

**City of Rollingwood, Travis County, Texas  
Resolution – R2019-04-17**

**RESOLUTION OPPOSING HOUSE BILL 1644, WHICH WOULD RENEW CTRMA AND  
TXDOT'S AUTHORITY TO ENTER INTO A COMPREHENSIVE DEVELOPMENT  
AGREEMENT FOR MOPAC SOUTH**

**WHEREAS**, the City of Rollingwood is situated on hills adjacent to South MoPac and HB1644 will renew Central Texas Regional Mobility Authority ("CTRMA") and Texas Department of Transportation ("TXDOT")'s authority to enter into a Comprehensive Development Agreement (CDA) to finance, design, construct, operate and maintain a toll project on MoPac South; and

**WHEREAS**, a Comprehensive Development Agreement by definition would limit coordination with the City of Rollingwood and other local government agencies; and

**WHEREAS**, CTRMA has been tasked with designing road improvements for congestion relief in the corridor and received \$16.5 million Rider 42 Taxpayer dollars for the study; and

**WHEREAS**, the City of Rollingwood is a municipal corporation and political subdivision of the State of Texas. Consistent with current Federal Highway Authority ("FHWA") and TxDOT National Environmental Policy Act ("NEPA") guidance, the City should be coordinated with and included in the environmental review process for the MoPac South Environmental Study; and

**WHEREAS**, the Federal Land Policy and Management Act (FLPMA) passed in 1976 defines the minimum requirements for "coordination" by specifying exactly how the federal agency should negotiate with local government. (43 U.S.C. 1712); and

**WHEREAS**, CTRMA has proposed adding 3 miles of elevated toll lanes over Lady Bird lake and along Bee Caves Road (2244) up to Capital of Texas Highway as part of the Mopac South Environmental Study; and

**WHEREAS**, "non-compete" or "adverse event" provisions are usually contained in toll contracts and financing arrangements within CDAs and will potentially impact the future expansion of public roads surrounding the toll lanes, which could hamper the City of Rollingwood residents from having adequate future road capacity in our community; and

**WHEREAS**, when tolls are imposed on nearby highways it can cause drivers to seek to avoid paying tolls and find alternative routes, which will inevitably result in cut-through traffic into the City of Rollingwood, Bee Cave Road and residential streets which will incur increased high speed traffic on low speed roads, safety issues, road maintenance issues and the need for additional law enforcement; and

**WHEREAS**, elevated toll lane bridges will cause harm to Rollingwood businesses by creating a bypass for commuters with little to no ingress or egress to Rollingwood businesses; and

**WHEREAS**, under NEPA, CTRMA should rigorously explore and objectively evaluate all reasonable alternatives, including alternatives employing HOV, transit only lanes, or additional free lane capacity. In addition, CTRMA should devote substantial treatment in detail to each alternative that employs HOV, transit only lanes, or additional free lane capacity so that reviewers may evaluate their comparative merits against the other; and

**WHEREAS**, the segmentation of the Mopac Expressway into multiple separate roadway projects has already had a negative impact on interconnections between the segments as evidenced by the traffic bottlenecks added by the design of the MoPac North project at Lady Bird Lake, and the loss of local control typical in CDA arrangements will potentially further compound the lack of interconnectivity planning on the Mopac Expressway and connecting expressways;

**WHEREAS**, in 2018 CTRMA and TxDot converted the Oak Hill Parkway Project from a toll lane based project to a non-toll lane based project to be funded directly by TxDot, allowing for necessary local control of a roadway project over the Edwards Aquifer recharge zone;

**WHEREAS**, the MoPac South Environmental Study which includes 8 miles of roadway primarily over the Edwards Aquifer recharge zone has been significantly controversial and the Environmental Assessment (EA) should be elevated to a full Environmental Impact Statement (EIS) and the Environmental Study for the Project should be conducted in accordance with NEPA; and

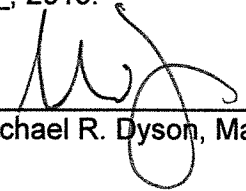
**WHEREAS**, the City Council of the City of Rollingwood desires to work with CTRMA and TXDOT to develop alternatives to the proposed elevated toll lanes, but a CDA would relinquish federal, state and local control and will make it difficult, if not impossible, to get meaningful public input and ensure plans support adopted land use plans and community values;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD:**

1. The City opposes House Bill 1644, which would renew CTRMA & TXDOT's authority to enter into a CDA for MoPac South from Cesar Chavez to Slaughter Lane; and
2. The City opposes the current CTRMA proposals to construct double-decked elevated lanes on Loop 1 within the Lady Bird Lake to 360 Corridor ("One Express Lane + Downtown Direct Connection", "Two Express Lanes + Downtown Direct Connection", "Two Express Lanes + Elevated Ramps Near Barton Skyway"); and
3. The City supports the "Two Express Lanes Without Downtown Direct Connection" as the best option that has been presented by CTRMA, and continues to ask that the option be fully optimized consistent with other alternatives presented in the Mopac South Environmental Study; and
4. The City maintains that Federal, State, and local agencies or entities must coordinate to resolve conflicts or mitigate impacts on the City of Rollingwood, its citizens, or businesses. Coordination must include analysis, study, and discussion of any and all supporting data and information to include traffic and revenue data, before decisions are made. Actions by these external entities that require coordination and conflict resolution or mitigation include but are not limited to;
  - a. Action(s) that will result in increased traffic or congestion in and around the city affecting police, EMS, fire, and other transportation such as reduced or congested access, increased costs, increased traffic speed of traffic to reach destinations, and or diverted traffic into the City of Rollingwood; and

- b. Action(s) that will increase the response time for our emergency vehicles, Fire, Police and EMS, to residents and businesses, to the hospital facilities, or in support of mutual aid partners; and
- c. Action(s) that provide for "Non-compete" or "adverse event" provisions, restricting the improvement of Bee Caves transportation infrastructure or roads or the transportation infrastructure surrounding the City of Rollingwood. These actions in effect impose a form of zoning onto the city by another agency or entity of government that does not have that authority; and
- d. Action(s) that significantly inconvenience the residents of Rollingwood and traveling public or amplify special event traffic on Bee Caves Road; and
- e. Action(s) that fail to study the cumulative effects of traffic and on the environment from proposed Capital Area Metropolitan Planning Organization (CAMPO) 2040 Regional Transportation Plan that includes a series of expansions and improvements to the MoPac Expressway and State Highway 45 SW (SH 45SW) that taken together, constitute a single project effectively transforming MoPac from a local commuter highway into a western alternative bypass loop for Interstate 35 traffic; and
- f. Action(s) that double decker infrastructure from the plan allows for additional Right-of-way around the Bee Caves/MoPac intersection, to be used for elevated toll lanes which would take away the right of way needed to modernize and improve the intersection, entrance/exit ramp designs and traffic flow in the corridor, to reduce general use traffic congestion; and
- g. Action(s) that violate FLPMA by failing to coordinate plans with local government agencies to ensure plans align with adopted land use plans and community values before any preferred alternative is released to the public; and
- h. Actions(s) that fail to adequately study all reasonable alternatives suggested by local government agencies and collaborators; and
- i. Action(s) that will place undue burden The City of Rollingwood business district and City of Rollingwood business tax sales base.

Approved on the 17<sup>th</sup> day of April, 2019.

  
Michael R. Dyson, Mayor

ATTEST

  
Robyn Ryan, City Secretary