PUBLIC HEARING COMMENT AND RESPONSE REPORT

SH 121: FM 423 TO SH 121 AT US 75 INTERCHANGE

DENTON AND COLLIN COUNTIES, TEXAS

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
TEXAS DEPARTMENT OF TRANSPORTATION

OCTOBER 2007

CONTENTS

1. CERTIFICATION STATEMENT

CERTIFICATION OF PUBLIC HEARING

Project Number: NH 2002 (933), STP ( ) MM, & NH

County: Collin County

CSJs: 0364-03-067, 0364-03-066, 0364-04-038, 0364-04-037 0364-04-022, 0364-04-024 0364-04-043, 0364-04-046, & 0346-04-040

Highway Number and Project Limits: SH 121: from the Dallas North Tollway to US 75

This is to certify that:

1. A Public Hearing was held in Plano, Texas covering the project location and design on February 26, 2007.

2. Consideration has been given to the economic, social and environmental effects of the project's location and design.

3. The statutory provisions of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 have been considered in determining the economic, social, and environmental effects.

4. The project's consistency with the goals and objectives of such urban planning as has been promulgated by the community has been considered.

William L. Hale, P.E.
Dallas District Engineer
Texas Department of Transportation

6/14/07
Date

2. PUBLIC HEARING SUMMARY AND ANALYSIS/RECOMMENDATION

FOR: State Highway (SH) 121

FROM: DNT

TO: United States Highway (US) 75

COUNTY: Collin

The Texas Department of Transportation (TxDOT) conducted a public hearing concerning the proposed tolling and re-evaluation of previously approved environmental documents for SH 121 from DNT to US 75 on February 26, 2007, at Legacy Church located at 4501 Legacy Drive (Dr.) in Plano, Texas.[1] The hearing was conducted in the auditorium of the Church. The notice advertising the public hearing was published on January 26, 2007 and February 16, 2007 in the *Dallas Morning News*, Collin County Edition; on January 26, 2007 and February 16, 2007 in *Al Dia (*Spanish publication); on January 26, 2007 and February 16, 2007 in the *Plano Star Courier*; on February 1, 2007 and February 15, 2007[2] in the *Allen American*; on January 26, 2007 and February 16, 2007 in the *McKinney Courier Gazette*; and on January 26, 2007 and February 16, 2007 in the *Frisco Enterprise*. Public hearing notices were also mailed to abutting property owners within the Toll Project Limits and to elected/local officials.

An open house was held from approximately 6:00 p.m. until 7:00 p.m. to give attendees an opportunity to view the various exhibits and documents that were on display and to discuss and ask questions concerning the proposed tolling of SH 121 with project staff members. A registration table was located at the entrance of the auditorium. At the registration tables were sign-in sheets for citizens to register and obtain more information about the proposed project. Materials available included an agenda, Frequently Asked Questions (FAQ) brochure, and comment and speaker cards. The total registered attendance was 77 attendees which included 15 elected/local officials, 36 private citizens, 24 project staff members, and two media representatives.

[1] The "Re-evaluation Limits" extend from FM 423 to SH 121 at US 75 interchange. Two previously approved documents, one resulting in a FONSI and the other resulting in a FONSI re-evaluation, assessed impacts that would result from tolling SH 121 from east of MacArthur Boulevard (Blvd.) to the DNT. For this reason, the re-evaluation focuses on potential impacts that would result from tolling the SH 121 mainlanes from the DNT to SH 121 at US 75 interchange. For purposes of this re-evaluation, the proposed "Toll Project" is defined as the implementation of tolling along the SH 121 mainlanes from DNT to SH 121 at US 75 interchange. Likewise, the "Toll Project Limits" would extend from DNT to SH 121 at US 75 interchange.

[2]The Texas Administrative Code (TAC) states that the second notice should be published no more than 10 days nor less than seven days before the hearing. This was not possible because the paper is not published often enough. However, the condition that the notice be published in a newspaper of general circulation that is published at least 6 days a week in the county in which the land is situated was met by the other publications.

Plans, maps, and exhibits illustrating the proposed improvements were displayed for public view and comment. These illustrations included the conceptual toll plan, project location map, toll gantry location map, project timeline, and exhibit boards outlining the TxDOT challenge, and TxTag® interoperability. In addition, a three dimensional (3-D) rendering of the proposed toll facility was available for citizens to view. Copies of the TxDOT Relocation Assistance booklet, TxDOT State Purchase of Right-of-Way booklet, and copies of the re-evaluation that was approved by FHWA as satisfactory to proceed to public hearing were also available. TxDOT and other project personnel knowledgeable about the proposed project were available at the exhibit areas to discuss comments and questions posed by the citizens. There were multiple comment boxes situated throughout the facility so that written comments could be received at the hearing.

At approximately 7:00 p.m. a formal presentation and verbal comment session began in the church auditorium. The presiding official for the public hearing was Brian Barth, P.E., Director of Transportation Planning and Development with the Dallas District of TxDOT. Mr. Barth convened the public hearing and introduced elected/local officials and key TxDOT staff in attendance. Mr. Barth discussed the local, federal, and state relationships concerning this project. Ms. Jennifer Halstead, Environmental Manager for HNTB Corporation, gave the technical design and environmental presentations. Mr. Barth discussed the project schedule. Mr. Travis Henderson, TxDOT right-of-way Administrator, explained TxDOT's right-of-way acquisition procedures and the relocation assistance program for displaced persons and businesses, although no additional right-of-way is required for the proposed project. Mr. Barth called a recess and when the public hearing reconvened, he called on attendees wishing to make comments during the opportunity for public comment period. Mr. Barth adjourned the public hearing once the opportunity for public comment period was completed. All verbal comments were recorded by a court reporter and the hearing was adjourned at 8:25 p.m.

Seventy-seven people attended the public hearing and total of 299 comments were submitted (either at the hearing or during the 10-day comment period that followed). Five attendees provided verbal comments at the hearing and three of these commentors also submitted written comments. In addition, 294 written comments were submitted during the comment period.

Verbal Comments

Six citizens and two elected/local officials registered to give verbal comments at the hearing. Jeff Neal, representing the Regional Transportation Council (RTC), and Mayor Michael Simpson, City of Frisco, were the elected/local officials that registered to comment. Although registered, Mayor Simpson declined to make a verbal comment and stated that his question had been answered. Two citizens that registered, Mr. Richard Bergeron and Ms. Donna Bening, were also called upon to make verbal comments. Mr. Bergeron commented that he "did not have anything," and Ms. Bening stated that she had "no further comments." Five verbal comments were recorded by a court reporter at the public hearing.

Written Comments
A total of 294 written comments were received. Nine written comments were submitted by elected/local officials. Written comments were submitted by Robert Clark, Chairman of the McKinney Chamber of Commerce; Cissy Sylo, Director of Engineering, City of Frisco; Maher Maso, Mayor Pro Tem, City of Frisco; Alan Upchurch, City Engineer, City of Plano; Michael Simpson, Mayor, City of Frisco; Peter Vargas, City Manager, City of Allen; Phyllis Cole, Commissioner, Precinct 1, Collin County; George Purefoy, City Manager, City of Frisco; and Jack Hatchell, Commissioner Precinct 4, Collin County.

The comments received were analyzed and grouped into twelve broad categories with numerous subcategories as follow:

Category 1: Project Comments
1-1: Always agreed it should be tolled
1-2: Support from the McKinney Chamber of Commerce
1-3: Support to build needed roads
1-4: Regional Transportation Council (RTC) support
1-5: Support for improved traffic flow and safety years in advance
1-6: Support for expediting
1-7: Support from the City of Allen to keep the project moving
1-8: Opposition to tolling SH 121

Category 2: Environmental Justice
2-1: Impact to minorities/low income and compliance with Executive Order (EO) 12898
2-2: No cash option
2-3: Significant amount of toll roads in 2030 and effect to environmental justice populations

Category 3: Air Quality/Pollution
3-1: Mobiles Source Air Toxics (MSATs) produced by factories along SH 121
3-2: Conformity compliance (STIP, TIP, MTP)
3-3: Carbon monoxide (CO) emissions
3-4: MSATs in Collin County
3-5: MSATs within 500 meters of residential areas
3-6: MSAT study area and traffic data used
3-7: Air toxics studied
3-8: Attention issues (related to inhalation of automobile fumes)
3-9: Inflammation associated with pollutants
3-10: Effect on children
3-11: Elementary school heating, ventilating, and air conditioning (HVAC) system
3-12: HVAC systems
3-13: Elementary school children close to SH 121
3-14: Pollutants during construction
3-15: Type/quantity attributed to auto vs. diesel gas

3-16: Difference in pollutants at different speeds
3-17: Concentration at 500 m
3-18: House orientation
3-19: Stream particulates
3-20: Impact of wind direction
3-21: Unique auto particulates
3-22: Yellow soot
3-23: Garbage burning and air quality
3-24: Various air quality comments
3-25: Texas homes with indoor air quality issues
3-26: Congestion and air quality implications
3-27: Traffic volumes and air quality

Category 4: Selling of SH 121
4-1: Selling of SH 121/profiting from selling SH 121
4-2: Foreign company operating SH 121

Category 5: Funding
5-1: TxDOT funding shortfalls
5-2: Double (excessive) taxation/Gas tax
5-3: High mast lighting costs
5-4: Funding timeframe for SH 121 as a non-toll facility.
5-5: Locals offered an alternative plan
5-6: "Creative Financing"

Category 6: Tolling Concerns
6-1: Video billing (rental/out of state/untitled vehicles)
6-2: SH 121 was planned as a non-toll facility (conversion)
6-3: Would cause irrational traffic patterns/encourage "entitlement speeding"
6-4: Cost to drive SH 121 (too expensive)/Plano & Frisco surround by toll roads
6-5: SH 121 rates are higher than regional (NTTA) rates
6-6: "Near Neighbor/ Near Timeframe" & Excess toll revenue
    A: The money will not stay in Collin County
    B: Near Neighbor/Near Timeframe vs. Excess Toll Revenue
    C: Unlucrative Trans-Texas Corridor segment
    D: Items #4 & #5 of RTC's Excess Toll Revenue Policy
6-7: Privacy of video Billing
6-8: Toll user fees
6-9: Remove tolls after the road is paid for
6-10: Tolling is not legal/constitutional
6-11: It is a violation of the 14th amendment
6-12: Citizen was told to move if they did not like tollroads

Category 7: Public Involvement

7-1: Public involvement procedures/Insufficient time
7-2: Local/regional support/Voice/Consideration
7-3: Thirty-day notice
7-4: I would like a copy of the response to the City of Frisco's City Engineer
7-5: A political move designed to benefit a few

Category 8: Tolling Process

8-1: NTTA/TxDOT protocol
8-2: NTTA toll collection service
8-3: Cintra's management of funds/peace of mind
8-4: Comprehensive Development Agreement (CDA) announcement
8-5: Secretive about the CDA terms
8-6: Strong arming locals with CDA process
8-7: Short term solution/long term ramifications
8-8: Non-compete clause
8-9: Concern statewide with CDA process

Category 9: Design

9-1: Overpass design
9-2: Ramping
9-3: Signage (to Arts Park)
9-4: Pavement design
9-5: Public/official input on interchanges/ramps
9-6: CDA would design and operate at minimum standards/lack of aesthetics
9-7: Denton County gantries and toll charges vs. Collin County
9-8: Location of Parkwood Blvd gantry & DNT/121 construction schedule
9-9: Future ramp designation
9-10: Schematic refinements requested by City of Allen
9-11: Control of access

Category 10: General (Other) Comments

10-1: Admonishment to vote
10-2: Right-of-way is not 100 percent acquired
10-3: Frisco and Allen do not have RTC representation
10-4: Reimbursement of donated right-of-way for toll and non-toll facility
10-5: Use of roadway funds for marketing and video visual tours
10-6: Governor Perry's role in the project
10-7: Strange disease
10-8: Home resale value effect
10-9: Compensation to homeowners for lost off resale/health/medical bills

10-10: Guidelines for residential placement next to highways/high traffic areas
10-11: Significant errors, omissions and impacts in the re-evaluation
10-12: Comment with no relevance to SH 121

Category 11: Environmental Re-evaluation
11-1: Address issues/comments submitted by Frisco's Engineering Department
11-2: Glossary
11-3: Document is a copy of the Denton County EA
11-4: Incorrect/missing dates/data and/or references or clarification requested
11-5: Economic development/future land use
11-6: Date of environmental clearance
11-7: Cost estimates
11-8: Congestion Management System
11-9: Future developments
11-10: Questions regarding data in the appendices or clarification requested
11-11: Woodland impacts
11-12: Economic impact to cities
11-13: Landscaping/noise abatement

Category 12: Traffic
12-1: Traffic redistribution (General and truck specific)
12-2: Travel time
12-3: Safety issues (due to tolling traffic redistribution)
12-4: Modeling procedures
12-5: Emergency response
12-6: Level of Service (LOS)
12-7: 2025 vs. 2030 traffic volumes
12-8: Frontage road congestion
12-9: Arterial congestion
12-10: Unmet peak hour demand
12-11: Traffic count differences (City vs. NCTCOG)
12-12: Higher rates cause traffic shift
12-13: Non-toll alternatives

Summary
The comments have been identified, and classified into twelve categories. All written comments, letters, comment forms, and verbal comments from the public hearing have been reviewed and are thoroughly analyzed in **Section 3. Public Hearing Comment and Response Report.** Due to the overlap and repetition in many comments, similar comments were consolidated and paraphrased to reduce duplication. As a result, the comments that appear in this report are often not the precise words found in the commentor's written comment, letter, or verbal comment. This has been done to reduce

duplication of similar comments that elicited a comment response and in no way was intended to obscure the substance of a comment.

A copy of the transcript containing verbal comments can be found in **Section 4**. A copy of the original written comments, letters, and comment forms can be found in **Section 5**.

The following substantive questions/topics were identified from the categories and sub categories listed above. The topics included Environmental Justice, Air Quality, Traffic Level of Service (LOS)/Traffic Redistribution, and Electronic Toll Collection (ETC) subjects/issues. A brief summary of the response and the analysis performed in response to these topics are detailed below. The re-evaluation document was revised to reflect the results of the additional analysis performed and is referred to as the "revised re-evaluation" in this report.

Would there be impacts to environmental justice populations?

Specific questions focused on the impact of the tollway on environmental justice populations (consisting of minority or low-income individuals) considering the methods of toll collection, anticipated toll rates, lack of "true parallel" non-toll alternatives, and time travel implications (in terms of LOS) when utilizing the non-toll alternatives.

The environmental justice direct impacts study area includes 10 census tracts, only one of which is defined as containing an environmental justice population (Census Tract 309.00). Overall, the minority population of the study area represents 23.3 percent of the total population, while the low-income population of the study area represents 5.1 percent of the total population.

Low-income populations would be impacted by toll rates, toll collection, and other matters associated with user fees. Should a low-income person be unable to pay the toll or utilize non-toll alternatives, this may result in a difference of time travel associated with utilizing non-toll alternatives. LOS would be relatively unchanged between DNT to Coit Rd., would increase by one level (improve) along the mainlanes between Coit Rd. and SH 121 at US 75 interchange, and would decline by one level along the frontage roads between Coit Rd. and SH 121 at US 75 interchange. In addition, the economic impact of tolling would be higher for low-income users because the cost of paying tolls would represent a higher percentage of household income than for the non-low-income users.

An Origin/Destination (O&D) analysis was performed and indicated that the majority of trips anticipated to utilize the toll facility would not originate from areas identified with high concentrations of environmental justice populations. Under the toll scenario approximately 73,743 total trips originating from Traffic Survey Zones (TSZs) are anticipated to utilize the proposed SH 121 toll facility; from which approximately 5.4 percent (4,012 trips) would originate from environmental justice TSZs. Under the non-toll scenario, approximately 73,287 total trips originating from TSZs are anticipated to utilize the SH 121 facility; from which approximately 5.7 percent (4,246 trips) originating from environmental justice TSZs are projected to utilize the non-toll SH 121 facility. This data indicates that environmental justice populations may utilize SH 121.

Would there be an adverse impact to air quality?

Concerns about air quality included questions regarding carbon monoxide (CO) and mobile source air toxics (MSATs) and how the proposed tolling of SH 121 would affect congestion and ultimately the amounts of pollutants released by vehicles.

The highest modeled CO concentration for 2015 Build-toll scenario would occur along the right-of-way line between Preston Rd. and Ohio Dr. The location of the highest modeled CO concentration for the 2030 Build-non-toll scenario would occur between Coit Rd. and Independence Pkwy. The results indicate a slight decrease in the 1-hr and 8-hr CO concentrations when compared to the January 2007 re-evaluation reported values. The lower results are expected because NCTCOG 2030 traffic numbers are lower than the traffic projections utilized in the January 2007 re-evaluation. In addition, vehicle technology and fuels continue to improve leading to less CO emissions. See table below for updated CO results in part per million (ppm).

TABLE 5-2
CARBON MONOXIDE CONCENTRATIONS*
(FROM REVISED RE-EVALUATION)

Year	1 HR CO (ppm) *	1 HR % NAAQS	8 HR CO (ppm) *	8 HR % NAAQS
2015 Build-toll**	4.5	12.9	2.8	30.9
2030 Build-toll	4.6	13.1	2.9	31.6
2030 Build non-toll	4.7	13.4	2.9	32.2

*The National Ambient Air Quality Standards (NAAQS) for CO is 35 ppm for 1 hour and 9 ppm for 8 hours. Analysis includes a 1 hour background concentration of 3.7 ppm and an 8 hour background concentration of 2.3 ppm.
**Determination of CO emission concentrations for the 2015 Build-non-toll scenario was not completed because the 2025 MTP represented mainlanes open to traffic by 2025.

