



Implementation Report 5-4055-01-1

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Project 5-4055-01: Case Study Analysis of Urban/Rural
Toll Road Options

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Loop 49 Environmental Re-evaluation for Tolling

Introduction...

The Texas Department of Transportation (TxDOT) is preparing to construct a new regional highway, Loop 49, around the city of Tyler, Texas. The new facility will be an approximately 40-mile controlled access highway around the city. The southern section of Loop 49 extends from State Highway (SH) 155 to SH 110, a length of 9.62 miles. A 5-mile segment (south segment) of this section from SH 155 to US 69 is currently under construction (see Figure 1).

An environmental impact statement (EIS) was previously prepared for the south segment, and a record of decision (ROD) was issued by the Federal Highway Administration (FHWA) in September 1998. A subsequent EIS was prepared for the section from SH 155 to Interstate 20 (west segment), and a ROD was issued in December 2001. Both of the EISs were prepared and RODs were issued for the projects as non-toll facilities. Since that time changes in TxDOT policy have required the district to explore the possibility of tolling Loop 49.

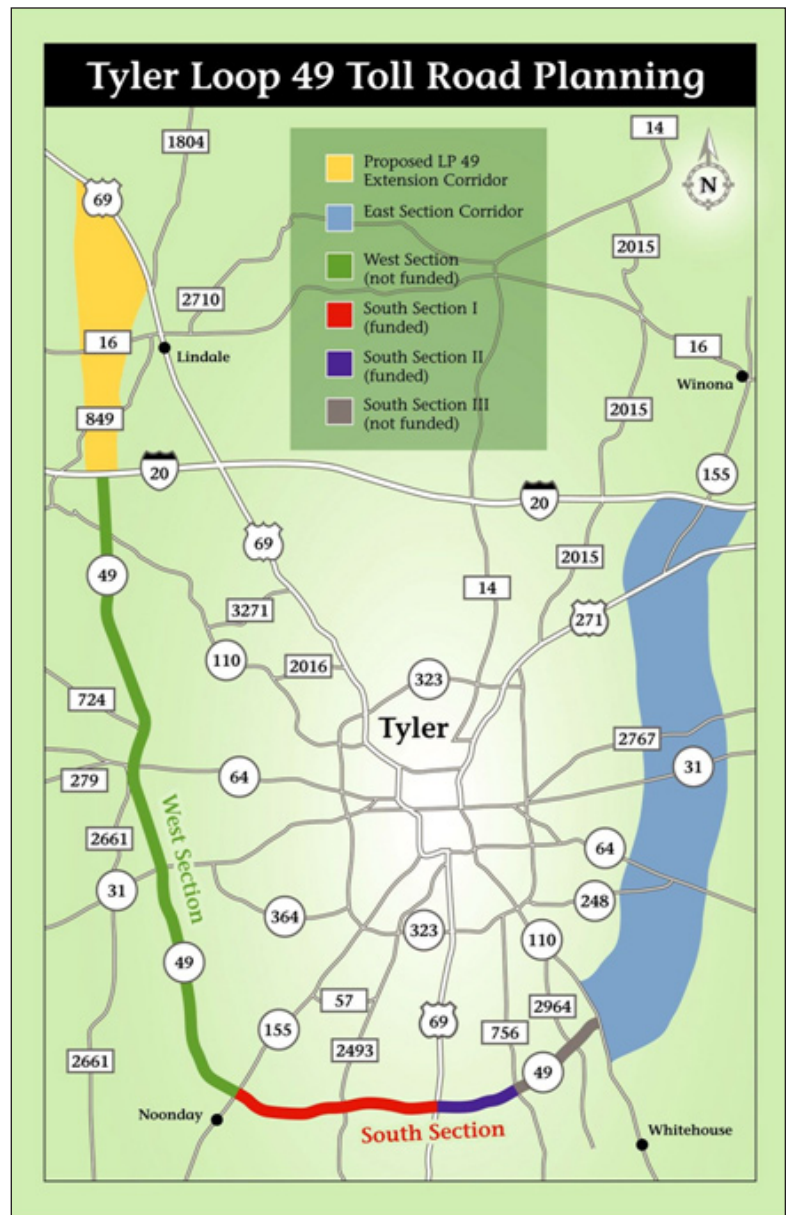


Figure 1. Loop 49 Toll Road Planning Map.





Figure 2. Loop 49 Construction.

This report documents the environmental re-evaluation process for consideration of Loop 49 as a toll-funded project.

Where We Started...

The Loop 49 project was the first project of its kind to undergo environmental re-evaluation for tolling while a segment was under construction (see Figure 2). As such, it presented many unknown circumstances to the district staff, the Environmental Affairs Division (ENV) of TxDOT, and FHWA. The first step in the process was to determine what type of documentation would be needed to address the issues related to tolling. The researchers conferred with FHWA and ENV staff, researched guidance documents offered by each, and suggested the following actions:

1. Prepare a memorandum of understanding between TxDOT and FHWA—FHWA policy indicates that a toll agreement, known as a Section 129 agreement, with FHWA must be executed to construct or improve a

toll facility or convert an existing federally funded free facility to a toll facility. The agreement should include five components as outlined in the policy memorandum. These components are:

- the language of Section 129(a)(1) of Title 23, United States Code, that permits tolling;
 - a description of the toll facility;
 - a commitment that revenues will be used for debt service, operations and maintenance, a reasonable return on private investments, and the establishment of necessary reserve funds;
 - a provision of how any excess revenues will be used; and
 - a stipulation regarding FHWA’s access to records.
2. Identify steps—It is important to outline the process for conducting the re-evaluation. Tasks should be outlined, and roles and responsibilities should be defined. Elements of the re-evaluation that must be

performed include:

- documenting changes in the environmental document;
- conducting public meetings/public involvement; and
- modifying the long-range transportation plan (LRT), the transportation improvement plan (TIP), and the statewide transportation plan (STIP).

