



**Memorandum  
October 15, 2009**

**This agenda is subject to revision up to 72 hours prior to the meeting.**

**To:** All Members, Transportation Policy Board  
**From:** Tommy Adkisson, Chair and Sid Martinez, Director  
**Subject:** **Special Transportation Policy Board Meeting Notice and Agenda**

A special meeting of the **MPO Transportation Policy Board** is scheduled for  
Monday, October 19, 2009 at 1:30 p.m.  
in the VIA Metro Center Community Room located at 1021 San Pedro.

The following agenda items will be discussed and action will be taken as appropriate.  
Items may be taken out of the order shown.

Speakers will be allowed up to three minutes each to address the Transportation Policy Board on individual agenda items. Public comment that does not relate to a specific agenda item must be made during the Citizens to be Heard period. All interested individuals must sign the register prior to consideration of that item by the Transportation Policy Board. All speakers must first state their names and any organizations they represent. While speakers who have signed up may donate their time to another speaker, the maximum time allowed for any individual speaker will be nine (9) minutes.

**Agenda:**

1. Roll Call
2. Citizens to be Heard
3. Discussion of responses to questions posed by the MPO Transportation Policy Board at their meeting on September 28, 2009, and possible alternatives regarding the proposals of toll and non-toll projects on U.S. 281 and Loop 1604 (the September 28<sup>th</sup> proposal)
4. Announcements

The regular Transportation Policy Board meeting will be held on Monday, October 26, 2009 at 6:00 p.m. at the Alzafar Shrine located at 901 North Loop 1604 West.

MPO meetings are accessible to persons with disabilities. To arrange for special assistance or an interpreter, please call 227-8651 or TDD 1-800-735-2989 (Relay Texas) at least 48 hours in advance.

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**San Antonio-Bexar County MPO  
Technical Advisory Committee Responses to  
Transportation Policy Board Questions  
Regarding Non –Toll (September 28<sup>th</sup>) and Toll Proposals  
For US 281 and Loop 1604**

- 1) Project Information**
- 2) Financial Information**
- 3) Regulatory Information**
- 4) Project Schedule/Timing**
- 5) Upcoming Meeting(s)**

**1) Project Information**

Gather all available information  
Review Scope for the 2001/2004 Plan for US 281 and Loop 1604  
Review Scope for Toll Projects proposal

**Questions:**

- a. Is there an Engineer of Record? (Frisbie)

The term “Engineer of Record” is used for the engineer who is designing or has designed a project. Many projects are placed in the Transportation Improvement Program using estimated costs developed by engineers. There is no Engineer of Record for the September 28<sup>th</sup> proposals. The Engineer of Record for the Alamo Regional Mobility Authority’s projects is HNTB.

- b. Are there engineering studies to back-up this [September 28<sup>th</sup>] proposal? (Frisbie)

No engineering studies have been submitted for the September 28<sup>th</sup> US 281 or Loop 1604 project proposal.

- c. Is the infrastructure proposed in this [September 28<sup>th</sup>] plan, number of lanes, overpasses, etc. the same or greater than or less than the current plan? (Wolff)

Although there is not a clear scope for the September 28<sup>th</sup> proposal, the scopes of the toll and non-toll projects are different.

The Loop 1604 project in the September 28<sup>th</sup> proposal constructs fewer lane miles than the current toll project.

The September 28<sup>th</sup> US 281 proposed project has a different scope than the current US 281 toll project. The toll project includes operational improvements including acceleration/deceleration lanes, turnarounds, etc. that were not in the

2001 US 281 public information sheet (which is the basis for the US 281 non-toll proposal).

The US 281 toll project also includes connection transitions and additional overpasses and underpasses for the Loop 1604/US 281 interchange project.

- d. In other words, if we construct US 281 this way (funded by Proposition 14 and Texas Mobility Funds) what does that really mean in comparison to the way it is currently planned? (Wolff)

Constructing US 281 as proposed in the September 28<sup>th</sup> plan (through the use of Proposition 14 and Texas Mobility Funds) means that you could possibly construct the roadway as a non-toll project. However, shifting funds to US 281 would affect several phases of Loop 1604, the US 281/Loop 1604 interchange, and other currently unfunded projects.

- e. Who would build [sponsor] these projects? (Wolff)

It is unclear who would build these projects with the information we have at this time. However, TxDOT has granted development rights on the US 281 and Loop 1604 corridors to the Alamo Regional Mobility Authority.

- f. Are there any engineering reports for this [September 28th] non-toll proposal? (Clamp)

No engineering reports have been directly submitted to the MPO for the proposed September 28<sup>th</sup> non-toll project.