Regarding public comments about the increased levels of particulate matter and air toxics having a particularly high impact on areas closest to the frontage road: In the case of SH 121, if the main lanes are constructed and, as a result, there is an increase in vehicle miles traveled (VMT), the localized level of MSAT emissions for the Build scenarios could be higher relative to the No-Build scenario; however, this could be offset due to reductions in congestion (which are associated with lower MSAT emissions). As shown in former Table 5-6 (now Table 5-7) from the January 2007 re-evaluation, total MSAT emissions in 2030 are estimated to be the highest for the Build-non-toll (0.140 ton/day), followed by the Build-toll and No-Build scenarios (0.139 ton/day and 0.134 ton/day respectively). The Build-non-toll 2030 results in the highest MSAT emissions partly because of the greater number of vehicles (higher VMT).

TABLE 5-7: MASS OF MSAT EMISSIONS IN TONS/DAY (FROM REVISED RE-EVALUATION)

Scenario	Associated VMT	Acetaldehyde	Acrolein	Benzene	1,3-Butadiene	DPM	Formaldehyde	TOTAL* (tons/day)
Base 2007	7,967,693	0.038	0.002	0.118	0.017	0.062	0.049	0.286
No-Build 2015	9, 357,093	0.020	0.001	0.063	0.009	0.018	0.027	0.137
Build-toll 2015*	9,758,167	0.020	0.001	0.065	0.009	0.020	0.028	0.143
No-Build 2030	14,394,790	0.021	0.002	0.063	0.009	0.010	0.030	0.134
Build-toll 2030	15,268,964	0.022	0.002	0.065	0.009	0.010	0.031	0.139
Build-non-toll 2030	15,375,084	0.022	0.002	0.065	0.009	0.011	0.032	0.140

* Determination of MSAT emission concentrations for the 2015 Build-non-toll scenario was not completed because the 2025 MTP represented mainlanes open to traffic by 2025.

On a regional basis, EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than today. Air toxics analysis is a continuing area of research. While much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques for assessing project-specific health impacts from MSATs are limited. Because of these uncertainties, an assessment of the effects of MSAT emissions impacts on human health cannot be made at the project level. While available tools do allow us to predict relative MSAT emission changes between alternatives for a proposed project of this magnitude, the amount of MSAT emissions from each of the project alternatives are presented here for consideration of alternatives and for disclosure purposes and are not intended for estimating potential human exposure or health impacts.

Would there be a decrease in Level of Service due to traffic redistribution?

Concerns over traffic redistribution, the possible worsening of the LOS, congestion of frontage roads and increased traffic and delays on local arterials were raised.

A comparison of the SH 121 non-toll and toll scenarios indicates that some traffic would redistribute to the non-toll alternative (frontage roads) over the tolled mainlanes if SH 121 is implemented as a tolled facility. The following table summarizes the anticipated 2030 LOS due to the change in traffic along SH 121 for the non-toll and toll scenarios.

2030 LEVEL OF SERVICE ALONG SH 121 (TOLL PROJECT LIMITS) (FROM REVISED RE-EVALUATION)

SH 121 Facility Segment		LOS Non-Toll Scenario	LOS Toll Scenario	Resulting Condition
DNT to Coit Rd.	Frontage roads	F	F	Unchanged
	Mainlanes	F	F	Unchanged
Coit Rd. to Alma Dr.	Frontage roads	D	E	Declined
	Mainlanes	F	D	Improved
Alma Dr. to SH 121 At US 75 Interchange	Frontage roads	B	C	Declined
	Mainlanes	D	C	Improved

Source: NCTCOG TransCAD® data for 2030 average daily traffic for non-toll and toll scenarios

Overall, the changes in traffic volume do not represent a substantial change in demand, as LOS would stay the same between DNT to Coit Rd. LOS would improve on the mainlanes between Coit Rd. and at the US 75 interchange; however, LOS would decline by one level (worsen) at the frontage roads between Coit Rd. and at the US 75 interchange. These results demonstrate that the transportation network is dynamic and that:

- Unused capacity on the frontage roads is utilized in less congested locations, and
- As congestion increases, drivers who can afford to pay tolls choose the route that offers less delays.

According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Overall, this percent change would result in minimal effect to users of the major/minor arterials and frontage roads in the study area. The Complete Performance Reports also indicated the average free speed of used roadways [miles per hour (MPH)] is nearly unchanged between the 2030 toll and non-toll scenarios.

Additionally, the Complete Performance Report indicates the LOS for arterial streets in these cities have a slight improvement.

Would there be excessive fees associated with the electronic toll collection along SH 121?

Comments were received concerning the lack of cash payment options, video billing, and the fees and charges associated with this form of tolling.

An ETC system is proposed for SH 121 meaning there would be no toll-collection booths. Instead, toll collection would occur electronically; thus, users would be required to open pre-paid accounts or pay a premium for "video billing." As proposed, there would be two ways to pay with cash in lieu of toll-collection booths along the facility: prepaid accounts or video billing.

TxTag® Account Payment Methods

With a TxTag® "AutoPay" account, the user would pay a minimum installment of $29.65 ($20 credit and a $9.65 one time fee for the TxTag®) through a credit or debit card. The account would then be established with a $20 credit, which would be reduced each time the transponder passes through an operating toll gantry. The account holder's credit or debit card would be automatically charged when the funds in the "AutoPay" account exceed a pre-set threshold value. There is no fee for this service. A user can sign up for "AutoPay" by accessing the account online and providing credit card information or by calling the TxTag® Customer Service Center.

Video Billing Payment Methods

Through a system known as video billing, it would still be possible to drive the mainlanes of SH 121 without an electronic toll transponder or prepaid user account. The user's license plate would be recorded and matched to the State's vehicle registration file, and a monthly bill would be mailed to the registered user of the vehicle for the accumulated toll charges. The toll rates for drivers without a toll transponder would include an additional percentage toll rate premium plus an incidental administrative fee commensurate with the costs related to processing the vehicle registration information.

The user may be charged a toll rate premium of up to 45 percent, which is to offset the costs related to processing license plate information. In addition to this premium, incidental administrative fees would be incurred. These include such things as costs to prepare and mail the monthly statements. For example, assume that the toll rate would be set at 14.5 cents per mile (2010 dollars) and that a low-income individual would make 20 round-trips per month traveling from the City of McKinney to places of employment in the City of Frisco (approximately 6 miles one-way). Assuming this toll rate, the cost to drive SH 121 with a TxTag® would be approximately $417.60 a year. This equates to 2 percent of an income at or below the poverty level of $20,650 (for a family of four). For a low-income individual who does not have a TxTag® account, the cost to drive the same amount of mileage, including the $1.00 processing fee for mailing the monthly statement and a maximum toll rate premium of 45 percent, would be 3 percent of a yearly income at or below the poverty level of $20,650 (for a family of four). This scenario demonstrates that not maintaining a pre-paid TxTag® account results in higher costs for those who utilize the video billing option.

Conclusion

No specific project design or policy changes were made by TxDOT due to public comment. However an O&D analysis, regional plus or minus 5 percent affected transportation network link-by-link quantitative MSAT, and Traffic Redistribution/LOS analysis were performed. Overall, the results of these analyses resulted in confirmation of all previous conclusions reported in the 2007 Re-evaluation.

TxDOT has addressed the comments and desires to move forward with processing the proposed project as a toll facility. The project is recommended for FHWA's acceptance of the Finding of No Significant Impact (FONSI) Re-evaluation and signing of a decisional document.

3. PUBLIC HEARING COMMENT AND RESPONSE REPORT

This report presents the verbal and written comments and questions that were received by TxDOT at the public hearing or in writing by March 8, 2007 (10 days following the public hearing).

The following pages contain a List of Commentors numbered consecutively in alphabetical order. The List of Commentors table contains: the assigned commentor number; if their comment was verbal, written or both; their name; and the comments that they submitted according to the assigned comment category (i.e. 12-1, 8-1). Following the List of Commentors Table is the Public Hearing Comment and Response Report. The Public Hearing Comment and Response Report contains the comment by category, identification number of the commentor(s), and the response from TxDOT.

LIST OF COMMENTORS			
Commentors No.	**Comment(s)***	**Name**	**Refer to Comment No.**
1	W	Abernathy, Richard M.	2-1, 3-5, 3-26, 6-2, 8-9, 10-11, 11-1, 11-5, 11-8, 12-5, 12-8
2	W	Adkins, Audrey	4-1, 4-2, 5-2, 6-2, 7-1, 8-5, 10-11, 11-1
3	W	Aiken, Jan	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
4	W	Akin, Howard and Donna	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
5	W	Ali, Farhin	3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17, 3-18, 3-19, 3-20, 3-21, 3-22, 3-23, 3-24, 3-25, 10-7, 10-8, 10-9, 10-10
6	W	Allen, Teresa	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
7	W	Anonymous (john.alisa@tx.rr.com)	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
8	W	Anonymous (betsyvas@tx.rr.com)	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
9	W	Anonymous (cwhite39@comcast.net)	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
10	W	Anonymous (gshipp@hotmail.com)	4-1, 4-2, 6-7, 10-11, 11-1
11	W	Anonymous (jhendrick@kw.com)	4-1
12	W	Anonymous (justsayjim@yahoo.com)	1-1, 4-1
13	W	Anonymous (Mocityman@aol.com)	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
14	W	Anonymous (RKing35482@aol.com)	4-1, 4-2, 6-2, 7-1, 7-2, 8-4, 10-11, 11-1
15	W	Anonymous (Panama99@AOL.com)	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
16	W	Ashberry, Donald L.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
17	W	Atteberry, Brett	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
18	W	Bailey, John T.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1, 11-3
19	W	Balogh, Martha	1-8, 4-1, 4-2, 5-2, 6-2, 7-1
20	W	Barchuk, Teresa	4-2, 6-2, 10-11
21	W	Barnard, Kathy	6-4, 6-10
22	W	Bartlett, Sheila	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
23	W	Bartz, Sally	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
24	W	Baudoin, James	9-3
25	V, W	Baumbach, Bill	4-1, 4-2, 5-1, 7-1, 7-2, 8-1, 8-4, 8-6, 9-2
26	W	Beaver, Richard	4-2, 7-1, 8-4, 8-5, 10-11
27	W	Bell, Jeff	4-1, 4-2, 6-2, 7-1, 7-2, 8-4, 10-11, 11-1

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Commentors No.	**Comment(s)***	**Name**	**Refer to Comment No.**
28	W	Belloni, Jason	1-8, 6-6
29	W	Benton, Sarah E.	4-2, 6-2, 6-5, 6-6A, 7-1, 7-2, 10-11
30	W	Blair, Wenter	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
31	W	Blasingame, Sherri	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
32	W	Bodendein, Kim	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
33	W	Bortel, Darren	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
34	W	Bowers, Julie M.	9-8
35	W	Boyle, Carolyn	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
36	W	Braden, Melissa	6-10, 4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
37	W	Brooke, Scott	6-10, 4-2, 5-2
38	W	Browinski, Jane	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
39	W	Brown, Jason	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
40	W	Brown, Judy	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
41	W	Brown, Natalie	1-8
42	W	Brown, Renee	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
43	W	Caggiano-Boer, Lina	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
44	W	Calley, Brad	4-1, 4-2, 5-2, 6-2, 6-9, 7-1, 7-2, 7-5, 8-4, 10-11, 11-1
45	W	Calley, Laura Belknap	4-1, 4-2, 6-2, 7-1, 7-2, 7-5, 8-4, 10-11, 11-1
46	W	Cannon, Carol	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
47	W	Canton, Horacio and Daria	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
48	W	Carlson, Robert L. & Jeanne	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
49	W	Carr, Holly	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
50	W	Carter, Kenneth W.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
51	W	Cavender, Bob	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
52	W	Cavender, Genie	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
53	W	Chamberlain, Valerie	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
54	W	Chapman, Dana	4-1, 4-2, 5-2, 5-3, 6-2, 7-1, 7-2, 10-11, 11-1

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55	W	Chase, Jocelyn	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
56	W	Chase, Linda	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
57	W	Cheek, Laron	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
58	W	Clark, Robert	1-2
59	W	Classe, John C.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
60	W	Cloud, Joe	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
61	W	Cole, Phyllis	2-1, 3-5, 3-26, 10-11, 11-12, 12-1, 12-5, 12-8
62	W	Colston, Julie	1-8, 11-1
63	W	Crow, David	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1, 11-3
64	W	Cumberledge, Brian	1-8, 4-1, 5-1, 6-2, 7-1, 7-2, 7-5, 8-4, 10-11, 11-1
65	W	Cumbie, Linda	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
66	W	Cyronak, Mark	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
67	W	DeBerry, Larry & Roxanne	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
68	W	Deible, Jim	4-1, 4-2, 7-2
69	W	DeMattia, Sheri	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
70	W	DeSpain, Tara	4-1, 4-2, 6-2, 7-1, 7-2, 8-3, 10-11, 11-1
71	W	Devenport, Jaquidon	2-1, 4-1, 4-2, 5-2, 6-5, 7-1, 8-1, 8-4, 10-11, 12-1
72	W	Dillon, Forrest	5-2, 10-6
73	W	Dorcey, Mary	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
74	W	Driscoll, Norm	1-4
75	W	Edwards, Norman and Jeanette	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
76	W	Erikson, Jeanette	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
77	W	Evans, Mike	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
78	W	Fleischer, Amanda	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
79	W	Fleischer, Mark	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
80	W	Foreman, Valerie	4-1, 6-2, 7-1, 11-1
81	W	Fuller, Beth	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
82	W	Gabriel, Francis	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1

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83	W	Gabriel, Paula	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
84	W	Garcia, J.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
85	W	Garcia, Larry G	10-12
86	W	Gibson, Christina	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
87	W	Gilbert, Era and Mark	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
88	W	Gill, Tim	2-1, 3-26, 4-1, 4-2, 6-2, 7-1, 7-2, 7-3, 10-11, 11-1, 11-3, 12-4,
89	W	Glatch, Bill	4-1, 4-2, 6-2, 6-6A, 7-1, 7-2, 10-11, 11-1
90	W	Goff, Emily	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
91	W	Goff, Matt	4-1, 4-2, 5-2, 6-4, 7-1, 7-2, 12-2
92	W	Goodwin, Laura	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
93	W	Goon, Jim	1-8, 4-1, 4-2, 5-2, 7-1, 7-2
94	W	Gordon, Rutledge	4-1, 4-2
95	W	Goria, Jan	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
96	W	Gray, Matt	1-8, 5-1
97	W	Green, Casey	5-2
98	W	Greggains, Tammie	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
99	W	Hain, Darrell and Melba	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
100	W	Hamilton, John	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
101	W	Harpin, Dee	4-2, 11-12
102	W	Hartsell, Craig	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
103	W	Hass, Bob	4-1, 4-2, 5-1, 6-2, 7-1, 7-2, 10-11, 11-1, 11-3
104	W	Hatchell, Jack	8-9, 11-1
105	W	Haughey, Greg	1-8, 4-1, 4-2, 5-2, 7-1, 7-2, 7-3, 11-1
106	W	Heaton, Lucy	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
107	W	Heinemann, Glenn M	4-1, 4-2, 5-2, 6-2, 7-1, 7-2, 10-11, 11-1
108	W	Heischman, Mike & Stacey	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
109	W	Hill, Mitchell	4-2
110	W	Hirt, David	4-1, 6-2, 10-11, 11-1
111	W	Hoctor, Bryan	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
112	W	Holcomb, Steve	4-2, 5-5, 11-1

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Commentors No.	**Comment(s)***	**Name**	**Refer to Comment No.**
113	W	Holcomb, Sue	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
114	W	Horn, Peter C.	6-6A
115	W	Horton, Joe	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
116	W	Howlett, Keith R.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
117	W	Hulse, Val	4-1, 4-2, 6-2
118	W	Irvine, Charles	2-1, 3-26, 3-27, 10-11, 11-1, 11-13B, 12-1, 12-5, 12-6, 12-8, 12-9
119	W	Iske, Nancy	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
120	W	Jackson, Jeanne	1-8
121	W	Jackson, Kerri	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
122	W	Jackson, Matt M.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
123	W	Jackson, Quince	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
124	W	Jacobs, Jeff C.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
125	W	Johnson, Chris	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
126	W	Johnson, Nolita	4-2
127	W	Jolly, Marvin	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
128	W	Jolly, Tiffany	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
129	W	Jones, Brad	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
130	W	Jordan, Jill	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
131	W	Jordan, Richard	1-8, 5-2, 6-4, 12-9
132	W	Kacir, Kent	1-8, 3-27, 6-6A, 6-4, 7-1, 7-2, 7-3, 8-6, 9-6, 10-11, 11-1, 11-13, 12-1, 12-13
133	W	Kalchthaler, Carolyn	4-1, 4-2, 6-2, 7-1, 7-2, 7-3, 10-11, 11-1
134	W	Karter, Norma	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
135	W	Kelley, Mark	1-8, 6-2, 7-1, 8-4, 10-11, 11-1
136	W	Kightlinger, Christopher L	4-1, 4-2, 6-2, 7-1, 7-2, 8-4, 10-11, 11-1
137	W	Klabunde, Beth	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
138	W	Koele, Todd	4-1, 7-1, 10-11, 11-1
139	W	Kucholtz, Bryan & Kristin	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
140	W	Larsen, Mark	1-8, 4-1, 4-2, 5-1, 5-2, 12-13

