

RESOLUTION NO. 20140515-063

WHEREAS, when first proposed in the late 1980s, State Highway 45 was envisioned as one piece of an outer loop encircling Austin, the most western portion was subsequently deleted; as a result, building the proposed State Highway 45 Southwest toll road (SH45 SW) would, by default, make MoPac the western segment of a loop encircling Austin; and

WHEREAS, MoPac currently operates as a local commuter highway, and the conversion of MoPac from a local commuter highway to a western Interstate Highway 35 alternative has not been studied or carefully considered by Capital Area Metropolitan Planning Organization (CAMPO), the City, Travis or Hays County, Central Texas Regional Mobility Authority (CTRMA), Texas Department of Transportation (TxDOT), or the Austin community; and

WHEREAS, the MoPac bridge over Lady Bird Lake operates as a “bottleneck” to north-south Mopac traffic flow, and significant improvements to this “bottleneck” present considerable financial, transportation, and environmental challenges which have not been addressed; and

WHEREAS, it would be prudent to complete a comprehensive plan for South MoPac and the Lady Bird Lake bridge before adding more traffic to South MoPac by constructing SH45 SW; and

WHEREAS, recent traffic studies prepared for CAMPO by The University of Texas’s Network Modeling Center as well as a study prepared for CTRMA by a private firm suggest only a limited transportation benefit from building SH45 SW as proposed and further suggest that building SH45

SW between South MoPac to FM 1626 would have the effect of diverting traffic from IH 35 to MoPac; and

WHEREAS, due to its location over the Edwards Aquifer recharge zone as well as crossing the surface catchment area and footprint of Flint Ridge cave, the proposed SH45 SW segment threatens to pollute Barton Springs and the Barton Springs Edwards Aquifer; and

WHEREAS, early environmental studies indicated that recharge from the proposed route would take three years to reach Barton Springs, but more recent environmental studies indicate that recharge may reach Barton Springs in fewer than three days; and

WHEREAS, the City of Austin and Travis County jointly hold the Balcones Canyonlands Conservation Plan (“BCCP”) regional permit with the U.S. Fish and Wildlife Service under the Endangered Species Act, which requires that the City and the County preserve the environmental integrity of Flint Ridge Cave and protect the species within it, including two species of concern; and

WHEREAS, preservation of the environmental integrity of Flint Ridge cave requires protection of surface and subsurface catchment areas of the cave; and

WHEREAS, failure to adequately preserve the environmental integrity of Flint Ridge cave, even due to third-party actions, could jeopardize the BCCP and potentially result in the need to amend the BCCP at significant cost of time, effort, and money on behalf of the permit holders; and

WHEREAS, the City and County have substantial financial investments of more than \$40 million used to purchase preserve land under the BCCP permit, with the total value of improvements to land enabled by BCCP, has been assessed at more than \$4.5 billion; and

WHEREAS, Austin voters, through four bond elections, have invested \$175 million to purchase water quality protection lands to benefit Barton Springs; and

WHEREAS, in September 2012 City Council directed the City Manager request the withdrawal of SH45 SW from the CAMPO 2035 Regional Transportation Plan to align with the goals of the Imagine Austin Comprehensive Plan; and

WHEREAS, on October 8, 2013, the City of Austin submitted comments and suggestions on the scope of the TxDOT environmental review of SH 45 SW encouraging TxDOT to conduct a process “comparable to that required under the Federal National Environmental Policy Act” to provide “decision-makers and the public a full and balanced evaluation of the potential benefits, costs, mobility and environmental impacts of SH45 SW and its alternatives, including alternative alignments, improvements to existing roadways and the ‘no build’ alternative”; and

WHEREAS, in March 2014 federal funding was eliminated from the proposed SH45 SW project, removing the need for a National Environmental Protection Act (NEPA) review; and

WHEREAS, City Council needs a clear understanding of any direct and indirect costs— including costs associated with jeopardizing the investment in BCCP preserve land, a potential amendment to the BCCP and

possible complications for future development, increased congestion on MoPac, and a resulting need for expansion such as widening the bridge over Lady Bird Lake— and whether those costs exceed the benefits of the proposed SH45 SW toll road; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

City Council reaffirms its position that the proposed SH45 SW is not part of the future transportation network of Austin and reaffirms its opposition to SH45 SW.

City Council confirms its support for full compliance with the requirements of the BCCP and the Endangered Species Act, including protection of Flint Ridge Cave, the Barton Springs salamander, the Austin Blind salamander, and listed endangered species and species of concern protected by the BCCP, and including but not limited to the protection of water quality and quantity in the Barton Springs Zone of the Edwards Aquifer in the construction and operation of all new highway projects.

City Council confirms its support for the City's continued involvement as a "Partnering Agency" in the environmental review undertaken by TxDOT for construction of SH45 SW.

BE IT FURTHER RESOLVED:

The City Manager is directed to review and report findings and recommendations to Council regarding:

- (1) any identified alternative transportation investments that would improve commuting between northern Hays and far southern Travis counties and Central Austin while reducing total costs,

- environmental harm, and impacts to MoPac commuting;
including but not limited to improvements to Brodie Lane;
- (2) recent CAMPO and CTRMA traffic studies on the proposed SH45 SW;
 - (3) the appropriateness of adding traffic to South MoPac by construction of SH45 SW in advance of developing and implementing a plan to address the “bottleneck” at the MoPac bridge over Lady Bird Lake;
 - (4) any existing environmental surveys of City lands along the SH45 SW right of way, including but not limited to surveys of karst features, and subsurface flow;
 - (5) any significant differences between the state environmental review process and the National Environmental Policy Act; and
 - (5) State environmental protection measures on existing roadways and construction sites within the Barton Springs Watershed.

BE IT FURTHER RESOLVED:

The City Manager shall inform representatives of CTRMA, TxDOT, Travis and Hays counties, and CAMPO of the pending reviews as directed in this Resolution, offer to share information, and solicit their participation.

The City Manager’s report shall be provided to Council at a work session not later than 90 days after the approval of this Resolution and shall include recommendations for actions or studies that may be needed.

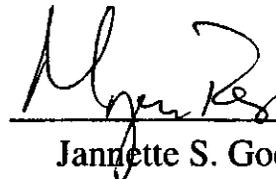
The City Manager shall share the report required under section with the SH45 SW interagency Technical Working Group and make the report available to the general public on the City's website two weeks prior to the Council work session.

BE IT FURTHER RESOLVED:

City Council requests the support of Travis County, TxDOT, the CTRMA, CAMPO, and other relevant officials that the proposed SH 45 SW be studied together with proposed expansions and improvements to MoPac, from the southern terminus of MoPac to Cesar Chavez, as one project that would make MoPac a western I-35 alternative route, prior to taking further steps to build SH 45 SW or expand South MoPac; and that such comprehensive study of financial, transportation, and environmental impacts, together with a study of transportation alternatives, be coordinated among the relevant entities under National Environmental Policy Act procedures.

ADOPTED: May 15, 2014

ATTEST:

 *Jannette S. Goodall*

Jannette S. Goodall
City Clerk