- g. Would like to see documentation that shows how the dollars and engineering reports substantiate the September 28<sup>th</sup> proposed plan. (Smith)

Ms. Teri Hall has provided her methodology for arriving at the \$200 M project cost for US 281 and the \$200 M project cost for Loop 1604 (See Attachment A). There were no engineering reports submitted for this proposal.

The Alamo Regional Mobility Authority's engineering estimates for the toll projects on US 281 and Loop 1604 and the four non-toll southern connectors for the US 281/Loop 1604 interchange can be found in Attachment F.

- h. Do these numbers [for the September 28<sup>th</sup> proposal] include Right-of-Way, engineering costs, etc? (Smith)

At this time, it seems like the estimates that have been received for the September 28<sup>th</sup> proposal only include construction costs. However, this information needs to be verified.

The Alamo Regional Mobility Authority's submitted costs are total project cost, which means they include construction, environmental, preliminary engineering, contingencies, construction management, and right-of-way.

- i. The assessment should review all modes of transportation to include mass transit such as light rail, streetcar and HOV lanes. (Lozano)

A thorough review of all modes would push the decision making process past the Transportation Policy Board's deadline of October 26, 2009.

It is important to note that the Alamo Regional Mobility Authority's Environmental Impact Statement (EIS) process currently underway will evaluate all transportation modes. VIA is part of the EIS process. Additionally, VIA has their own long range comprehensive transportation planning process underway and results are expected in the next year.

## **2) Financial Information**

Review cost estimates for the September 28<sup>th</sup> Proposal

Review cost estimates for Toll Project Proposals

Review funding issues raised by the Transportation Policy Board

### **Questions:**

- a. From a procedural standpoint, can we move these different Proposition 12 and 14 dollars the way it is presented? (Wolff)

At this time, Proposition 14 dollars require Texas Transportation Commission selection and approval. A process for the distribution of Proposition 12 funds has not been finalized. However, the Texas Transportation Commission is leaning toward conducting a statewide call for projects and selecting from that submitted pool of projects.

The Texas Transportation Commission has direct authority over both Proposition 12 and 14 dollars. The MPO can request that specific projects be funded or changes be made to existing allocations. However, the ultimate decision lies with the Commission. (See Attachment B).

- b. If we change our plans, do we gain or lose any matching dollars? (Wolff)

There are two sources of matching dollars that could be in jeopardy if changes are made to the existing plan:

1. Loop 1604/US 281 Interchange: This project was submitted by the MPO and selected by the Texas Transportation Commission for economic

stimulus (\$60 M) and Proposition 14 funding (\$60 M). The MPO also has \$20 M of its local economic stimulus allocation invested in this project for a total cost of \$140 M. It is important to note that funding changes to this project are subject to Commission approval and economic stimulus funding must be obligated (ready to go to bid) by March 1, 2010. Due to the timing issue, any delay in the implementation of this project could risk losing \$80 M in economic stimulus funds to other areas of the State or returning it back to the federal government, and we risk losing the \$60 M in Proposition 14 funds from the Commission.

2. Loop 1604 Toll Plan: As currently proposed, the toll plan uses Texas Mobility Funds to leverage additional infrastructure on Loop 1604. Changing these plans would lessen the number of lane miles that can be added in this corridor.

- c. Are there any infrastructure improvements that are currently planned that would not be included? (Wolff)

Yes, we would lose lane miles on the Loop 1604 project. Additionally, using Proposition 12 funds (which again, projects will likely be selected by the Texas Transportation Commission) on Loop 1604 means that we could not move forward with projects that are currently unfunded.

The \$216 M in Texas Mobility Funds currently on US 281 and parts of Loop 1604, leverages approximately \$750 M of added mobility improvements on both US 281 and Loop 1604.

- d. For instance in our current TIP, how does the TIP change, which projects stay or come off? (Wolff)

Based on the September 28<sup>th</sup> proposal, no existing projects are being deleted (although the Loop 1604 project is being reduced in length and scope). However, projects that are currently unfunded would not have an opportunity to advance using new dollars potentially available (Proposition 12) to our area.

Responding to the question in a literal sense, for the Loop 1604/US 281 interchange project the TIP description will change from 4 non-toll connectors to 8 non-toll connectors and the funding categories will be revised. However, total cost will remain at \$140 M. (Please note that the Alamo Regional Mobility Authority's environmental documentation is only on the four southern connectors of the project).