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141	W	LeBaron, Mike	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
142	W	Lieberman, Mike	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
143	W	Liebowitz, Kerrie	4-1, 4-2, 6-2, 6-6A, 6-4, 7-1, 7-2, 10-11, 11-1
144	W	Lindstrom, Todd	7-1, 8-4, 11-1
145	W	Liu, Jane	1-8, 6-10, 12-13
146	W	Long, Laura	4-1, 4-2, 6-2, 6-4, 7-1, 7-2, 10-11, 11-1
147	W	Lowry, Sherry	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
148	W	Lucas, Donald	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
149	W	Lucas, Joy	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
150	W	Lund, Clark and Brigid	4-1, 4-2, 6-4, 7-1
151	W	Manchee, Danell L.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
152	W	Marshall, Curt	1-8, 4-2, 7-1, 7-2, 10-2, 11-3
153	W	Maso, Maher	2-1, 4-2, 5-2, 6-2, 6-5, 7-1, 7-2, 8-4, 8-5, 8-7, 9-5, 10-3, 10-4, 10-5, 10-11, 11-1, 11-3, 12-1
154	W	Maso, Raed M.	7-1
155	W	Mason, Dori	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
156	W	Mason, Jim	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
157	W	Mazak, Mike & Sandy	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
158	W	McBeth, Jim	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
159	W	McCoy, Nick & Kris	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
160	W	McCoy, Ronald and Terri	4-1, 4-2, 6-2, 7-1, 7-2, 8-9, 10-11, 11-1
161	W	McGhee, Matt	4-1, 4-2, 5-1, 6-2, 7-1, 7-2, 8-9, 10-11, 11-1
162	W	McGill-McIntosh, Denise	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
163	W	McKee, Holly	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
164	W	McKee, Michele	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
165	W	McLaughlin, Denis L.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
166	W	McManigal, Tom	1-8, 4-2, 5-2, 6-2, 12-13
167	W	McMurtre, Andrew	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
168	W	Mecom, Jim	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1

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169	W	Mergen, Daniel	7-1, 8-4
170	W	Metcalf, Margaret	4-1, 4-2, 6-2, 7-1, 7-2
171	W	Milburn, Rita C.	1-8, 4-1, 7-2
172	W	Miller, Christie	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
173	W	Miller, Janet	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
174	W	Mizar, Paula	4-1, 4-2, 6-2, 6-5, 7-1, 7-2, 10-11, 11-1
175	W	Monroe, Maya	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
176	W	Montana, Glenna	1-8, 5-2, 7-1
177	W	Montana, Tom	4-1, 4-2, 5-2, 6-2, 7-1, 7-2, 10-11, 11-1
178	W	Moore, Mechelle	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
179	W	Moore, Ron	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
180	W	Morgan, Pat	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
181	W	Morris, Brad	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
182	W	Morris, George	6-3
183	W	Moss, Chris	4-1, 8-1
184	W	Motley, Donna	1-8
185	W	Muench, Tim	1-8, 4-1, 5-2, 6-6A, 6-9
186	W	Myrben, Lee	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
187	W	Naul, Nick	1-8, 4-1, 4-2, 5-2, 7-1, 8-8, 12-8
188	V	Neal, Jeff	1-4
189	W	Nehlsen, Carin	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
190	W	Nelson, Candice	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
191	W	Nelson, Tim H.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
192	W	Nichols, Julie C.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
193	W	Noyes, Chris	4-2, 6-5
194	W	Nunez, Dave and Aly	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
195	W	Olander, Cindy	4-1, 4-2, 6-6A
196	W	Osborn, Bill	1-5
197	V, W	Overall, Sharon	2-1, 3-26, 4-1, 5-1, 5-2, 6-2, 6-6A, 6-6C, 6-10, 6-11, 6-12, 8-1, 8-5, 10-6, 12-1, 12-13,
198	W	Owusu, Josh	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
199	W	Packer, Deborah	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1

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200	W	Page, Kimberly	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
201	W	Parker, Ray J.	5-2, 6-10
202	W	Paul, Beverly and Harold	1-8, 4-2, 6-5
203	W	Payne, Ede	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
204	W	Perlstein, Bruce	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
205	W	Perrin, Gerald C.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
206	W	Perry, Craig N.	4-1, 4-2, 6-2, 7-1, 7-2, 8-4, 10-11, 11-1
207	W	Peters, Ron	7-1, 8-4, 11-1
208	W	Phipps, Marsha	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
209	W	Pottinger, Gigi	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
210	W	Price, Brenda	6-5, 6-10, 10-6
211	W	Price, Michelle	1-8, 4-2, 5-1, 6-6A, 6-10
212	W	Prichard, Larry	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
213	W	Purefoy, George	6-2, 6-5, 7-2, 10-11, 11-1, 12-1, 12-8, 12-9, 3-26
214	W	Reich, Lewis	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
215	W	Reiss, Charles	4-1, 4-2, 5-2, 6-2, 6-10, 7-1, 7-2, 10-11, 11-1
216	W	Reyes, John and Kathleen	1-8, 4-1, 4-2, 5-2, 6-2, 7-1, 7-2, 10-11, 11-1
217	W	Reyes, Kathy Kowalczyk	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
218	W	Richards, Roger D.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
219	W	Riddle, Mea	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
220	W	Ripple, Daniel R	1-8, 6-2
221	W	Rogers, Susan	1-8, 6-4, 7-2, 12-1
222	W	Rose, Dawn	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
223	W	Rudy, Bart	4-1, 4-2, 5-1, 6-2, 7-1, 7-2, 8-7, 10-11, 11-1
224	W	Rupprecht, Steve and Kathy	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
225	W	Sadowski, Kevin	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
226	W	Salas, Cheryl	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
227	W	Satterlee, Scott A.	1-8, 4-1, 4-2, 8-4
228	W	Schmich, Robert	5-2
229	W	Schulenberg, Sara	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1

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230	W	Scott, Mary	4-1, 4-2, 6-2, 7-1, 7-2, 7-5, 8-1, 8-3, 8-5, 10-11, 11-1
231	W	Sevin, Marilyn	1-8, 4-2, 8-1, 9-1, 10-2
232	W	Shepherd, Mike	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
233	W	Shykes, Suzie	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
234	W	Siegel, Jackie	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
235	W	Silguero, Lynn Slaney	4-1, 4-2, 5-2, 6-2, 7-1, 7-2, 10-11, 11-1
236	W	Simar, Joy	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
237	W	Simpson, Mike	11-1
238	W	Sims, Tammy	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
239	W	Singleton, Kathy	1-8, 4-2, 7-1, 7-2, 7-5, 8-4
240	W	Skillings, Shelia	1-8, 4-2, 5-2
241	V	Smith, Deborah Angell	7-1, 10-1
242	W	Smith, Jennifer	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
243	W	Smith, Meredith	1-6, 9-11
244	W	Smith, Robert W.	4-1, 4-2, 6-2, 6-4, 6-6B, 7-1, 7-2, 10-11, 11-1, 12-13
245	W	Smith, Roger B.	11-1
246	W	Snider, Vicki	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
247	W	Snyder, John	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
248	W	Sockwell, Linda	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
249	W	Somner, John P.	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
250	W	Spaans, David	1-8
251	W	Spears, Sonny	7-1, 7-2
252	W	Sproat, Greg	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
253	W	St. Clair, Don	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
254	W	Stapleton, Sharon	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
255	W	Stathopulo, James	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
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257	W	Stewart, George Dewayne	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
258	W	Sumner, Holly	4-1, 4-2, 5-2, 6-2, 6-5, 7-1, 7-2, 10-11, 11-1

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259	W	Sylo, Cissy	2-1, 2-2, 2-3, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-26, 3-27 5-2, 5-3, 5-4, 6-1, 6-4, 6-5, 6-6A, 6-6B, 6-6D, 6-7, 6-8, 7-1, 7-2, 7-3, 8-2, 8-5, 8-8, 9-4, 9-7, 9-9, 10-2, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-10, 11-11, 11-12, 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-13
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267	W	Thomas, Whitney	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
268	W	Thompson, Brad	1-8, 4-1, 4-2, 5-2, 6-2, 7-1, 7-2, 10-11, 11-1
269	W	Tindula, R. Stephen	4-2, 6-2, 10-11, 11-3
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272	W	Tritthart, Michael	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
273	W	Trylovich, Tim	4-1, 4-2, 5-2, 6-2, 7-1, 7-2, 10-11, 11-1
274	W	Upchurch, Alan	7-4, 11-1
275	W	Urso, Kimberly	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
276	W	Vargas, Peter H.	1-7, 9-10
277	W	Vilhauer, Helene	4-1, 4-2, 6-2, 7-1, 7-2, 10-1, 10-11, 11-1
278	W	Wages, Steve	4-2, 6-2, 7-1, 7-3, 11-1
279	W	Waggener, Jeff A.	4-2, 6-2
280	W	Waters, Larry and Lisa	4-1, 4-2, 6-2, 7-1, 7-2, 7-3, 10-11, 11-1
281	W	Weinrich, Robin	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
282	V, W	Weiss, Douglas	4-2, 5-1, 5-2, 5-5, 6-1, 6-6A, 6-10, 7-1, 7-2, 8-4
283	W	Weiss, Keith	6-4

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Commentors No.	**Comment(s)***	**Name**	**Refer to Comment No.**
284	W	Weston, Bob	1-8, 4-2, 5-2
285	W	White, Allen	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
286	W	Whitley, Angie	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
287	W	Wigant, Dennis	4-2
288	W	Wilcox, Dave J.	4-1, 4-2, 6-2, 7-1, 7-2, 8-1, 10-11, 11-1
289	W	Williams, Troy and Julee	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
290	W	Woodward, Heather	1-8
291	W	Woodward, Martin	4-1, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
292	W	Wright, Jim	1-8, 6-6B
293	W	Wright, Randy	4-1, 4-2, 10-11
294	W	Zacny, Heather	4-1, 4-2, 6-2, 7-1, 7-2, 7-3, 7-5, 8-4, 10-11, 11-1
295	W	Zhang, Long	1-8, 4-2, 6-2, 7-1, 7-2, 10-11, 11-1
296	W	Zhao, Jack	1-8, 4-2, 6-10, 12-13

*W = Written, V=Verbal

CATEGORY 1: PROJECT COMMENTS

Comment 1-1 (Commentor 12)
I have always agreed that SH 121 should be made a tollway. It would produce extremely important revenue for the rapidly growing county.

Response
Comment noted.

Comment 1-2 (Commentor 58)
The commentor stated that the McKinney Chamber of Commerce supports converting SH 121 from the Collin County line to US 75 to a toll road in order to allocate federal and state funds to other projects within Collin County. It is the Chamber's position that by creating a toll funding process on SH 121 the project would be completed in an expeditious manner and would have a direct impact on the business climate and quality of life for all of Collin County.

The Chamber supports a competitive process for the control of construction, management, and current/future toll rates of SH 121. The Chamber stated that after the initial Board of Directors for the Tollway is selected, future replacements for the Board should come from a local self-elected process. The Chamber also stated that any increase in the toll rates should be based on the cost to repay the debt of the project and future maintenance and operation costs, as well as, a revenue generation effort for other projects in Collin County. The Chamber stated that excess funds generated from tolls should remain in Collin County for use on other road projects as determined by the cities involved in the project and Collin County.

Response
While expressing support for the Toll Project, the commentor raised several issues ranging from "converting" SH 121 to a toll road, support for a "competitive process", appointments to a Board of Directors and utilization of "excess revenue."

Regarding the conversion issue, it should be noted that State law prohibits the conversion of existing roadway lanes to toll lanes, unless approved by voters. By definition, the conversion to a toll facility requires a constructed non-tolled facility to be in place and open to non-toll traffic. In the case of SH 121 from DNT to SH 121 at US 75 interchange, the main lanes are either currently under construction and not open to traffic or have yet to be constructed; therefore, no conversion would occur.

Competition is inherent to the CDA process; however, recent legislative developments (Senate Bill 792) have given local toll authorities the first option in developing local toll roads. It is expected that the final contract to develop SH 121 will be awarded to NTTA (Public Sector Comparator).

SH 121, currently structured to be designed and constructed as an electronic toll facility, would be ruled by the NTTA Board of Directors.

The Chamber's position on the distribution of excess toll revenue is in alignment with current regional policy as governed by the RTC.

Comment 1-3 (Commentor 74)
I support collecting tolls on SH 121 to continue to build the roads we need.

Response
Comment noted.

Comment 1-4 (Commentor 188)
A commentor representing the RTC stated that "RTC supports the conceptual toll plan for SH 121 in Collin County. Like its companion project in Denton County, this project is a prime example of the great partnerships that have been built between local, regional, state, and federal entities to bring this project forward. The RTC also supports the CDA process under way for this corridor as it expects it would be based on the business terms for the tolling of TxDOT supported facilities as well as excess toll revenue policies that were approved by the RTC in September of 2006. The RTC has approved and incorporated SH 121 as a toll facility into the anticipated approval of the *Mobility 2030 Metropolitan Transportation Plan (MTP)* by the Federal Highway Administration (FHWA) coming in the spring of 2007." The commentor stated that "The RTC believes the building of SH 121 as a toll road in Collin County would support the expedited construction of other critical transportation facilities in this part of the region. The RTC also expects that through the strong partnerships and continued support of legislation through the Texas Congress, this project would help unlock significant transportation and quality of life benefits for a large portion of this region in a far shorter amount of time than anticipated a few years ago."

Response
The Toll Project would allow the mainlane construction (from Hillcrest Rd. to US 75) to be implemented as early as 9 to 18 years sooner than previously programmed. Constructing the project years sooner than programmed could help benefit air quality by maintaining transportation conformity and compliance with the State Implementation Plan (SIP). The proposed project is part of the regional measures used to help meet the transportation conformity budget and prevent exceedance of the VOC or NOx conformity budgets. Currently, it is anticipated that the DFW area will reach ozone attainment by June of 2010. After this is accomplished, the area would still be subject to the implementation of a maintenance plan to remain in attainment.

In addition, the Toll Project would generate revenue for the operation and maintenance of SH 121 as well as funding for other projects in comparable timeframes. These other projects would be funded by the Regional Toll Revenue Funding Initiative and are further discussed in Section 2.2 of the revised re-evaluation.

Comment 1-5 (Commentor 196)
What is not to like about the tolling of SH 121? The project would provide major improvements in traffic flow and safety years in advance of alternatives. Those who rush to complain do not understand the complete issue.

Response
Comment noted.

Comment 1-6 (Commentor 243)
The re-evaluation for the proposed toll facility is supported. I look forward to the completion of SH 121 and appreciate the continuing efforts to expedite this process.

Response
Comment noted.

Comment 1-7 (Commentor 276)
It is important to keep the project moving forward for the benefit of the region.

Response
Comment noted.

Comment 1-8 (Commentors 19, 28, 41, 62, 64, 71, 93, 96, 105, 120, 131, 132, 135, 136, 140, 145, 152, 166, 171, 176, 184, 185, 187, 202, 211, 216, 220, 221, 227, 231, 239, 240, 250, 268, 284, 290, 292, 295, 296)
I am opposed to the tolling of SH 121.

Response
Opposition noted.

In large metropolitan areas, such as the Dallas-Fort Worth (DFW) area, responsibility for development of regional long-range transportation plans is assigned to the area's designated metropolitan planning organization (MPO). For the DFW area, the North Central Texas Council of Governments (NCTCOG) is the designated MPO. Federal law also requires regional long-range transportation plans to be fiscally constrained; meaning the total cost of improvements included in the regional plan can not exceed anticipated transportation funding for the region.

In recognition of statewide and regional transportation funding shortfalls, NCTCOG elected to utilize innovative financing options, including tolling, as means of leveraging limited available funds. Leveraging funding in this manner, serves to expedite delivery of needed transportation improvements while satisfying the fiscal constraint requirement of federal law.

SH 121 is designated as a toll facility under *Mobility 2030*. The tolling of SH 121 would allow for the construction schedule to be accelerated for certain key

facilities related to SH 121; such as the mainlanes from Hillcrest Road (Rd.) to US 75 in Collin County, and the reconstruction of the US 75 interchange. It is estimated that if the SH 121 mainlanes were not tolled, the project would not be funded until at least 2016 and possibly 2025. Through tolling, the SH 121 mainlanes will be completed years sooner than if funded through the traditional "pay-as-you-go" funding process. In addition, tolling would generate revenue for the region that allows for the operation and maintenance of SH 121 as well as funding additional projects in comparable timeframes. Expenses for the operation and maintenance of SH 121 would be the responsibility of theNTTA (Public Sector Comparator) and regional funds would not be used.

CATEGORY 2: ENVIRONMENTAL JUSTICE

Comment 2-1 (Commentors 1, 61, 88,118, 153, 197, 259)
What is the impact of the tollway on minorities and low-income people considering the "significant" minority population percentage, methods of toll collection, anticipated toll rates, lack of "true parallel" non-toll alternatives, and time travel implications (in terms of Level Of Service) of utilizing non-toll alternatives? How do the environmental justice impacts not meet the EO 12898 definition of adverse effects?

Response
The environmental justice direct impacts study area includes 10 census tracts, only one of which is defined as containing an environmental justice population (Census Tract 309.00). Overall, the minority population of the study area represents 23.3 percent of the total population. The low-income population of the study area represents 5.1 percent of the total population. The study area minority and low-income percentages are consistent with Collin County minority and low-income percentages (23.9 percent and 4.8 percent, respectively).

Low-income populations would be impacted by toll rates, toll collection, and other matters associated with user fees. Should a low-income person be unable to pay the toll or utilize non-toll alternatives, this may result in a difference of time travel associated with utilizing non-toll alternatives. LOS would be relatively unchanged between DNT to Coit Rd., would increase by one level (improve) along the mainlanes between Coit Rd. and SH 121 at US 75 interchange, and would decline by one level along the frontage roads between Coit Rd. and SH 121 at US 75 interchange. In addition, the economic impact of tolling would be higher for low-income users because the cost of paying tolls would represent a higher percentage of household income than for non-low-income users.

An O&D analysis, utilizing NCTCOG's AM peak period trip data, was performed to analyze the "user impacts" of the proposed toll facility on low-income and minority populations. The study area for the O&D analysis is the NCTCOG Metropolitan Planning Area (MPA) which spans 5,000 square miles and encompasses five entire counties and four partial counties. The results of the O&D analysis indicate that a majority of trips anticipated to utilize the toll facility

would not originate from areas identified with high concentrations of environmental justice populations. Of approximately 73,743 total trips which originate from TSZs anticipated to utilize the proposed SH 121 toll facility, approximately 5.4 percent (4,012 trips) of the total trips originate from environmental justice TSZs. For the non-toll scenario, the total number of trips generated by TSZs anticipated to utilize SH 121 is approximately 73,287. Of this trip total, approximately 5.7 percent (4,246 trips) originating from environmental justice TSZs are projected to utilize the non-toll SH 121 facility. This data indicates that environmental justice populations may utilize SH 121.

