.

Property owners are compensated for right of way acquired based on the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. Property is appraised at fair market value as determined by an independent appraiser and the property owner is offered this compensation. Compensation could include not only the fair market value for the land acquired but any

improvements within the taking and damages, if any, to the remainder. Per State Law, TxDOT can only acquire the necessary right of way needed for the construction of the IH 35W facility.

TxDOT is committed to working with adjacent property owners during the ROW acquisition process to identify and address questions and concerns. At this time, the propose frontage road and ramp relocation is expected to be constructed between the years of 2020 to 2030.

Comment 6

Commenters are concerned that the placement of the ramps adjacent to properties 61, 64 and 65 would limit access to these properties.

Response 6

The control of access (COA) indicated across the frontage of your property was established when the Texas Department of Transportation (TxDOT) purchased right of way (ROW) for IH 35W in the late 1950's and 1960's as a new location facility. Where frontage roads were planned, access was not denied but was controlled through TxDOT's driveway permit process. Where no frontage roads were planned, access was denied by statute since no access to IH 35W existed previously.

For the properties, Parcels 61, 64 and 65 located adjacent to IH 35W, no frontage road was planned when the original ROW was purchased for IH 35W. As new ROW is purchased for the expansion of IH 35W, the COA line moves to the updated ROW. Where TxDOT retains access rights by statute, the Texas Transportation Commission (TTC) has the sole authority to release access rights back to adjacent property owners.

As planned improvements for IH 35W move forward, TxDOT understands the need for access to vacant tracts of property adjacent to IH 35W to facilitate development. The location of the proposed Keller-Hicks Road exit ramp and the SH 170 entrance ramp located adjacent to Parcels 61, 64 and 65 were determined based upon TxDOT's design guidelines in TxDOT's Roadway Design Manual (RDM) and a level of service (LOS) analysis. The proposed ramp spacing and locations were set to provide safety and mobility along the IH 35W corridor to accommodate the projected traffic growth in year 2035. Relocating the ramps further apart reduces the separation distance between the upstream entrance ramp from Westport Parkway to the Keller Hicks Road exit ramp and the separation distance between the SH 170 entrance ramp from the downstream IH 35W managed lane entrance ramp. Reducing the separation distance between ramps along the general purpose lanes most likely would result in reductions in mobility and LOS for the facility which is not reasonable or feasible.

TxDOT is committed to working with adjacent property owners during the ROW acquisition process to identify locations where access can be granted while providing safety and mobility along the corridor. Release of access rights from TxDOT back to the property owner can be discussed during ROW acquisition for the project provided the TTC approves the release and the access requested meets the requirements of the RDM and TxDOT's Access Management Manual (AMM).

Access locations will be based on current versions of the RDM and AMM at the time of ROW acquisition. The manuals are available for viewing on line through TxDOT's internet site using the following web address:

http://www.txdot.gov/business/contractors_consultants/resources.htm. Based on the current version of these manuals, release of access rights back to the property owner during right of way acquisition for Parcels 61, 64 and 65 is possible pending TTC approval. At this time, the frontage road is expected to be constructed between the years of 2020 to 2030.