3. Conduct an environmental re-evaluation—An environmental re-evaluation document assesses what about the project has changed since the ROD was issued and assesses whether or not the changes would have led to a different decision under an alternative analysis. The re-evaluation should address the purpose and need for the project and be consistent with the previous documents. The funding situation may be addressed in the goals and objectives section. Other changes that should be assessed include:

- design changes,
- additional right-of-way (ROW) requirements,
- access,
- environmental justice,
- traffic diversion, and
- socioeconomic impacts.

The project that is built must be the project that is described in the environmental document. Since these changes are being considered after the project has received an environmental decision and undergone the public involvement process, the changes must be evaluated to see if they are substantial enough to warrant additional environmental review.

4. Obtain document approval—Each of the steps noted



above can be underway and completed during construction of the facility provided construction has already begun on the facility. However, if segments of the project have not been let, TxDOT may wish to postpone the letting until more public involvement can take place.

The steps outlined above may be appropriate for any project that has already received a ROD.

What We Did...

The Tyler District staff worked with ENV and FHWA to develop a re-evaluation plan that would address the relevant issues. An early meeting between district staff, FHWA, and ENV outlined the necessary processes. It was determined that two separate re-evaluation documents would be necessary, one for the south segment and one for the west segment, since the original environmental studies were structured this way. The district staff engaged the previous consultants to complete the re-evaluation studies and prepare the documents. Texas Transportation Institute (TTI) staff initiated the Section 129 agreement.

The re-evaluation documents used the work that TTI completed under TxDOT Implementation Project 5-4055 to demonstrate tolling concepts, toll technology alternatives, and operational alternatives. The consultants also relied on an origin and destination study that TxDOT completed in September 2004 and the Tyler Loop 49 Level 2 Intermediate Traffic and Toll Revenue Study Final Report completed in January 2005 to determine a user profile for Loop 49. This information was

then used to attribute traffic and travel patterns to traffic analysis zones (TAZ). The information was then overlaid onto census tract data for an analysis of the impacts on minority or low-income populations. The purpose of this analysis was to identify any potential environmental justice issues.

The documents also recognized the substantial role of public involvement that had been part of the project development. The documents recount previous public meetings and hearings that were done prior to issuance of the RODs. Extensive public involvement opportunities have occurred since that time as a result of the research implementation project. TTI has conducted stakeholder interviews, trucker interviews, focus groups, and a public opinion poll to ascertain the public's knowledge of the project and to solicit reaction to the potential tolling of Loop 49. TxDOT provided an opportunity for citizens from across the region to get information and ask questions about the Loop 49 project by providing an informational booth at the East Texas State Fair (see

Figure 3). TxDOT also held two widely advertised public meetings in the fall of 2004. The purpose of the meetings was to inform the public that TxDOT was considering a toll funding option, convey information regarding the potential effects of that funding, and solicit input from the public.

What We Found...

Although the Loop 49 environmental re-evaluation process presented many challenges, it also provided many opportunities. The project is unique in that the south segment and the west segment are at different stages of development. Thus, ENV was tasked with identifying the appropriate course of action based on various stages of development.

The extensive public involvement that has been conducted under the research implementation project has benefited the project and was an integral component of the environmental re-evaluation. TxDOT recognizes the importance of ongoing communication and an outreach plan and continues to



Figure 3. Booth at the East Texas State Fair.



provide opportunities for public comment.

Lastly, because the project is a new-alignment project that proposes all electronic tolling, no additional right-of-way will need to be acquired. This has simplified the documentation required of the re-evaluation. The environmental impact statements that were previously done are still relevant, and the re-evaluation documents focus primarily on the users of the facility and how tolling would impact them. An environmental justice analysis showed that there would be no substantial additional effects as a result of constructing and operating Loop 49 as a toll facility.

Next Steps...

The environmental re-evaluation is ongoing at this time. The document for the south segment has been reviewed by ENV and FHWA. FHWA has approved it for further processing. The re-evaluation document for the west segment is currently under review. It is anticipated that this document will also be approved for further processing. TxDOT district staff anticipates holding a public hearing in the fall of 2005 to solicit final comments regarding tolling Loop 49. After comments from the public hearing are addressed, FHWA may execute the Section 129 agreements and give final approval

to toll Loop 49. Upon this approval, the Texas Transportation Commission may approve tolling and a financial plan based on toll funding.

The Tyler District continues to move forward with the proposal to toll Loop 49. TTI provides technical assistance with public outreach, including such activities as additional public perception data collection to assess the effectiveness of the public education campaign. Additionally, staffs from the Tyler District, the turnpike authority division, and TTI are conducting full day workshops in other TxDOT districts that have possible mid-size urban/rural tolling applications.

For More Details...

This report documents TxDOT implementation project 5-4055-01, Case Study Analysis of Urban/Rural Toll Road Options.

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