According to EO 12898, "disproportionately high and adverse effect" considers the *totality* of significant individual or cumulative human health or environmental effects. The benefits associated with the implementation of tolling would include the acceleration of infrastructure improvements to support the increased development and commerce in the immediate area, provision of mobility and relief of traffic congestion for all motorists using the systems funded by the proposed Toll Project, and capacity improvements to the existing SH 121 facility. In the case of implementing tolling along SH 121 and considering the totality of the effects of this project, the overall benefits provided for the environmental justice population, as well as the entire community, outweigh the specific concerns about environmental justice addressed throughout the re-evaluation. Over the long term, the entire corridor and users would benefit from the proposed tolling as a result of improved system linkage and mobility in the area. There do not appear to be any disproportionately high and adverse impacts on minority or low-income populations associated with the project.

Comment 2-2 (Commentor 259)
The implementation of electronic toll collection without any cash option would adversely impact the low-income population and minority businesses. These "post-cash" transactions would also adversely affect the 25 percent low-income population living in the corridor because they would be the most affected. This is the population that does not have electronic toll tags and would be charged a premium for using the proposed toll road. Isn't this an Environmental Justice issue?

Response
It should be noted that the low-income population percentage for the proposed Toll Project is 5.1 percent according to *Census 2000* and not 25 percent as the commentor stated.

An ETC system is proposed for SH 121 meaning there would be no toll-collection booths. Instead, toll collection would be done electronically; thus, users would be required to open pre-paid accounts or pay a premium for "video billing." As proposed, there would be two ways to pay with cash: prepaid accounts or video billing.

<u>TxTag® Account Payment Methods</u>
With a TxTag® "AutoPay" account, the user would pay a minimum installment

of $29.65 ($20 credit and a $9.65 one time fee for the TxTag®) through a credit or debit card. The account would then be established with a $20 credit, which would be reduced each time the transponder passes through an operating toll gantry. The account holder's credit or debit card would be automatically charged when the funds in the "AutoPay" account exceed a pre-set threshold value. There is no fee for this service. A user can sign up for "AutoPay" by accessing the account online and providing credit card information or by calling the TxTag® Customer Service Center.

For those who choose to maintain a prepaid TxTag® "Manual Pay" account, an initial deposit of $9.65 would be required for the toll transponder, as well as a $20 payment to establish the account. The account would then be established with a $20 credit, which would be reduced each time the transponder passes through an operating toll gantry. The user would be responsible for maintaining sufficient funds in his/her account to cover incurred toll charges. Toll rates would be the same as "AutoPay" account toll rates. "Manual Pay" accounts can be replenished via credit card, cash, or check/money order. Paying by credit card can be handled online (www.TxTag.org), via the phone (1-888-468-9824), or at the TxTag® Customer Service Center located in Austin, Texas. Cash payments must be made at the TxTag® Customer Service Center in Austin. Check or money orders can be taken or mailed to the TxTag® Customer Service Center in Austin.

The TxTag® sticker must be permanently placed on the windshield and cannot be moved between vehicles without damaging the toll transponder. If a user has more than one vehicle, the user can order more transponders and manage them all through one account. Regardless of the user type, TxTag® accounts may be monitored free of charge via the internet. Should the user request a monthly invoice, a $1.00 charge per five pages invoiced would be incurred each month.

TollTag® Account Payment Methods

With a TollTag® prepaid "credit user" account, the driver would pay a minimum amount of $40 installment through a credit or debit card. The account would then be established with a $40 credit, which would be reduced each time the transponder passes through an operating toll gantry. When the driver's account reaches $10 or less, the "credit user" credit or debit card would again be charged $40 to automatically increase the available balance. Should the "credit user" lose or fail to surrender the TollTag® when the account is closed, the credit or debit card would be charged $25 to cover the cost of the transponder.

Similar to the TxTag® "Manual Pay" account, the NTTA (Public Sector Comparator) also allows cash payments. For those who choose to maintain a prepaid "cash user" account, an initial deposit of $25 would be required for the toll transponder as well as a $40 payment to establish the account. Per NTTA policy, this automatic deposit is required of "credit user" accounts. The "cash user" deposit can be refunded without interest if the user returns the transponder in good condition or if the "cash user" account is converted into a "credit user" account. The prepaid "cash user" account would require the driver to maintain

sufficient funds in his/her account to cover incurred toll charges. Toll rates would be the same as "credit user" account toll rates. When passing through a toll lane equipped with a traffic signal, a yellow light on the traffic signal indicates that the account balance is at or below $10. A red light indicates that the account balance is $0. The NTTA must receive payment at one of the TollTag® locations before the account reaches $0 to avoid the incurrence of toll violations.

The TollTag® may only be displayed in the vehicle specifically assigned to that TollTag®. The license plate number of a vehicle listed on the TollTag® account can not be registered on another TollTag® account. Regardless of the user type, TollTag® accounts may be monitored free of charge via the internet. Should the user request a monthly invoice, a $1.50 charge would be incurred each month.

Video Billing Payment Methods

Through a system known as video billing, it would still be possible to drive the mainlanes of SH 121 without an electronic toll transponder or prepaid user account. The user's license plate would be recorded and matched to the State's vehicle registration file, and a monthly bill would be mailed to the registered user of the vehicle for the accumulated toll charges. The toll rates for drivers without a toll transponder would include an additional percentage toll rate premium plus an incidental administrative fee commensurate with the costs related to processing the vehicle registration information.

The user may be charged a toll rate premium of up to 45 percent, which is to offset the costs related to processing license plate information. In addition to this premium, incidental administrative fees would be incurred. These include such things as costs to prepare and mail the monthly statements. For example, assume that the toll rate would be set at 14.5 cents per mile and that a low-income individual would make 20 round-trips per month traveling from the City of McKinney to places of employment in the City of Frisco (approximately 6 miles one-way). Assuming this toll rate, the cost to drive SH 121 with a TxTag® would be approximately $417.60 a year. This equates to 2.0 percent of an income at or below the poverty level of $20,650 (for a family of four). For a low-income individual who does not have a TxTag® account, the cost to drive the same amount of mileage, including the $1.00 processing fee for mailing the monthly statement and a maximum toll rate premium of 45 percent, would be 3.0 percent of a yearly income at or below the poverty level of $20,650 (for a family of four). This scenario demonstrates that not maintaining a pre-paid TxTag® account results in higher costs for those who utilize the video billing option.

The maximum processing fee is allowed to increase proportionally with the toll rate. There is no interest charged on unpaid tolls; however, there are delinquent penalty fees associated with an unpaid or delinquent bill. Common penalties are listed below:[3]

[3] Texas Department of Transportation, http://www.txtag.org/

Returned Check (Insufficient Funds)	$25.00
Administrative Fee - Violation Notice *	$5.00
Administrative Fee - Violation in Collections *	$25.00
Administrative Fee - Violation Sworn Complaint Issued *	$100.00

* Fee amounts are pending final determination and will be adjusted annually per Texas Administrative Code.

If the registered user does not have a toll transponder, he/she would receive a bill every month for the balance. There is no minimum threshold for video billing to occur. As with the prepaid account, video billing would allow for cash or credit payments.

Comparison of Payment Methods
Not maintaining a prepaid account would impact any user, including low-income users, because the cost of paying the accumulated toll charges without an account would represent a higher toll rate than toll charges affiliated with a prepaid account. Cash payment options are available for each payment method; however, only those users who maintain automatic and manual pay prepaid accounts would benefit from reduced toll rates compared to the video billing policy. In summary, toll rates are generally one-third more for drivers who do not have an electronic toll transponder to offset the costs related to processing the license plate information associated with video billing. Although certain toll transponder account holders are required to pay up-front fees or deposits for toll transponders ($9.65 fee per transponder for TxTag® accounts and $25 deposit for TollTag® "cash users" accounts), the toll transponder account holders would benefit from reduced toll rates compared to the total toll rates associated with video billing. In other words, the up-front fees associated with toll transponders may be offset through time when considering the premium and processing fees affiliated with the video billing method of payment. All methods of payment are subject to delinquent penalty fees associated with an unpaid or delinquent bill.

Potential first month costs for the different types of payment options were utilized to determine any potential impacts to environmental justice (specifically low-income) populations who do not have a credit card or debit card and would therefore utilize the Video Billing Payment Method or "cash option." A worst case scenario which identifies the first month cost of "improper or continued incorrect" use of the toll facility for users of the video billing option is approximately $206.46. This total fee includes the monthly billing fee and potential penalties including a returned check. Assuming that the monthly income for a family with an annual income at the 2007 poverty level ($20,650 for a family of four) is $1,720, the $206.46 first month cost would equate to approximately 12 percent of the monthly income of a family of four at the 2007 poverty level.

A "worst case" one month scenario was applied to each of the available payment methods. As shown below, the highest potential first month cost corresponds to

the TollTag® "credit user" with a cost estimated to be $376.30 which would equate to 21.8 percent of the monthly income of a family of four at the poverty level. The lowest potential (worst case) first month cost corresponds to the TxTag® "AutoPay" account user.

FIRST MONTH USER FEES PER PAYMENT OPTION

Payment Method	Up-front User Cost[1]	Monthly Toll Cost[2]	Potential Penalties for Improper or Continued Incorrect Use the First Month	Potential First Month Cost[3]	Percentage of Monthly Poverty Level Income per Payment Method[4]
Video Billing Payment "Cash Option"	$0	$51.46	• $25.00 Returned Check • $5.00 Administrative Fee - Violation Notice • $25.00 Administrative Fee - Violation in Collections • $100.00 Administrative Fee – Violation Sworn Complaint Issued **Total: $155.00**	$206.46	12.0%
TxTag® "AutoPay"	$29.65	$35.80	• $5.00 Administrative Fee - Violation Notice • $25.00 Administrative Fee - Violation in Collections • $100.00 Administrative Fee – Violation Sworn Complaint Issued **Total: $130.00**	$195.45	11.3%
TxTag® "Manual Pay"	$29.65	$35.80	• $25.00 Returned Check • $5.00 Administrative Fee - Violation Notice • $25.00 Administrative Fee - Violation in Collections • $100.00 Administrative Fee – Violation Sworn Complaint Issued **Total: $155.00**	$204.65	11.8%
TollTag® prepaid "Credit User"	$40	$36.30	• $25.00 Administrative Fee/Violation and Violation Notice[5] • $250.00 Maximum Fine/Violation • $25.00 Failure to surrender the toll transponder **Total: $300.00**	$376.30	21.8%
TollTag® "Cash Users"	$65	$36.30	• $25.00 Returned Check • $25.00 Administrative Fee/Violation and Violation Notice[5] • $250.00 Maximum Fine/Violation **Total: $300.00**	$365.00	21.2%

(1) Table assumes a single household account. The Up-front User Cost includes the one-time payment/fee to establish the account.
(2) Monthly Toll Cost assumes 20 trips per month, 14.5 cents per mile, 12 roundtrip miles, $1.00 processing fee for mailing monthly statements for Video Billing Payment "Cash Option" and TxTag® accounts, 45 percent toll rate premium for Video Billing Payment "Cash Option," and $1.50 for mailing monthly statements for TollTag® accounts.
(3) Potential First Month Cost = Up-front User Cost + Monthly Toll Cost + Total Potential Penalties.
(4) Monthly poverty level income of $1,720 is based on 2007 poverty level income of $20,650.
(5) Fee associated with an expired credit/debit card for TollTag® prepaid "credit user" or the account falls below $0 for TollTag® "cash users."

Comment 2-3 (Commentor 259)
While SH 121 is only one of many proposed new toll roads, it is noted in the re-evaluation that 30 percent of the proposed transportation network would be toll roads in the Metroplex [in 2030]. How would this large percentage of toll roads affect the low-income population and environmental justice cumulative? This is a significant shift in

transportation availability to the low-income and poverty percentage in the metroplex. How would this affect their ability to obtain jobs and get to and from work? Please quantify this impact.

Response
The NCTCOG is the metropolitan planning organization responsible for transportation planning in the region including the proposed project. The NCTCOG's long range metropolitan plan (*Mobility 2030*) includes an environmental justice analysis. Specifically, NCTCOG did an accessibility analysis (travel time) comparing the No-Build and Build 2030 roadway and transit networks for various environmental justice and non-environmental justice groups. The analysis concludes that the 2030 plan does not adversely impact protected populations disproportionately when compared to unprotected class populations. However, this analysis did not consider the impacts of tolls.

The anticipated 30 percent toll lane-mile projection (2030) is based upon "highway" lane-miles. The projected increase of toll lane-miles suggests an emerging regional tolling network is developing. SH 121, as an element of the system of toll roads now being developed for the greater-DFW area, contributes to a cumulative impact on low-income users of the system.

The re-evaluation provides an example cost of utilizing the proposed 2030 toll system in the indirect and cumulative impacts analysis. If one were to assume usage of the entire 2030 proposed 419-mile toll system at an estimated toll rate of 14.5 cents per mile, the total cumulative cost for one complete trip would be approximately $60.75 (2010 future value). Although it is likely that a user may routinely travel on one or more elements of the toll system en-route to and from various destination points throughout the city, it is unlikely that the user would travel the entire length of those elements. Further, given the lay-out and orientation of the regional system, it is virtually inconceivable that a driver would routinely travel the entire length of the entire system during the course of normal activities.

System-wide improvements, including the proposed Toll Project, would provide the region with improved mobility, creating a more reliable transportation network in terms of travel time (LOS), and construction/improvement of additional non-toll alternatives such as frontage roads and Regional Toll Revenue Funding Initiative projects. These system-wide benefits would enhance all types of trips, including work related trips, made by users of the system.

CATEGORY 3: AIR QUALITY/POLLUTION

Comment 3-1 (Commentor 259)
Are any of these MSATs listed in Table 5-6 of the re-evaluation produced from any of the factories or businesses in existence along SH 121 today? If so, were they taken into account in these calculations?

Response
None of the MSATs listed in Table 5-6 were produced by the factories or businesses in existence along SH 121. The MSAT loads calculated and reported in Table 5-6 (now Table 5-7) were determined for compounds emitted from highway vehicles and for comparison purposes among scenarios. It is not reflective of air toxics in the area, which would include other sources such as non-road mobile sources (e.g., airplanes), area sources (e.g., dry cleaners), and stationary sources (e.g., factories or refineries). However, Table 5-3 (now Table 5-4) presents the local monitor data for air toxics nearest to the Toll Project, which does include toxic air emissions from all sources, both mobile and stationary.

Comment 3-2 (Commentor 259)
SH 121 as a toll facility is "not" consistent with the areas financially constrained long-range plan known as Mobility 2025. However, it would be in *Mobility 2030* but this document is not anticipated to receive air quality conformity until Spring/Summer 2007. How can TxDOT award the contract to Cintra without air quality conformity? How can work proceed without this? No other City, County or TxDOT project with federal dollars has been allowed to proceed by TxDOT or NCTCOG without completed these two processes. The long-range conformity determination and US DOT TIP are not expected to be approved until the May/June timeframe.

How can this Environmental Assessment be approved prior to these documents being approved? Has the STIP been approved yet? If not, how can the projects proceed to construction?

Response
As required under Section 176(c)(4) of the Clean Air Act Amendments (CAAA) of 1990, MPOs and the U.S. Department of Transportation (U.S. DOT) are tasked to make conformity determinations on transportation plans and transportation improvement programs before they are adopted, approved, or accepted in air quality nonattainment areas. SH 121 is listed in the *Mobility 2030: Metropolitan Transportation Plan (MTP)* and FY 2006-2008 TIP which the United States Department of Transportation (US DOT) found to conform to the SIP on June 12, 2007. The proposed Toll Project is also included in the Draft 2008-2011 STIP which should be approved by FHWA/Federal Transit Administration (FTA) in October of 2007.

Most importantly, TxDOT has not awarded a contract. In February 2007, TxDOT announced that from the proposals it received, the one submitted by Cintra provided the apparent best value. As stipulated in TxDOT Minute Order 110863, the final award of the contract subject to, and effective upon the concurrence of, all of the following:
1) the successful completion of negotiations;
2) concurrence in award by FHWA and any other applicable FHWA approvals as identified by TxDOT, including FHWA's acceptance of the FONSI Re-evaluation;

3) receipt by TxDOT of all of the documents and payment required to be provided under the RFP prior to execution of the CDA; and
4) mutual execution and delivery of the CDA by the Executive Director of the TxDOT and the Proposer.

However, on August 23, 2007 the Texas Transportation Commission (TTC) approved Minute Order 111029 which cancelled the procurement with Cintra for the development, financing, design, construction, operation, and maintenance of the SH 121 toll project from Business SH 121 to US 75. The TTC also approved Minute Order 111030 which authorizes TxDOT's Executive Director to enter into a contract with the NTTA (Public Sector Comparator) to develop, finance, design, construct, operate, and maintain SH 121 upon environmental clearance.

TxDOT would not award the contract or proceed to construction until environmental clearance is obtained.

Comment 3-3 (Commentor 259)
Where is the location of the highest CO emissions readings in 2011 that you recorded?

Response
To clarify, CO emissions are not "readings" but computer model results based on worse-case conditions. Because 2030 traffic network data was received after the January 2007 re-evaluation, the analysis has been updated. The highest modeled CO concentration for 2015 Build-toll occurred along the right-of-way line between Preston Rd. and Ohio Dr. The location of the highest modeled CO concentration for the 2030 Build-non-toll scenario is between Coit Rd. and Independence Pkwy. The results indicate a slight decrease in the 1-hr and 8-hr CO concentrations when compared to the January 2007 reported values. The lower results are expected because NCTCOG 2030 traffic numbers are lower than the traffic projections utilized in the January 2007 re-evaluation. In addition, vehicle technology and fuels continue to improve leading to less CO emissions. See table below for updated CO results.