On US 281 the project description will change from a toll to a non-toll facility. The cost will be decreased from \$475 M to \$200 M, and the funding categories will be changed. Since the infrastructure improvements are different for the toll and non-toll proposals, the project descriptions currently in the TIP would also change.

On the Loop 1604 project, the limits will be decreased, the funding categories will be changed and the cost will be decreased from \$244 M to \$200 M.

- e. Would like to see the documentation of the engineering bids that reflect the cost that is stated. Do the engineering bids reflect the true costs? (Wolff)

The engineering estimates for the toll projects on US 281 and Loop 1604 are attached. Those estimates are based on 2009 construction costs as developed by the Alamo Regional Mobility Authority's Engineer of Record (See Attachment F).

No other engineering estimates have been submitted to the MPO at this time.

- f. Is the TxDOT Commission in Austin in support of or against this new proposal? (Wolff)

At this time, the MPO has not contacted the Commission about this proposal. A formal request would need to be made from the MPO Transportation Policy Board. (See Attachment B).

- g. Can you leverage state funds with state funds (Texas Mobility Funds with Proposition 14 dollars)? (Clamp)

Although leveraging state funds with state funds is not really "leveraging" those dollars, nothing should prohibit using the two funding sources together to advance a project with Texas Transportation Commission approval. (See Attachment D).

- h. How much has the state sold in bonds; how much will we be able to use? (Rodriguez)

TxDOT has distributed the requested information to all Transportation Policy Board members via e-mail. (See Attachment C).

- i. Would like to see supporting documentation answering all of the questions as opposed to only the answers. (Leibowitz)

All available documentation is attached.

- j. Requested detailed insight as to how answers were arrived at. (Leibowitz)

All available documentation is attached.

- k. Would like to ensure that the same level of scrutiny is provided on both the toll and non-toll proposals. (Leibowitz)

It is difficult to provide the same level of scrutiny for both proposals when one is based on engineering estimates and the other is based on inflation. However, all comparisons have been made in the fairest way possible.

- l. Can you leverage Texas Mobility Fund money with Proposition 14 money?

Although leveraging state funds with state funds is not really “leveraging” those dollars, nothing should prohibit using the two funding sources together to advance a project with Texas Transportation Commission approval. (See Attachment D).

- m. Would like to ensure we don't put our economic stimulus money at risk as part of this process. Do we risk losing stimulus funding for the US 281/Loop 1604 interchange if we swap Proposition 14 funding with the Texas Mobility Fund? (Boyer)

That is a risk with the September 28<sup>th</sup> proposal since action by the Texas Transportation Commission will be needed. We put at risk the \$60M in economic stimulus funding that was approved by the Commission specifically for the US 281/Loop 1604 interchange project as well as the \$60M in Proposition 14 dollars and \$20M in MPO economic stimulus funds due to project timing requirements. As stated above, all economic stimulus funded projects must be obligated (ready to go to bid) by March 1, 2010. Any delay could jeopardize these projects.

- n. What happens to the Super Street project under the proposed [September 28<sup>th</sup>] plan? (Boyer)

It is still unclear as to how soon the September 28<sup>th</sup> proposal (US 281 project) could move forward. Texas Mobility Funds are not available until 2012 and we must receive clear direction from the Federal Highway Administration regarding the level of environmental clearance that is needed in the corridor. Since the Super Street project is partially funded through economic stimulus funds, a decision is needed soon to ensure that the economic stimulus funds are not lost. The MPO Transportation Policy Board would be that decision making body. However, this process will require coordination with VIA and the City of San Antonio since they are funding partners in this project. It is also important to note that the Super Street project has been environmentally cleared.

- o. What is the economic impact of not adding new capacity along much of Loop 1604? (Boyer).

The impacts of not adding capacity to Loop 1604 would be directly related to congestion. Any analysis of the impact that increased congestion would have on the local economy would require a more detailed analysis. However, air quality,

safety, functionality of the roadway and overall quality of life are some of the things that would be negatively impacted by increased congestion.

- p. How much Proposition 12 funding is expected to come to our region? (Al-Ghafry)

A process for the distribution of Proposition 12 funds has not been finalized. However, the Texas Transportation Commission is leaning toward conducting a statewide call for projects and selecting from that submitted pool of projects.

The Texas Transportation Commission has direct authority over these funds. Although our region can and will submit projects through any formal call for projects, no level of funding can be guaranteed. (See Attachment B).

- q. Are Texas Mobility Funds a lump sum or an annual allocation? (Al-Ghafry)

Texas Mobility Funds are expected to be an annual allocation of \$27 M from 2012 through 2019, for a total of \$216 M. (See Attachment C).