TABLE 5-2
CARBON MONOXIDE CONCENTRATIONS*
(FROM REVISED RE-EVALUATION)

Year	1 HR CO (ppm) *	1 HR % NAAQS	8 HR CO (ppm) *	8 HR % NAAQS
2015 Build-toll**	4.5	12.9	2.8	30.9
2030 Build-toll	4.6	13.1	2.9	31.6
2030 Build non-toll	4.7	13.4	2.9	32.2

*The NAAQS for CO is 35 ppm for 1 hour and 9 ppm for 8 hours. Analysis includes a 1 hour background concentration of 3.7 ppm and an 8 hour background concentration of 2.3 ppm.
**Determination of CO emission concentrations for the 2015 Build-non-toll scenario was not completed because the 2025 MTP represented mainlanes open to traffic by 2025.

Comment 3-4 (Commentors 1, 61, 259)
The environmental document states that no MSATs were found to have elevated levels within Dallas County during 2005. What about Collin County?

Response
As stated on pages 20 and 21 of the January 2007 re-evaluation, a search of air monitors in Collin County, near the project area, resulted in one site containing data for the criteria air pollutants, not MSAT data; therefore, it was necessary to provide MSAT information from monitors in Dallas County. FHWA/TxDOT rely upon air monitors operated by the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ). In an evaluation of these monitors, the closest MSAT monitor to the project was located in Dallas County. The closest sites to the project provided the MSAT information reported on Table 5-3 of the January 2007 re-evaluation. Modifications to the re-evaluation include updating Table 5-3 (now Table 5-4) to reflect annual data for 2006, and the elimination of the sentence stating that "no MSATs were found to have elevated levels within Dallas County." This statement was eliminated because presently, EPA has not developed air quality standards for MSATs for comparison with local monitor data. Therefore, an assessment of the effects of MSAT emissions impacts cannot be made at the project level. EPA has developed and will continue to develop rules and regulations designed to reduce emissions in the region.

TABLE 5-4: LOCAL MONITOR DATA FOR AIR TOXICS (FROM REVISED RE-EVALUATION)

Air Monitor Site	Activation Date	Annual Average ozone (ppm) 2006 (Standard is a 3 year average which must be 0.08 ppm or below)	Annual Average - PM_{10} 2006	Annual Average - $PM_{2.5}$ 2006	Annual Average - NO 2006	Annual Average - Lead 2006	Annual Average - Acetaldehyde (ppb) 2006	Annual Average - Acrolein (ppb) 2006	Annual Average - Benzene (ppb) 2006	Annual Average - 1,3 Butadiene (ppb) 2006	Annual Average - Formaldehyde (ppb) 2006	Approximate Distance (miles) from the proposed Toll Project
48-085-0003	1/1/84	N/A	N/A	N/A	N/A	0.59	N/A	N/A	N/A	N/A	N/A	4 mi
48-085-0005	5/7/92	0.063 389	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 mi
48-085-0007	14/1/94	N/A	N/A	N/A	N/A	0.36	N/A	N/A	N/A	N/A	N/A	4 mi
48-113-0069-43503-5	1/1/86	N/A	N/A	N/A	N/A	N/A	1.911	N/A	N/A	N/A	N/A	19 mi
48-113-0069-43505-5	1/1/86	N/A	N/A	N/A	N/A	N/A	N/A	0.145	N/A	N/A	N/A	19 mi
48-113-0069-45201-10	1/1/86	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.271	N/A	N/A	19 mi
48-113-0057-45201-1	1/1/82	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.79	N/A	N/A	22 mi
48-113-0057-43218-1	1/1/82	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.128	N/A	22 mi
48-113-0069-43502-5	1/1/86	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3. 008	19 mi

Source: EPA www.epa.gov/air/data (March 2007).
Note- EPA disclaimer regarding these data: "Readers are cautioned not to infer a qualitative ranking order of geographic areas based on Air Data reports. Air pollution levels measured in the vicinity of a particular monitoring site may not be representative of the prevailing air quality of a county or urban area. Pollutants emitted from a particular source may have little impact on the immediate geographic area and the amount of pollutants emitted does not indicate whether the source is complying with applicable regulations."

Comment 3-5 (Commentors 1, 61, 118, 259)
According to the re-evaluation, populations living near major roadways had generally lower income and education levels. However, you did not study any residential housing within 500 meters of corridor. There are residential areas in the City of Frisco within 500 meters of SH 121. What other residential locations should be studied if any?

Since you state that the wind direction and speed affects this, what studies were done to see what increased effect the toll road would have on the residents of Frisco (and the other communities) along Snowshill Dr. near the vicinity of SH 121 between Independence and Custer? There are residents in the vicinity and due to the wind speed and direction that should be affected by this construction.

Were any specific locations studied regarding elevated pollution levels due to this issue? Increased levels of particulate matter and air toxics will have a particularly high impact on areas closest to the frontage road.

Response

As stated in the re-evaluation, according to the American Housing Survey of 2001, populations living near major roadways have lower income and education levels. The purpose of the statement was to explain that there are other factors besides proximity to a major roadway that contribute to the lack of professional scientific consensus regarding which MSATs and what concentration levels would impact health. Both of these factors (lower income and education level) have also been found to be associated with lack of adequate health care (including prenatal care), and increased early mortality in addition to other negative health effects. The lack of professional consensus on concentration levels needed to impact health is evident. What can be determined fairly consistently among the research is the tendency for pollutant levels to drop off substantially as the distance from the roadway increases. Assigning a causal relationship between roadways and pollutants can be difficult. Air quality studies were not performed at any specific residential areas within a 500 meter distance from the corridor because although localized increases in MSAT concentrations are possible, the magnitude and the duration of these potential increases cannot be accurately quantified due to the inherent deficiencies of current computer models. In addition, the concentrations of pollutants decrease greatly at approximately 328 ft (100 meters) from the roadway. By 500 meters (1,640 ft), most studies cannot accurately distinguish between background levels of a given pollutant and elevated levels that may be attributed to roadway pollution. Additionally, wind direction and wind speed, vehicle traffic levels, and roadway design, can each complicate the determination of the exact origin of any given pollutant given the relationship between roadway generated emissions and background levels of pollutants. This limitation of existing models prevents further localized studies from being performed on particular residential areas and therefore localized studies cannot be recommended for further study.

The air quality studies performed to determine the effect of the toll road on the residents of Frisco (and the other communities) include a CO air quality analysis in accordance with *TxDOT's Air Quality Guidelines (June 2006)* and a quantitative MSAT analysis. The CO analysis modeled 1-hr and 8-hr CO concentrations for the worst case scenario (i.e., along the right-of-way line) for opening year and design years. The analysis concluded that local concentrations of CO are not expected to exceed NAAQS for any of the modeling years. A quantitative MSAT analysis was performed to calculate the emissions for the six priority pollutants within an area that includes the communities of Frisco, Allen, McKinney, Plano and Fairview for the Build and No-Build alternatives of the project.

The air quality analysis for the proposed Toll Project did not result in "elevated pollution levels" as mentioned by the commentor. For the purpose of this response, it is assumed that the term "elevated pollution levels" refers to those levels exceeding the established NAAQS. The CO analysis was performed at the following three specific locations along the SH 121 right-of-way line. These are:

1) Sta. 757+50 between Preston Rd. and Ohio Dr.;

2) Sta. 905+00 between Coit Rd. and Independence Pkwy.; and
3) Sta. 1200+00 between Lake Forest Dr. and Hardin Blvd.

The model took into account worst-case meteorological conditions every 30 degrees of wind direction, with a CO background concentration of 1.8 ppm and the 2015 and 2030 design hourly traffic volume. The location with the highest modeled CO concentration is reported in the revised re-evaluation.

Regarding the statement about the increased levels of particulate matter and air toxics having a particularly high impact on areas closest to the frontage road: In the case of SH 121, if the main lanes are constructed and, as a result, there is an increase in VMT, the localized level of MSAT emissions for the Build scenarios could be higher relative to the No-Build scenario; however, this could be offset due to reductions in congestion (which are associated with lower MSAT emissions). As shown in former Table 5-6 (now Table 5-7) from the re-evaluation, total MSAT emissions in 2030 are estimated to be the highest for the Build-non-toll (0.140 ton/day), followed by the Build-toll and No-Build scenarios (0.139 ton/day and 0.134 ton/day respectively). The Build-non-toll 2030 results in the highest MSAT emissions partly because of the greater number of vehicles (higher VMT).

TABLE 5-7: MASS OF MSAT EMISSIONS IN TONS/DAY (FROM REVISED RE-EVALUATION)

Scenario	Associated VMT	Acetaldehyde	Acrolein	Benzene	1,3-Butadiene	DPM	Formaldehyde	TOTAL* (tons/day)
Base 2007	7,967,693	0.038	0.002	0.118	0.017	0.062	0.049	0.286
No-Build 2015	9, 357,093	0.020	0.001	0.063	0.009	0.018	0.027	0.137
Build-toll 2015*	9,758,167	0.020	0.001	0.065	0.009	0.020	0.028	0.143
No-Build 2030	14,394,790	0.021	0.002	0.063	0.009	0.010	0.030	0.134
Build-toll 2030	15,268,964	0.022	0.002	0.065	0.009	0.010	0.031	0.139
Build-non-toll 2030	15,375,084	0.022	0.002	0.065	0.009	0.011	0.032	0.140

* Determination of MSAT emission concentrations for the 2015 Build-non-toll scenario was not completed because the 2025 MTP represented mainlanes open to traffic by 2025.

On a regional basis, EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than today. Air toxics analysis is a continuing area of research. While much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques for assessing project-specific health impacts from MSATs are limited. Because of these uncertainties, an assessment of the effects of MSAT emissions impacts on human health cannot be made at the project level. While available tools do allow us to predict relative MSAT emission changes between alternatives for a proposed project of this magnitude,

the amount of MSAT emissions from each of the project alternatives are presented here for consideration of alternatives and for disclosure purposes and are not intended for estimating potential human exposure or health impacts.

Comment 3-6 (Commentor 259)
The Major Investment Study (MIS) or alternatives analysis was used as part of the MSAT modeling process. What established the boundaries of the MSAT Buffer Study Areas? You state you used three scenarios all for the year 2030. However, all of your traffic volumes were generated for 2025. Shouldn't these traffic volumes match to compare emissions? Otherwise you are comparing 2030 numbers versus 2025 numbers.

Response
The NCTCOG Travel Shed Corridor for SH 121 was used in the January 2007 re-evaluation to determine MSAT emissions for the proposed Toll Project. This area is used by NCTCOG to evaluate alternatives, performance measures, and guide the MTP development and represents a zone of traffic influence around SH 121. For the purpose of the January 2007 analysis, three scenarios were modeled:

- "Base" or existing condition (2007);
- "Build 2030" or toll scenario in 2030; and
- "No-Build 2030" or No-Build scenario in 2030.

In order to represent the effect of the project's MSAT emissions on a regional basis, the MSAT study area was modified to reflect an affected transportation network. The SH 121 affected transportation network includes the proposed network links and other transportation model links reflecting a plus or minus 5 or greater percent change in traffic volume between the Build and No-Build scenarios for the years 2015 and 2030. The plus or minus 5 percent threshold was adopted as the basis to determine the affected transportation network study area and was coordinated with and approved by FHWA. Because the 2007 base year scenario represents the existing condition, the affected transportation network for 2007 is composed of those links determined to change plus or minus 5 or greater percent in 2015 and 2030 and which currently exist in the 2007 network. The resulting affected transportation network for years 2015 and 2030 includes those links determined to change plus or minus 5 or greater percent in 2015 and 2030, which are also included in the 2015 and 2030 networks respectively. The parameters used to characterize the travel activity utilized in the analysis included directional speeds and traffic volumes for the AM peak period, PM peak period and off-peak period.

An intermediate year scenario, 2015, was included to represent the estimated time of completion (opening year) and was analyzed to offer an additional comparison year for MSAT trends.

Because an additional traffic year was incorporated and in the analysis and the traffic data utilized was revised, the modeled scenarios changed from three to six. For the purpose of the revised re-evaluation analysis, six scenarios were modeled:

- "Base" or existing condition (2007);
- "Build-toll 2015" or toll scenario in 2015;
- "No-Build 2015" or no-build scenario in 2015;
- "Build-toll 2030" or toll scenario in 2030;
- "Build-non-toll 2030" or non-toll scenario in 2030; and
- "No-Build 2030" or no-build scenario in 2030.

In summary, the MSAT results were updated in the revised re-evaluation to reflect the modified MSAT study area, traffic volumes, emission rates and scenarios.

No comparisons of 2030 numbers versus 2025 numbers were made. The 2030 traffic volumes used in the 2007 re-evaluation were projected from the NCTCOG generated 2025 volumes, as they were available at the time. Since then, the approved 2030 traffic network became available and was utilized for the revised MSAT analysis. The total MSAT emissions were predicted to decline by 30 percent from 2007 to 2030 in the January 2007 re-evaluation. The total MSAT emissions were predicted to decline by at least 51 percent from 2007 to 2030 in the revised re-evaluation. The results indicate a decrease in the total MSAT emissions in the revised re-evaluation when compared to the January 2007 re-evaluation partly because NCTCOG 2030 traffic numbers were lower than the traffic projections utilized in the January 2007 re-evaluation. Additionally, revised emission factors were received from NCTCOG and utilized in the revised analysis.

Modeled CO concentrations were re-calculated using the recently obtained 2015 (opening year) and 2030 (design year) updated NCTCOG traffic data. The results indicate a slight decrease in the 1-hr and 8-hr modeled CO concentrations when compared to the January 2007 reported values. The lower results are expected because the actual NCTCOG 2030 traffic network numbers were lower than the 2025 traffic volumes that were projected to the 2030 design year and originally used in the January 2007 re-evaluation.

Comment 3-7 (Commentor 259)
What air toxics were studied as part of this re-assessment? What air toxics exist in the corridor? What air toxics would increase as a result of the SH 121 toll road?

Response
The air toxics studied in the re-evaluation are the EPA's six priority mobile source pollutants. EPA has prioritized these six MSATs as they are of the most concern to human health, these include: acetaldehyde, acrolein, benzene, 1,3 – butadiene, diesel particulate matter and formaldehyde. All six, and several dozen other air toxics of lesser concern exist in the corridor as they are emitted to the air from on-road mobile sources. In addition, area and point source emissions, which were not analyzed in this re-evaluation, may also contribute to air toxics in the corridor.

Compared to the base year, all MSATs will decrease for both the Build-toll and No-Build options in 2015 and 2030. Each MSAT, except for benzene, DPM, and formaldehyde in 2015, would stay the same when compared to the No-Build alternative. However, total MSATs would decrease as a result of the proposed Toll Project (Build-toll alternative) when compared to the base year. The MSAT analysis for the re-evaluation concludes that air toxics would decrease in the future. The total MSATs for the 2030 Build-non-toll and Build-toll scenarios would decrease by approximately 51 percent when compared to the 2007 base year scenario (or existing conditions).

In an ongoing review of MSAT, the EPA finalized additional rules under authority of CAA Section 202(l) to further reduce MSAT emissions. The EPA issued Final Rules on Control of Hazardous Air Pollutants from Mobile Sources (72 FR 8427, February 26, 2007) under Title 40 Code of Federal Regulations Parts 59, 80, 85 and 86. As a result of this review, EPA adopted the following new requirements to significantly lower emissions of benzene and the other MSATs by: (1) lowering the benzene content in gasoline; (2) reducing non-methane hydrocarbon (NMHC) exhaust emissions from passenger vehicles operated at cold temperatures (under 75 degrees); and (3) reducing evaporative emissions that permeate through portable fuel containers. A summary of the benefits of this rule are provided below, based on information provided by EPA in the preamble to the rule.

Beginning in 2011, petroleum refiners must meet an annual average gasoline benzene content standard of 0.62 percent by volume, for both reformulated and conventional gasolines, nationwide. The national benzene content of gasoline in 2007 is about 1.0 percent by volume; however due to the ozone nonattainment SIP, benzene content in gasoline sold in the DFW area is 0.64 percent in winter and 0.48 percent in summer. EPA standards to reduce NMHC exhaust emissions from new gasoline-fueled passenger vehicles will become effective in phases. Standards for light vehicles become effective during the period of 2010 to 2013 and standards for heavy vehicles during the period of 2012 to 2015. Evaporative requirements for portable gas containers become effective with containers manufactured in 2009. Evaporative emissions must be limited to 0.3 grams of hydrocarbons per day.

In addition, EPA has adopted more stringent evaporative emission standards for new passenger vehicles. The new standards are equivalent to current California state standards, and become effective in 2009 for light vehicles and in 2010 for the heavy vehicles. In addition to the reductions from the 2001 rule, the new rules will significantly reduce annual national MSAT emissions. For example, EPA estimates that emissions in the year 2030, when compared to emissions in the base year prior to the rule, will show a reduction of 330,000 tons of MSATs (including 61,000 tons of benzene), reductions of more than 1,000,000 tons of volatile organic compounds, and reductions of more than 19,000 tons of $PM_{2.5}$.

Comment 3-8 (Commentor 5)
Both of my children have developed Attention issues. A hair analysis done was done and they have high platinum and chromium in their body tissue. According to the lab results, the primary and almost only way to acquire these elements is through inhalation of automobile fumes. How many children in Smith elementary test positive for platinum and other elements?

Response
Attention issues, hair analysis, and the question on how many children test positive for platinum and other elements at Smith Elementary School is beyond the scope of the analysis conducted for the proposed Toll Project. However, the comment on inhalation of automobile fumes warrants the following discussion: neither platinum nor chromium is listed under the six priority MSAT air toxics regulated by the EPA. In fact, platinum is not a Mobile Source Air Toxic. However, chromium compounds are MSATs, but presently not considered one of the six EPA priority MSAT pollutants. An excerpt from the February 26, 2007, EPA MSAT Rule, page 8460 indicates that:

"Oil consumption and engine wear have decreased over the years, decreasing emissions of metals from these sources. We believe that currently, particulate matter traps, in combination with engine-out control, represent the maximum feasible particulate matter and toxic metals present as a component of the particulate matter. The mobile source contribution to the national inventory for metal compounds is generally small. In fact, the emission rate for most metals from motor vehicles is small enough that quantitative measurement requires state-of-the-art analytical techniques that are only recently being applied to this source category. We have efforts underway to gather information regarding trace metal emissions, including mercury emissions, from motor vehicles."

Research into the health impacts of MSATs is ongoing. For different emission types, there are a variety of studies that show that some either are statistically associated with adverse health outcomes through epidemiological studies (frequently based on emissions levels found in occupational settings), or that animals demonstrate adverse health outcomes when exposed to large doses. Exposure to toxics has been a focus of a number of EPA efforts. Most notably, the agency conducted the National Air Toxics Assessment (NATA) in 1996 to evaluate modeled estimates of human exposure applicable to the county level. While not intended for use as a measure of or benchmark for local exposure, the modeled estimates in the NATA database best illustrate the levels of various toxics when aggregated to a national or State level.

EPA has not developed air quality standards for MSATs, and an assessment of the effects of MSAT emissions impacts cannot be made at the project level. However, EPA has developed and will continue to develop rules and regulations designed to reduce emissions in the future.

For more information regarding specific pollutants in your area please contact your local Texas Health Department office in Arlington, Texas at (817) 264-4500, the Fort Worth TCEQ office at (817) 588-5800 or the EPA Region 6 at (214) 665-7200.

Comment 3-9 (Commentor 5)
Can inflammation symptoms come from a response to pollutants? How can each pollutant element affect our health? Can any of these pollutants cause night awakenings?

Response
While this comment is beyond the scope of the analysis conducted for the proposed Toll Project, this re-evaluation does include a discussion on potential health effects associated with the priority MSATs. Presently, it is not known at what concentration a given pollutant may result in a negative health effect or other conditions. In the EPA Final Rules on Control of Hazardous Air Pollutants from Mobile Sources (72 FR 8427, February 26, 2007) under Title 40 C.F.R. Parts 59, 80, 85 and 86, EPA acknowledges studies that have reported that proximity to roadways is related to negative health outcomes, particularly respiratory problems, but at this time EPA is unable to determine conclusively which MSAT emissions cause which symptoms, at what concentrations, and how other factors, such as lack of health care may contribute to adverse health effects. Thus, at this time, it is not possible to determine whether MSATs, the criteria pollutants, other factors, or the combination of all, are responssible for the negative health outcomes.

Comment 3-10 (Commentor 5)
Is it more likely that the children's bodies are affected from pollutants in the school or home?

Response
This question is beyond the scope of the analysis conducted for the propsed Toll Project.

Comment 3-11 (Commentor 5)
Is Smith Elementary's heating, ventilating, and air conditioning (HVAC) system capable of handling the pollutants of SH 121?

Response
This question is beyond the scope of the analysis conducted for the proposed Toll Project.

Comment 3-12 (Commentor 5)
Would the HVAC system be able to provide good air quality once the tollway invites more traffic?

Response
This question is beyond the scope of the analysis conducted for the propsed Toll Project.

Comment 3-13 (Commentor 5)
Is it advisable to have elementary school children attend school so close to SH 121? What are the effects of pollutants on various age children – i.e. elementary vs. middle school? And how do these effects compare to adults?

Response
The analysis conducted for the propsed Toll Project can not provide the level of advice requested by the Commentor and is beyond the scope of the analysis conducted. However, this re-evaluation included a sensitive receptor assessment for which sensitive populations were identified, field verified, and the distance from the right-of-way to each receptor was measured and noted. Sensitive receptors include those locations with high concentrations of sensitive populations such as public and private schools, hospitals, senior citizen/skilled-nursing care facilities, and licensed daycare facilities. The assessment consists of the identification of sensitive receptors within a 328 ft (100 meters) and 1,640 ft (500 meters) distance along the re-evaluation limits, in this case SH 121 between FM 423 to US 75 and include the SH 121 at US 75 interchange. Results of the assessment indicate that there are six sensitive receptors within 1,640 ft (500 meters) of the right-of-way including: Children's Garden Montessori Academy, Medical Center of McKinney, Medical Center at Craig Ranch, Bert & Eloise Isbell Elementary School, Centennial Medical Center, and Warren Montessori School.

Although some recent studies have reported that proximity to roadways is related to adverse health outcomes -- particularly respiratory problems[4]; much of this research is not specific to MSATs. Currently, FHWA cannot evaluate the validity of these studies, but more importantly, these studies do not provide information that would be useful to alleviate the uncertainties encountered during exposure assessments. Exposure assessments are difficult because it is not easy to accurately calculate annual concentrations of MSATs near roadways, and to determine the portion of a year that people are actually exposed to those concentrations at a specific location. This and other uncertainties do not enable FHWA to perform a more comprehensive evaluation of the health impacts specific to this project. In addition, EPA has not developed health based standard for MSATs, and instead has focused on regulation to significantly reduce on-road and non-road MSAT emissions nationwide. It can be said that on a regional basis,

[4] South Coast Air Quality Management District, Multiple Air Toxic Exposure Study-II" (MATES II) (2000); Highway Health Hazards, The Sierra Club (2004) summarizing 24 studies on the relationship between health and air quality; NEPAs Uncertainty in the Federal Legal Scheme Controlling Air Pollution from Motor Vehicles, Environmental Law Institute, 35 ELR 10273 (2005) with health studies cited therein; the US 95 Nevada Study and associated case law; and Health Effects of Particulate Matter and Ozone Air Pollution (2004), California Environmental Protection Agency - Air Resources Board.

EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than they are today.

Comment 3-14 (Commentor 5)
What amounts of pollutants come off a road during construction? What are the unique particulates to construction that we can expect – diesel fuel equipment, tar going down?

Response
TxDOT does not use tar for highway construction projects. Construction equipment is categorized by EPA as "non-road" and is sometimes referred to as "off-road" or "off-highway" equipment. Other types of "non-road" equipment include outdoor power equipment, recreational vehicles, farm equipment, lawn and garden equipment, marine vessels, and locomotives. The pollutants emitted by this equipment includes NOx, hydrocarbons (HC), CO and PM. The 1990 ammendments to the CAA directed the study of the contribution of non-road engines to urban air pollution, and their regulation if they contributed to air quality problems. In 1991 EPA performed a study that concluded that non-road engines had total emissions almost as high as on-road motor vehicles. In the case of PM, non-road emissions were significantly higher than on-road emissions.

In response, EPA adopted the first set of emission standards "Tier 1" for non-road equipment larger than 50 horsepower. The "Tier 1" standards were phased in for different engine sizes between 1996 and 2000 reducing NOx emissions from these engines by 30 percent. Since then, EPA has adopted more stringent standards for NOx, HC and PM from new non-road diesel engines, which include the "Tier 2" standards for all size engines and the "Tier 3" standards for engines between 50 and 750 horsepower from 2006 to 2008. These standards will further reduce non-road diesel engine emissions by 60 percent for NOx and 40 percent for PM from Tier 1 emission levels.

Other initiatives to reduce non-road equipment emissions include the Texas Emission Reduction Plan (TERP). In 2001, the Legislature established the TERP, which is a comprehensive set of incentive programs aimed at improving air quality in Texas. The TCEQ administers TERP grants and other TERP financial incentives.

The construction of SH 121 may temporarily degrade air quality through dust and exhaust gases associated with construction equipment. Measures to control fugitive dust would be considered and incorporated into the final design and construction specifications.

Comment 3-15 (Commentor 5)
What specific type and quantity of pollutants are attributed to automobiles/gasoline vs. diesel?

Response
All six MSATs analyzed in the re-evaluation [acetaldehyde, acrolein, benzene, 1, 3-butadiene, formaldehyde and particulate matter (PM)] are attributed to both gasoline and diesel powered vehicles. The quantities and percent emitted by fuel type were estimated for Collin County and are listed in the table below. Particulate Matter (PM) is emitted by diesel vehicles only.

MSAT QUANTITIES for COLLIN COUNTY (TONS/DAY)*

MSAT	Quantity Emitted by Gasoline Vehicles	% Emitted by Gasoline Vehicles	Quantity Emitted by Diesel Vehicles	% Emitted by Diesel Vehicles
DPM	0.000	0%	0.174	100%
Benzene	0.204	98%	0.004	2%
1,3-Butadiene	0.028	92%	0.002	8%
Formaldehyde	0.068	70%	0.029	30%
Acetaldehyde	0.059	85%	0.011	15%
Acrolein	0.003	69%	0.001	31%
Total	**0.362**	**N/A**	**0.221**	**N/A**

Source: NCTCOG 2007 transportation network.
*The emissions reported in this table include all on-road gasoline vehicle types and all diesel vehicle types for Collin County.

Comment 3-16 (Commentor 5)
Is there a difference in the amount of pollutants expected at different speeds, i.e., cars idling at a stoplight versus 65 miles per hour (mph)?

Response
Yes. The EPA provides a mobile emission factor model (MOBILE6.2) that allows for quantification of vehicle exhaust. Generally, lower amounts of MSATs (with the exception of DPM), NOx, VOC, and CO emissions are found at moderate speeds, higher levels at congested (stop and go) speeds and very high speeds. The EPA model does not provide a method to assess DPM emissions at different speeds from diesel engines. This is a limiting factor of this model.

Comment 3-17 (Commentors 1, 5)
What is the current tons/concentration given off for specifically the 500 meter impact radius in Frisco and what is the increase of tons released expected? What number of cars is that number (increase in pollutant tons) based on? Does the radius of impact change with the speed of cars? What is the radius of impact now – 500 meters or miles? Would it change with the addition of traffic? What streets would be impacted?

Response
No specific quantification was performed for the 500 meter "impact radius" Frisco area alone. The MSAT analysis was performed for the SH 121 "affected transportation network" study area which includes the roads within not only the Frisco area, but also the roads within the entire NCTCOG MPA. This area consists of 5,000 square miles and encompasses five entire counties (Collin, Dallas, Denton, Rockwall, and Tarrant Counties) and four partial counties (Ellis,

Johnson, Kaufman, and Parker Counties). The quantitative MSAT analysis of the re-evaluation resulted in a total of 0.286 ton/day of pollutants (MSAT) in 2007, 0.143 ton/day for the Build-toll scenario in 2015, and 0.139 ton/day for the Build-toll scenario in 2030 which represents a decrease in MSAT emissions of at least 51 percent from 2007 to 2030. The number of cars (vehicles per day) within the affected transportation network associated with the total emissions is shown below.

TOTAL TRAFFIC DATA PER SCENARIO

Scenario	Traffic (vehicles per day)
Base 2007	17,536,194
Build-toll 2015	23,486,961
No-Build 2015	22,718,160
No-Build 2030	33,026,615
Build-toll 2030	34,035,238
Build-non-toll 2030	34,200,554

By "radius of impact" it is assumed that the commentor is referring to the 500 meter distance used to perform the sensitive receptor assessment in the re-evaluation. The 500 meter distance is measured from the roadway right-of-way at which (according to most studies) the levels of pollutant cannot be distinguished between background levels and the elevated levels resulting from roadway pollution. It represents a constant distance from the right-of-way. Unless the location of the roadway project changes, this distance would stay the same. Streets would not be impacted because as previously stated, total MSAT emissions would decrease over time.

Comment 3-18 (Commentor 5)
Does the orientation of the house make a difference in home air quality?

Response
This question is beyond the scope of the analysis conducted for the propsed Toll Project.

Comment 3-19 (Commentor 5)
Do particulates going into the streams nearby change the composition of the stream? Do these particulates create a hostile environment for the life in the streams? Are the streams more likely to get moldy due to pollutants? What factors influence whether dangerous fungi in streams blow into homes?

Response
The water quality of wetlands and waters of the state should be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the general, narrative, and numerical criteria. No water features, natural and/or constructed, would be affected by the propsed Toll Project.

Measures to minimize water quality impacts from construction activities would be achieved by implementing best management practices (BMPs) and complying with the Texas Pollutant Discharge Elimination System (TPDES).

The SH 121 improvements that are currently under construction comply with the Clean Water Act (CWA) Section 401 Water Quality Certification requirements with one best management practice from each of the three BMP categories for Tier I projects. These include block sod for erosion control, detention basins for sedimentation control, and vegetative filter strips for total suspended solids (TSS) controls. These measures are designed to minimize the possibility of creating a hostile environment for the life in the streams. Therefore, it is unlikely that the streams will get "moldy" due to pollutants.

According to EPA, molds reproduce by means of tiny spores, which are invisible to the naked eye and float through outdoor and indoor air. Mold may begin growing indoors when mold spores land on surfaces that are wet. The determination of which factors influence whether dangerous fungi in streams blow into homes is beyond the scope of the analysis conducted for the propsed Toll Project. However, based on the MSAT analysis results performed for the propsed Toll Project, it is unlikely that the streams nearby would experience an increase in particulates that could be associated with the propsed Toll Project; as particulate emissions from roadways are expected to decrease over time.

Comment 3-20 (Commentor 5)
How much impact does the South (S) to North (N) wind direction have on the radius of homes polluted off of SH 121? How much impact does S to N wind have on directing pollution into different orientation of homes?

Response
According to the TCEQ, the wind blows from the South only about 20 percent of the total time. The majority of the time the wind is not directly from the south, meaning wind direction is not constant enough throughout the year to make a determination of the effect of the south to north wind on the direction of the pollution.

Comment 3-21 (Commentor 5)
What are the unique particulates to automobile exhaust that we can expect and what are their potential health hazards?

Response
The air toxics studied in re-evaluation are the EPA's six priority mobile source pollutants which include: acetaldehyde, acrolein, benzene, 1,3 – butadiene, diesel particulate matter and formaldehyde. It is likely that all air toxics exist in the corridor as they are emitted to the air from different sources, which include on-road mobile sources, non-road mobile sources, area sources and stationary sources. The EPA is in the process of assessing the risks of various kinds of exposures to these pollutants. The EPA Integrated Risk Information System

(IRIS) is a database of human health effects that may result from exposure to various substances found in the environment. The following toxicity information for the six prioritized MSATs was taken from the IRIS database Weight of Evidence Characterization summaries. This information is taken verbatim from EPA's IRIS database and represents the Agency's most current evaluations of the potential hazards and toxicology of these chemicals or mixtures.

- Benzene is characterized as a known human carcinogen.
- The potential carcinogenicity of Acrolein cannot be determined because the existing data are inadequate for an assessment of human carcinogenic potential for either the oral or inhalation route of exposure.
- Formaldehyde is a probable human carcinogen, based on limited evidence in humans, and sufficient evidence in animals.
- 1,3-Butadiene is characterized as carcinogenic to humans by inhalation.
- Acetaldehyde is a probable human carcinogen based on increased incidence of nasal tumors in male and female rats and laryngeal tumors in male and female hamsters after inhalation exposure.
- Diesel exhaust (DE) is likely to be carcinogenic to humans by inhalation from environmental exposures. Diesel exhaust as reviewed in this document is the combination of diesel particulate matter and diesel exhaust organic gases.
- Diesel exhaust also represents chronic respiratory effects, possibly the primary noncancer hazard from MSATs. Prolonged exposures may impair pulmonary function and could produce symptoms, such as cough, phlegm, and chronic bronchitis.

Comment 3-22 (Commentor 5)
There was yellowish soot in this house and the air was crunchy when we moved in. Can you assess what the yellow soot composition is? Can you guarantee against or predict when this soot/particulate influx would not overcome the house interior again? What specific measures can we as homeowners take to minimize soot in the house and are there specific times and patterns for these measures?

Response
It is not possible to know if the yellowish substance is soot, pollen, mold or another substance, nor is it within the scope of this Toll Project analysis to assess the source of the yellow substance. Please contact the local TCEQ Regional Office located in Fort Worth at (817) 588-5800 for further assistance in helping analyze what is the source of the substance.

Comment 3-23 (Commentor 5)
Is there really a Mexican garbage burn off in July/August timeframe that carries soot up to Dallas with the S to North wind?

Response
This question is beyond the scope of the analysis conducted for the propsed Toll Project. Contact the local TCEQ Regional Office located in Fort Worth at (817) 588-5800 for further assistance on transport of air pollutants associated with fires in other parts of the world.

Comment 3-24 (Commentor 5)

- Houses on my street have had an extremely high turnover rate. I am the 3rd or 4th owner in a home that was built in 1999. What is the average turnover rate of a home in Frisco?
- Can you do a study to identify the houses/areas with higher than average turnover? Maybe that would be indicative of people moving out for health reasons.
- What is the typical distance for residences in most cities around Dallas?
- Are the installed residential HVAC units capable of handling the amount of particulate in the air now?
- What frequency would residences within impact zone be suggested to clean their ducts to guarantee no ill effects from sick building/home syndrome?
- Is there any funding to make our homes less hazardous to pay for duct cleaning or get special air scrubbing units?
- What are special steps we can take to protect our indoor air quality?
- Considering there are times in the summer that there are red ozone days where we are recommended not to leave the house, would the air quality really be any better if we were to hole up in a house on SH 121?

Response
These questions are beyond the scope of the analysis conducted for the propsed Toll Project as they involve real estate market, health studies and indoor quality studies. Please contact EPA Region VI in Dallas at (214) 665-7200, for more information on indoor air quality.

Comment 3-25 (Commentor 5)
Is it just my experience or is it typical of all Texas homes to have lots of particulates and poor indoor air quality or is it a SH 121 pollution radius issue?

Response
This question is beyond the scope of the analysis conducted for the propsed Toll Project.