- r. What is the potential use of the Texas Mobility Funds? (Lozano)

In accordance with the Texas Mobility Funds Strategic Plan, "The Commission will consider tolling/leveraging, congestion reduction, safety, economic opportunity, and system connectivity when it selects mobility projects." All projects must be approved by the Commission and shall be used to leverage other funding sources. (See Attachment D).

- s. What type of projects are eligible? (Lozano)

Texas Mobility Funds can be used to pay for (See Attachment D):

1. Construction, reconstruction, expanding and acquiring state highways, including necessary design and right-of-way acquisition
2. State participation in publicly owned toll projects and other public transportation projects (such as transit, light rail or commuter rail)
3. Refunding, issuance costs, establishing reserve accounts and paying interest

### **3) Regulatory Information**

Determine the level of environmental study/clearance needed for the September 28<sup>th</sup> (non-toll) project proposal

Determine the level of environmental study/clearance needed for toll project proposals

**Questions:**

- a. Do we or do we not have to have a new Environmental Impact Statement for the US 281 and Loop 1604 projects? (Wolff)

The Alamo Regional Mobility Authority has received guidance from the Federal Highway Administration stating that an Environmental Impact Statement is necessary for any future federal transportation project on the US 281 corridor. This has been interpreted to mean any toll or non-toll added capacity project. (See Attachment E). However, clarification on this issue is has been requested by the Transportation Policy Board Chair from the Federal Highway Administration. (See Attachment G).

- b. Please produce any documents (e.g. federal agency opinion) which support the idea that we would need an environmental impact statement to implement the 2003-2004 TxDOT Loop 1604/US 281 Plan. (Riley)

The Alamo Regional Mobility Authority has received guidance from the Federal Highway Administration stating that an Environmental Impact Statement is necessary for any future federal transportation project on the US 281 corridor. This has been interpreted to mean any toll or non-toll added capacity project. (See Attachment E). However, clarification on this issue is has been requested by the Transportation Policy Board Chair from the Federal Highway Administration. (See Attachment G).

- c. Can the MPO Policy Board, on any project, legally overrule TxDOT? (Riley)

Although the MPO is the local decision making body for the approval of transportation projects, if project or funding approval is required by the Texas Transportation Commission, we cannot overrule their decisions.

**4) Project Schedule/Timing**

Determine any estimated effects on scheduling or timing issues for project Implementation

**Questions:**

- a. What is the impact on the timeline as it relates to this decision process? (Lopez)

The September 28<sup>th</sup> proposal relies on moving economic stimulus funds, Proposition 14 and Texas Mobility Funds from one project to another. These funds have timing issues with their use. More specifically, any local decision

related to projects funded through economic stimulus dollars would require immediate action since these projects must be obligated (ready to go bid) by March 1, 2010.

b. What happens after a decision is made? (Lopez)

If the Policy Board approves the September 28<sup>th</sup> proposal, we must work with the Texas Transportation Commission to garner their approval for the use of Proposition 12, Proposition 14 and Texas Mobility Funds. We must then have our local TIP amendments included in the Statewide Transportation Improvement Program, which must be approved by the Federal Highway Administration.

c. What are the risks of changing the project? (Lopez)

There are many risks associated with the economic stimulus funds, which are tied to Proposition 14 dollars, as outlined under section 2. Furthermore, if Proposition 12 funds are distributed through a project selection process and the US 281 or Loop 1604 projects are not selected by the Texas Transportation Commission, we risk losing those projects altogether.

Also, if Proposition 12 dollars are used to fund projects that are currently funded as toll projects, we lose the potential to submit other projects to the Texas Transportation Commission that are currently unfunded.

d. Are we setting ourselves up to not receive future money? (Lopez)

The impact on future funding in regard to the September 28<sup>th</sup> proposal is not known at this time.

However, if we take Proposition 12 funds and place them on projects that are currently toll funded we lose the potential to submit other projects to the Texas Transportation Commission that are currently unfunded.

e. Reviewing the number of questions to be addressed, what is the flexibility in the schedule for the approval of the amendments by the end of October? (Lozano)

This question must be answered by the Transportation Policy Board.

f. What is the flexibility of the State in the process?

The State (Texas Transportation Commission) has not been directly contacted by the MPO regarding this issue.

**5) Future meetings:**

The regular Transportation Policy Board meeting will be held on Monday, October 26<sup>th</sup>, at 6:00 p.m. at the Alzafar Shrine Auditorium located at 901 North Loop 1604 West.