Comment 3-26 (Commentors 1, 61, 88, 118, 197, 213, 259)
The document states that "Increased congestion may result in air quality implications as the proposed Toll Project is located in Collin County, which is part of the EPA's designated eight-hour, nine county non-attainment area for pollutant ozone." What implications? It is a material misrepresentation of both the information in the re-evaluation and the reality of the situation. Cars and emissions simply do not disappear; instead they travel at lower speeds on the frontage roads and arterial streets and produce even higher emissions than if they had traveled the mainlanes.

This would also increase congestion and reduce air quality as additional motorists are forced onto the service roads which contain many traffic signals and lower speed limits. The service roads are also at LOS F which is gridlock. These individuals also typically have the oldest, highest polluting vehicles which would further now pollute the air at each signal they must stop. If this is correct, then what air quality implications exist as a result of the proposed Cintra toll rates in year 2030? At the end of the proposed Cintra 50 year contract? Shouldn't all of these issues been addressed as part of the Environmental Assessment given the EPA's concern and the non-attainment area in Collin County?

Response

The propsed Toll Project would have the possibility of both positive and negative "air quality implications." The negative implication includes a potential for the degradation of air quality as one of the indirect effects of tolling over time due to increased congestion along the frontage roads and the acceleration in urbanization that would likely occur from the propsed Toll Project. However, air regulations are anticipated to remain in effect for the duration of any contract that would result if the Toll Project is implemented and would require appropriate mitigation to improve air quality until the ozone standard is attained and then to maintain air quality for the region so it does not revert back to nonattainment. Contractual obligations would include requirements to comply with all existing and future air regulations. A project specific air quality analysis indicates that although congestion could occur along the frontage roads, local concentrations of CO are not expected to exceed NAAQS for opening year or design year and that MSATs would decrease in the future. The total MSATs for the 2030 Build scenarios would decrease by approximately 51 percent when compared to the 2007 base year scenario (or existing conditions). A positive "air quality implication" is that related to the toll scenario for which fewer cars would travel the main lanes and therefore provide relief to the traffic congestion along the main lanes that would otherwise occur under the non-toll conditions. Less congestion translates into less cars traveling at lower speeds or idling conditions, for shorter periods of time during peak periods (heavy traffic), and result in less fuel combustion and lower idling emissions. Another positive implication is that MSAT emissions would be slightly lower for the Build-toll scenario when compared to the Build-non-toll scenario in 2030.

It is correct to assume that emissions "simply do not disappear"; and although vehicles "travel at lower speeds on the frontage roads and arterial streets and may produce even higher emissions" they (the emissions) would decrease over time as automotive design technology continues to improve and older, higher polluting vehicles continue to be retired and replaced with newer, cleaner vehicles. Newer technology vehicles are becoming cleaner with each subsequent model year. In fact, the situation modeled under the No-Build scenario for MSAT assumes that SH 121 is not built and the vehicles that would have traveled along SH 121 would utilize the existing network instead. According to EPA, light duty vehicle emissions would show steady decreases in NO_X emissions from a nine percent reduction in 2004 to a 76 percent reduction by 2030 [EPA, Federal Register: May

13, 1999 (Volume 64, Number 92), Table III.A.3]. This same Regulatory Impact Analysis (RIA) [EPA, Federal Register: May 13, 1999 (Volume 64, Number 92)] indicates a reduction of light duty PM_{10} emission starting with a 36 percent reduction in 2004 to an 80 percent reduction by 2030 [EPA, Federal Register: May 13, 1999 (Volume 64, Number 92), Table III.A-15]. Furthermore, this RIA modeled ambient levels of air toxics (benzene, 1,3- butadiene, formaldehyde, acetaldehyde, and diesel particulate matter) in several large cities, including Texas cities. This analysis concluded that air toxic air emissions from light-duty vehicles would continue the downward trend. This downward trend was also reflected in the MSAT analysis completed for the proposed Toll Project.

In addition, EPA finalized additional rules under authority of CAA Section 202(l) to further reduce MSAT emissions. The EPA issued Final Rules on Control of Hazardous Air Pollutants from Mobile Sources (72 FR 8427, February 26, 2007) under Title 40 Code of Federal Regulations Parts 59, 80, 85 and 86. As a result of this review, EPA adopted the following new requirements to significantly lower emissions of benzene and the other MSATs by: (1) lowering the benzene content in gasoline; (2) reducing non-methane hydrocarbon (NMHC) exhaust emissions from passenger vehicles operated at cold temperatures (under 75 degrees); and (3) reducing evaporative emissions that permeate through portable fuel containers.

Regarding the concern for gridlock along frontage roads and increase in congestion due to the oldest, highest polluting vehicles been "forced" into the service roads: specifics on the users of the frontage roads, such as economic status or the types and age of their vehicles are unknown. However, in order to address congestion, local authorities have local inspection and maintenance (I&M) programs in place, which test for vehicle emissions. Owners of vehicles that fail the test are required by law to repair the vehicles according to state and federal law regulatory requirements. Additionally, a financial assistance program for owners of vehicles that fail vehicle emissions tests is available to those who qualify. The assistance program is called the AirCheckTexas Repair & Replacement Assistance Program and is available to counties that implement a vehicle inspection and maintenance (I/M) program and that elect to implement the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) provisions. A LIRAP would provide for monetary or other compensatory assistance to eligible vehicle owners for repairs directly related to bringing certain vehicles that have failed a required emissions test or toward the purchase of a replacement vehicle. To qualify for the program the vehicle owner should, among other requirements, have a net family income at or below 200 percent of the federal poverty level.

The "air quality implications" such as congestion along the frontage roads, as a result of the Toll Project, were taken into account in both 2015 and 2030 NCTCOG traffic networks that were utilized in the air quality analysis performed and addressed in the re-evaluation. The MSAT analysis accounts for traffic conditions during the peak and off peak periods throughout the day, within the affected transportation network (which includes main lanes, frontage roads and

arterials), for Build and No-Build scenarios. The analysis therefore, takes into account congestion during the morning and afternoon peak periods as well as the associated traffic volumes. Off peak conditions are modeled for the rest of the day. The traffic data used in the analysis is the same data NCTCOG utilizes in the conformity analysis. MSAT pollutant loads are then calculated by applying emission rates obtained from the EPA Mobile vehicle emission factor model. The model takes into account factors such as vehicle emission standards, vehicle populations and activity, and local conditions such as temperature, humidity and fuel quality. The emission rates utilized in the analysis are based on the congested speeds within the affected transportation network. The Build-non-toll scenario would result in higher emissions when compared to the Build-toll or tolling of SH 121 scenario. The analysis concludes that neither scenario (Build-toll or Build-non-toll) would lead to an overall increase in MSAT emissions compared to the base or existing conditions scenario.

Although, the travel networks beyond 2030 (for the scenario year at the end of the proposed 50-year contract) have not been developed for either conformity determination or this re-evaluation, SH 121 and any future projects will continue to be taken into consideration in any transportation conformity analysis beyond 2030. Currently, it is anticipated that the DFW area will reach ozone attainment by June 2010. After this is accomplished, the area would still be subject to the implementation of a maintenance plan to remain in attainment. This includes monitoring of the NOx and VOC budgets for at least 10 years after ozone attainment is demonstrated (time period is subject to EPA discretion); and therefore the responsibility to maintain transportation conformity and compliance with the SIP.

Comment 3-27 (Commentors 118, 132, 259)
In the Air Quality section of the document it states, "Decrease in congestion on tolled mainlanes would likely benefit air quality." However, in the traffic volumes provided in Appendix C, the volumes exceed the capacity in peak hours; therefore this statement is not true since this is the time of day that the region typically exceeds ozone and other air quality measures. This statement should be eliminated.

Response
There are thresholds of performance that would allow NTTA (Public Sector Comparator) to adjust toll rates (if approved by the RTC) and add capacity (if it is consistent with conformity documents and has received environmental clearance). Therefore, there are control measures in place to encourage a non-congested or noticeably less-congested main lane facility, thus benefiting regional air quality.

The statement refers to the fact that emission rates would decrease as speed increases (as it would occur along the main lanes under the toll traffic conditions) and increase at lower speeds ("bumper to bumper" or congested conditions). Ozone is not emitted from any tailpipe or smokestack, it is a photochemical pollutant. Ozone is formed in the presence of sunlight, light winds, with volatile organic compounds (VOC) and nitrite oxides (NOx) to drive the reaction towards

ozone. In other words, ozone concentrations can reach unhealthy levels when the weather is hot and sunny with relatively light winds. Peak traffic alone is not responsible for exceeding ozone and "other air quality measures." For the ozone conformity determination, it is the combination of vehicle emission standards, roadways, vehicles, total VMT, temperature, humidity and fuel activity that are taken into account in the overall VOC and NOx budget. This budget is relatively large by comparison to any single roadway or the toll alternative of this project. Conformity does not attempt to identify any single roadway as the contributor to ozone pollution, but rather, it utilizes a budget of VOC and NOx that cannot be exceeded by the entire region. Regional measures, such as CMAQ projects, project phasing, and increased capacity, are used to help meet the conformity budget and prevent exceedance of the VOC or NOx conformity budgets.

CATEGORY 4: SELLING OF SH 121

Comment 4-1 (Commentors 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 27, 30, 31, 32, 33, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 98, 99, 100, 102, 103, 105, 106, 107, 108, 110, 111, 113, 115, 116, 117, 119, 121, 122, 123, 124, 125, 127, 128, 129, 130, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 146, 147, 148, 149, 150, 151, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 183, 185, 186, 187, 189, 190, 191, 192, 194, 195, 197, 198, 199, 200, 203, 204, 205, 206, 208, 209, 212, 214, 215, 216, 217, 218, 219, 222, 223, 224, 225, 226, 227, 229, 230, 232, 233, 234, 235, 236, 238, 242, 244, 246, 247, 248, 249, 252, 253, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 270, 272, 273, 275, 277, 280, 281, 285, 286, 288, 289, 291, 293, 294)
I question the passage of bills by the Texas Legislature to allow for SH 121 to be sold. Why is the State selling it and not holding on to it as an asset? Why is the State utilizing a private company that makes a profit?

Response
The SH 121 corridor is proposed to be developed by TxDOT through a process allowing regional leaders to choose between a contract with a private sector participant or by utilizing the financial abilities and services of the NTTA (Public Sector Comparator). The State is not selling SH 121 to a foreign company – it would remain on the State Highway System as an asset of the State of Texas and TxDOT would retain ultimate authority over the facility.

If the a private sector participant funds the development of SH 121, in return for its investment and associated risk, a concession would be granted to operate and maintain SH 121 for a 50-year period. During the operational phase of the concession, the private sector participant would share in any profits generated from the facility at a predetermined rate. Although it is anticipated that the private sector participant would ultimately be able to recoup its investment plus a reasonable profit, profit is not guaranteed.

Comment 4-2 (Commentors 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 63, 65, 66, 67, 68, 69, 70, 71, 73, 75, 76, 77, 78, 79, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 111, 112, 113, 115, 116, 117, 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 133, 134, 136, 137, 139, 140, 141, 142, 143, 146, 147, 148, 149, 150, 151, 152, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 170, 172, 173, 174, 175, 177, 178, 179, 180, 181, 186, 187, 189, 190, 191, 192, 193, 194, 195, 198, 199, 200, 202, 203, 204, 205, 206, 208, 209, 211, 212, 214, 215, 216, 217, 218, 219, 222, 223, 224, 225, 226, 227, 229, 230, 232, 233, 234, 235, 236, 238, 239, 240, 242, 244, 246, 247, 248, 249, 252, 253, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 275, 277, 278, 279, 280, 281, 282, 284, 285, 286, 287, 288, 289, 291, 293, 294, 295, 296)
I am opposed to the management and operation of SH 121 by a foreign company.

A foreign ownership would greatly increase my family's inconvenience by forcing us to use tags non-compliant with the NTTA.

Response

The innovative funding approach utilized to operate and manage SH 121 includes the CDA process, which is competitive and is open to any entity (foreign or domestic) that can demonstrate its qualifications to perform the desired work and that develops/submits a proposal. For SH 121, TxDOT received four responsive competing proposals and qualification submittals on June 23, 2005, and subsequently shortlisted all four responsive proposers. On August 15, 2006, TxDOT issued to the shortlisted proposers a final Request for Proposals (RFP) to develop, design, construct, finance, operate, and maintain SH 121. Detailed proposals were submitted from three of the four responsive proposers and the merits were evaluated by TxDOT. In February 2007, a Developer headquartered in Spain was determined to be the apparent best value for the State of Texas. In April 2007, the NTTA (Public Sector Comparator) notified the RTC that they would also be preparing a binding commitment for the SH 121 Project. NTTA submitted the document in May 2007. On June 18, 2007, the RTC voted to select the NTTA as the regional choice to develop SH 121. On August 23, 2007, the TTC approved Minute Order 111029 which cancelled the procurement for the development, financing, design, construction, operation, and maintenance of the SH 121 from Business SH 121 to US 75 under a CDA. The TTC also approved Minute Order 111030 which authorizes TxDOT's Executive Director to enter into a contract with the NTTA to develop, finance, design, construct, operate, and maintain SH 121 upon environmental clearance.

TxDOT acknowledges the convenience for North Texas toll road users to have consistent and seamless toll collection and customer services on all tolled projects on NCTCOG's plan. For that reason, the NTTA and TxDOT have entered into an interoperability agreement to ensure that NTTA TollTags will always be accepted on any TxDOT toll road.

CATEGORY 5: FUNDING

Comment 5-1 (Commentors 25, 64, 96, 103, 140, 161, 197, 211, 223, 282)
According to the information presented at the public hearing, $18 billion in highway funding has been reallocated over the past 25 years and an estimated $21 billion is to be reallocated in the next 25 years. That comes rather close to covering the predicted shortfall for the funding that is hoped to be raised by the tolling of SH 121. The lack of funding for SH 121 is an excuse. TxDOT does not have the discipline needed to raise the money to build the road. The leadership of Texas has run the State in to debt.

Response
The mobility needs in Texas are significant. Transportation planners have identified billions of dollars of funding shortfalls to achieve an acceptable level of mobility in 2030. To close the substantial funding gap between projected needs and traditional funding, the Texas Legislature has expanded the transportation funding options available for use in Texas. CDAs and tolling are among those options and are key strategies for funding critically needed projects in order to meet the State's mobility objectives.

Highway funding needs are a matter of identified funding shortfalls and not a matter of excuses or debt of the State of Texas. Traditionally, a public entity would finance major toll projects through debt. Under current state law, local toll authorities or CDA developers would finance the project.

Comment 5-2 (Commentors 2, 19, 37, 44, 54, 71, 72, 91, 93, 97, 105, 107, 131, 140, 153, 166, 176, 177, 185, 187, 197, 201, 215, 216, 228, 235, 240, 258, 259, 268, 273, 282, 284)

This is double-taxation and Collin County is paying for the road a second time. Instead of pursuing the government for more funding, the taxpayers bear the burden of having to pay this duty again.

The gas tax should be adjusted/raised to pay for the construction of SH 121. The State has been lax in not explaining and campaigning for an increase in the state gas tax.
The gas tax (state) is $0.18 per gallon--unchanged in about 15 years and only two-thirds of this goes to fund roads with the remainder to schools. The Dallas Morning News did a study a few years back which showed the most efficient way to raise money for new roads was to increase the state gas tax. Assuming one has a car that drives 18 miles/gallon, then their state gas tax is only $0.01 per mile vs. approximately $0.15 per mile on the proposed SH 121 toll road. A whopping 1500 percent increase. Put another way, assuming gas is $2.50/gallon that would be equivalent to paying $5.20 per gallon of gas for driving 18 miles on the toll road. Even a doubling of the gas tax to $0.36 would be a bargain.

It is my understanding based on a locally televised news story, that if SH 121 does become a toll road, it will be the first and only toll road in the country whose construction was funded completely by taxpayer's dollars rather than private investors.

Response
Traditionally, funding for roads in Texas has come primarily from motor fuel tax. Revenue generated from fuel taxes now falls significantly short of that needed to satisfy the need for transportation improvements. State motor fuel tax rates are set by the Texas Legislature. Federal fuel tax rates are established by the U.S. Congress. Although TxDOT is supportive of a fuel tax increase, any such increase would require action by the Texas Legislature or Congress, thus implementation of a fuel tax increase is beyond the scope of TxDOT's authority.

In the absence of adequate fuel tax increases, constructing toll lanes, such as proposed on SH 121, can ensure the timely implementation of needed improvements. Additionally, tolling may also provide a revenue stream to fund other projects. In the case of SH 121, any excess revenue would be used to fund other projects needed in this area. Under the RTC's Regional Toll Revenue Funding Initiative policy, when a previously planned tax supported highway is shifted into a toll facility, those original gas tax funds are to be reallocated to projects that serve the same transportation system users, and the newly identified projects are to be completed in comparable timeframes. To date, over 560 Regional Toll Revenue Funding Initiative projects have been submitted for funding. The final selection of projects to be funded under this policy will be determined and announced by the RTC during the regularly scheduled October 2007 RTC meeting. NCTCOG, as a regional entity also refers to this as "Excess Toll Revenue Sharing".

Tolling is not a form of double taxation. Tolls are voluntary user fees (not taxes) to be paid only when a driver chooses or is able to afford to use the tolled lanes of a facility. User fees are unlike motor fuel taxes that are paid each and every time a driver uses his or her vehicle regardless of destination or choice of route.

Portions of SH 121 have been funded by gasoline tax funds, but the mainlanes from Hillcrest Rd. to US 75 and SH 121 at US 75 interchange would be funded by the NTTA.

Comment 5-3 (Commentors 54, 259)
Should the impact to the local cities to pay for the construction and maintenance of the high mast lighting on the toll road be mentioned in the Environmental Assessment (EA) since this cost is being required to be paid for by the local agencies instead of Cintra? Why then does TxDOT expect the cities to pay for high mast lighting and not those leasing the facility? This is double taxation by the motorists.

Response
High mast lighting is a safety issue and the responsibility of the NTTA (Public Sector Comparator). The NTTA, not the cities, would be responsible for the cost of installing and operating high mast lighting.

Comment 5-4 (Commentor 259)
The tolling of SH 121 is stated to accelerate the construction of SH 121 from Hillcrest Rd. to US 75 approximately 10 years earlier. However, TxDOT stated in news releases that the construction by tolling has accelerated it 25 years earlier. Which is correct? The Two Futures for Collin County: Incremental Versus Leveraged (SH 121 Feasibility Study Report), April 2005, on page 1 states that no funding is available for at least the next ten years to construct the rest of the corridor, including the freeway-to-freeway interchanges. However, in the press release awarding the project to Cintra, TxDOT claims it would be 25 years before it would be built. Given the high demand for this corridor, congestion in the region, it seems unlikely that the region would delay building this corridor for 25 years. However, it is important to provide non-conflicting facts.

Response
The construction of the SH 121 mainlanes from Hillcrest Rd. to SH 121 at US 75 interchange was originally dependent on conventional "pay-as-you-go" transportation dollars. Availability of these dollars is hard to predict for future projects; therefore, under a pay-as-you-go scenario, a range of 10 to 25 years had been used for planning purposes. The revised re-evaluation reflects a range of 9 to 18 years.

Comment 5-5 (Commentors 112, 282)
The local governments have offered additional plans to fund sections themselves but those attempts have been foiled by greed and contempt for the great State of Texas.

Response
In July 2005, the Collin County Commissioners Court adopted a resolution to consider financing SH 121 via a Local Government Corporation. In September/October 2005 the adjacent municipalities of Allen, Frisco, Plano and McKinney all passed resolutions in favor of tolling SH 121 with the condition the County and cities all share the excess revenue equally. In November, the Commissioners Court withdrew their proposal and the cities revised their resolutions accordingly [Frisco against tolling, and Allen, Plano and McKinney supporting a NTTA (Public Sector Comparator) operated toll facility].

Comment 5-6 (Commentor 261)
I think you have not looked into any creative options in financing our state roads. Google built a billion dollar empire selling web ads. Texas could easily sell sponsorships (ads) on our highways. Other options could be a fleet tax - big companies need to start paying their fair share too. I think Exxon could afford a tax on their trucks moving oil gas. Or how about lining our highways with solar panels and selling that electricity to generate revenues or at lease renting that space for someone to do it? Tolling every road is not the answer. We need to start thinking out-side the box.

Response
There are several restrictions regarding the State's ability to use advertising along SH 121. Most cities in the north Texas area (including all five adjacent municipalities) have billboard restrictions: Plano: Section 6-487 (12); Frisco: Ordinance No. 06-10-109; Allen: Section 7.09.4.; McKinney: Section 38-7; and

Fairview: Section 152.03. Additionally, the Highway Beautification Act of 1965, called for control of outdoor advertising, including the removal of certain types of signs along the Nation's growing Interstate System and the existing federal-aid primary system.

The use of solar or other means to generate electricity in order to create a revenue stream within a State transportation corridor is not proposed at this time due to right-of-way limitations. The use of State right-of-way to generate revenue from utilities is currently being developed as part of the Trans Texas Corridor.

Fleet taxes, as with all new taxes, would require action by the Texas Legislature. To date there has been no legislation introduced to impose a fleet tax on large trucks.

CATEGORY 6: TOLLING CONCERNS

Comment 6-1 (Commentors 259, 282)
The concept of video billing does not address the use of SH 121 by out-of-state and unregistered vehicles, visitors, and rental cars.

Response
Video billing, the use of video cameras to record the license plate of those users without electronic transponders, would be used to record the out-of-state or unregistered vehicles traveling the toll lanes. These vehicles would be identified by a cooperative effort between TxDOT and other states. The risk of non payment from out-of-state vehicles and other non-TxTag® users is ultimately the responsibility of the NTTA (Public Sector Comparator) and enforcement would be their responsibility.

Comment 6-2 (Commentors 1, 2, 3, 4, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 27, 29, 30, 31, 32, 33, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 63, 64, 65, 66, 67, 69, 70, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 92, 95, 98, 99, 100, 102, 103, 106, 107, 108, 110, 111, 113, 115, 116, 117, 119, 121, 122, 123, 124, 125, 127, 128, 129, 130, 133, 134, 135, 136, 137, 139, 141, 142, 143, 146, 147, 148, 149, 151, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 170, 172, 173, 174, 175, 177, 178, 179, 180, 181, 186, 189, 190, 191, 192, 194, 197, 198, 199, 200, 203, 204, 205, 206, 208, 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 226, 229, 230, 232, 233, 234, 235, 236, 238, 242, 244, 246, 247, 248, 249, 252, 253, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 275, 277, 278, 279, 280, 281, 285, 286, 288, 289, 291, 294, 295)
It is wrong to place tolls on public roads that are built or in the process of being built as non-toll roads. I am against the conversion of SH 121 to a toll facility.

Response
State law prohibits the conversion of existing roadway lanes to toll lanes, unless approved by voters. By definition, the conversion to a toll facility requires a constructed non-tolled facility to be in place and open to non-toll traffic. In the case of SH 121 the main lanes are either currently under construction and not open to traffic or have yet to be constructed; therefore, no conversion would occur.

In the past, the ability to finance and build roadways was limited to traditional gas-tax money; TxDOT was committed to delivering SH 121 in that manner by phasing construction of the facility. This means the frontage roads of SH 121 from Hillcrest Rd. to US 75 would be constructed in segments. However, funding to complete the SH 121 mainlanes would not be available for at least 9 to 18 more years. With the ability to privatize the development of SH 121, TxDOT has the opportunity to expedite the delivery of SH 121 while maximizing the benefits of available transportation funding.

Comment 6-3 (Commentor 182)
I am concerned that the tollroad will encourage more drivers to consume more gasoline, causing an irrational shift in driving patterns as drivers choose to take longer routes. The tolling of SH 121 would also cause more 'entitlement speeding,' which means drivers would exceed the speed limit because they feel they have paid for the right to drive as fast as they want. The increased speed of drivers will in turn produce more vehicle emissions.

Response
Analysis indicates that the main lanes in the eastern portion of the Toll Project Limits from DNT to Coit Rd., under the tolling scenario, result in only 7 percent of the traffic moving to the frontage road system. Using Complete Performance Reports from the NCTCOG *Mobility 2030* model, arterials within the Cities of Allen, Frisco, McKinney, Plano and the Town of Fairview experience little to no change in LOS. Complete Performance Reports prepared by the NCTCOG describe the performance of the regional traffic model, reporting items such as total miles of roadway within the area, number of trips generated, average free speeds and loaded speeds, and the LOS of all major roadway classifications.

"Entitlement speeding" would be addressed by having State and local law enforcement patrol SH 121 as on any other roadway.

Vehicle emissions increase with congestion, idling, and stop-and-go traffic; therefore increased speeds are not associated with these conditions.

Comment 6-4 (Commentors 21, 91, 131, 132, 143, 146, 150, 221, 259, 283)
I was told that the cost to travel along SH 121 from the DNT to US 75 would be six dollars, and that is too expensive. I will not be able to afford to use SH 121 in the future. The Cities of Frisco and Plano will be bordered by toll roads.

Response
The cost to travel the corridor is based on a "per mile" basis and would consistent with other regional tolls. Based on the Toll Project Limits of approximately 12.5 miles and an average toll rate of 14.5 cents/mile, the cost would be less than $2.00 in 2010. For example, using a toll rate that grows with the Consumer Price Index (CPI) and traveling the entire system from US 75 to DFW airport would cost less than $6.75 in 2030. Use of the CPI is required according to the RTC policy, "Business Terms for TxDOT-Sponsored Toll Roads on State Highways." The presence of frontage roads throughout the corridor supplies an alternative for drivers who can not afford or choose not to pay the toll.

Portions of both cities would be bordered by toll roads. The western portion of Frisco is bisected by the DNT and its southern limit is bordered by SH 121. Likewise, Plano's western portion is bisected by the DNT and is bordered by SH 121 to the north and the President George Bush Turnpike (PGBT) to the south.

Comment 6-5 (Commentors 29, 71, 153, 147, 193, 202, 210, 213, 256, 258, 259)
The toll rates for SH 121 would be higher than other regional rates and higher than needed. The rate differential for some sections is higher by 50 percent and up to 175 percent. Where has the money from other tolls gone?

(The following table was provided by commentor 213).

Tier	DNT		TxDOT SH 121	
	Toll Tag	Cash	Electronic	Cash
1st Tier Percent Higher	0.30	0.40	0.45 50%	0.60 50%
2nd Tier Percent Higher	0.50	0.65	0.90 80%	1.20 85%
3rd Tier Percent Higher	0.60	0.80	1.35 125%	1.80 125%
4th Tier Percent Higher	0.70	0.95	1.80 157%	2.40 153%
5th Tier Percent Higher	0.85	1.10	2.25 165%	3.00 173%

Response
Although toll rates may not be exactly the same, they would remain relatively consistent on different toll systems.

The toll rates for the SH 121 facility compared to the NTTA (Public Sector Comparator) owned and operated roads would be comparable. Using 2010 dollars and following the business terms for setting toll rates on SH 121, it is estimated that the user fee for SH 121 would be approximately 14.5 cents/mile. The average user fee per mile to drive the DNT or the PGBT would be approximately 15 cents/mile.

The RTC agreed on the following business terms for setting the toll rates on SH 121 as modified in September 2006:

1) Maximum average toll rate in 2010 would be 14.5 cents/mile.
2) Transit vehicles are exempt from toll charges.
   (a) Initially, there would be a set toll of an average of 14.5 cents/mile for the entire day. After some evaluation has been completed, a set of peak and off-peak tolls are likely to be established to better optimize the facility operations.

The maximum average toll rate is the average of the maximum Peak-Hour Toll rate (17 cents/mile) and the maximum Off-Peak toll rate (12.5 cents/mile).

In November 2006, the NTTA took action to begin the process of increasing toll rates on NTTA owned and operated roads. The NTTA will raise rates on the DNT and the PGBT at main lane toll plazas from $0.75 to $1.00 for cash customers beginning September 2007. NTTA also began the process of evaluating and maximizing the financial capabilities of the NTTA to assist TxDOT and the region in meeting the large projected funding shortfall. Toll rates on the NTTA system are set to be adjusted again in 2010 with probable additional rate increases every five years after 2010.

A comparison of the most current toll rates for NTTA and SH 121 in Denton County are listed in the table below and can be accessed at the following websites:

NTTA: http://www.ntta.org/AboutUs/Roadways/TollRatesPGBT.htm
SH 121 Denton County: http://www.texas121.org/pdf/tx121_map+rates.pdf

Current Toll Rate Comparison	**Passenger vehicle, motorcycle, pickup truck, SUV or Two Axles**	**Passenger vehicle pulling a trailer or Three Axles**	**Tractor with one trailer or Five Axles**
TxDOT: SH 121			
Locations	*Video Billing/ TxTag®*	*Video Billing/ TxTag®*	*Video Billing/ TxTag®*
FM 544/Parker Rd (NB Exit & SB Entrance)	$0.30/$0.25	$0.60/$0.50	$1.20/$1.00
Carrollton Parkway (NB Exit & SB Entrance)	$0.25/$0.20	$0.50/$0.40	$1.00/$0.80
Denton Tap Road Toll Plaza	$0.60/$0.45	$1.20/$0.90	$2.40/$1.80
NTTA: Dallas North Tollway			
Locations	*Cash/TollTag®*	*Cash/TollTag®*	*Cash/TollTag®*
Northwest Highway	$0.45/$0.35	$0.75/$0.60	$1.35/$1.05
Belt Line Road	$0.45/$0.35	$0.75/$0.60	$1.35/$1.05
Main Lane Plaza 3	$0.75/$0.60	$1.20/$0.95	$1.80/$1.45
NTTA: President George Bush Turnpike			
Locations	*Cash/TollTag®*	*Cash/TollTag®*	*Cash/TollTag®*
North Belt Line Road	$0.40/$0.30	$0.75/$0.60	$01.50/$1.20
(Plaza 7) Coit Road Main Plaza	$0.75/$0.60	$1.50/$1.20	$3.00/$2.40
Independence Parkway	$0.40/$0.30	$0.75/$0.60	$1.50/1.20

Additionally, other toll projects have not yet been implemented by TxDOT in the North Texas Region; therefore, no other monies have been generated to distribute.

Comment 6-6

A. (Commentors 29, 89, 114, 132, 185, 195, 197, 211, 259, 282). The toll revenue would not only be used within Collin County, but according to house bills, this money only has to stay within the TxDOT region, which spans quite a few counties; therefore the revenue would not benefit the citizens in Collin County that utilize SH 121. How can toll money from SH 121 be used legally on other roads? This is stealing from those who use SH 121 and giving to those elsewhere in the region.

B. (Commentors 28, 244, 259, 292). "Near neighbor/near timeframe projects" is terminology that was used specifically by the NCTCOG during the SH 121 Denton County project and does not apply to this project because minimal gasoline tax funds have been utilized on the mainlanes of the Collin County portion. The RTC does not intend to use "near neighbor/near timeframe" funding for SH 121 Collin County. The correct or more accurate terminology would be "Excess Toll Revenue Sharing." The funding would be 75 percent up front and 25 percent over time in accordance with the NCTCOG RTC "Business Terms for the State Highway 121 in Collin and Denton Counties."

C. (Commentor 197). Is the excess revenue going to pay for "unlucrative segments" of the Trans-Texas Corridor?

D. (Commentor 259). Does the Policy Item #4 of the *Texas Metropolitan Mobility Plan Excess Toll Revenue Sharing Policy* agree with state law regarding how revenue would be split between the Eastern and Western subregions? Regarding Policy Item #5, should funds go to projects that reduce the congestion created by the toll road? For example the up front funding (75 percent) may not fund projects in the immediate vicinity of the SH 121 toll road. From reviewing the EA, the LOS is F for both the main lanes and the frontage roads. Should the funding be spent on the roads where the traffic is diverted?

Responses

A. Per the RTC Resolution approved on April 13, 2006 and modified on September 14, 2006, all excess toll revenue generated from an individual toll project will remain in the TxDOT district from which it is generated. Excess revenue generated from toll projects shall be placed in county specific accounts and pro-rated based on the residential county of the toll payer (i.e., based on the county in which the vehicle is registered) on all toll roads (e.g. Collin County drivers who use a toll road in another county in the North Texas region would still contribute to the Collin County specific fund for future improvements). Revenue generated in each subregion (Fort Worth or Dallas) would result in an adjustment to the Category 2 funds as administered by NCTCOG. Category 2 funds are federal funds designated for metropolitan area corridors and are allocated by the Texas Transportation Commission to the various regions throughout the state.

The RTC established a CDA Task Force and has been conducting meetings in Dallas, Tarrant, Denton County, and Collin Counties. As part of the Task Force meetings, projects to be funded from excess toll revenue generated by SH 121 in Collin County will be determined. By February 2007 initial coordination meetings were held, and by March 2007 receipt of detailed procedures and schedules are to be accomplished with Project Submittal Workshops anticipated in April 2007. In a letter dated April 30, 2007, the NCTCOG requested public agency sponsorship of projects and encouraged attendance at the upcoming workshops as part of the funding initiative. Project submittals are due in August 2007 and the draft recommendations are anticipated to occur a few months later. The RTC will then make recommendations to the Texas Transportation Commission.

B. Neighbor/Near Timeframe" is a generic term used to describe the early implementation of local projects within a relatively short time span (when compared to conventional methods). NCTCOG, as a regional entity also refers to this as "Excess Toll Revenue Sharing" and the "Regional Toll Revenue Funding Initiative." Though the two terminologies differ in regards to the source of funds being distributed, both terminologies refer to the timely funding of critical projects in areas most directly affected by the tolling of SH 121.

C. As described in response A, the RTC would ultimately decide which projects receive the excess revenue based on the terms outlined above. Should any portion of the Trans-Texas Corridor go through a county with a county specific fund, then it would be possible for those funds to be used to construct a portion of the Trans-Texas Corridor. This, however, is purely hypothetical as no portion of the Trans-Texas Corridor has received environmental clearance, route approval or authority to proceed to construction.

D. The purpose of Excess Toll Revenue Sharing is to establish a framework for the allocation of future revenue from toll projects in the North Central Texas region. The focus of this policy is TxDOT sponsored toll projects, which excludes managed lanes. Excess toll revenue is defined as annual toll revenue after the annual debt service, and after annual reserve funds have been set aside to cover facility operation costs, anticipated preventive maintenance activities, assigned profit and related expenses for the NTTA (Public Sector Comparator), and the expected cost of rehabilitation or reconstruction of the facility. All excess revenue from individual toll projects shall remain in the TxDOT district in which that revenue-generating project is located.

Excess revenue generated from individual toll projects shall be placed in county-specific accounts and prorated based on the residential county of all toll payers on all toll roads. Revenue from eastern and western subregion toll users will result in an adjusted split of Category 2 funds. This adjustment will be made to the eastern and western category funding allocation at the time of its implementation. These funds can be used to fund future projects either on or off the State system. Projects funded with excess toll revenue should be selected in a cooperative TxDOT-RTC selection process which considers the desires of the cities and counties in which the revenue-generating project is located. All previous RTC

agreements will be honored. RTC supported the TxDOT/NTTA Regional Protocol.

Regarding Policy Item #4, The Texas Metropolitan Mobility Excess Toll Revenue Sharing Plan is a regional policy set forth by local governments, not TxDOT. As stated in Policy Item #5, projects funded with excess toll revenue should be selected in a cooperative TxDOT-RTC selection process which considers the desires of the cities and counties in which the revenue-generating project is located.

The LOS is only an F for the section of SH 121 from DNT to Coit Rd. The excess toll revenue for SH 121 will be allocated as discussed in 6-6A above.

Source: *NCTCOG Excess Toll Revenue Sharing (RTC Approved September 9, 2004; RTC Modified April 13, 2006; RTC Modified September 14, 2006)*

Comment 6-7 (Commentors 10, 259)
I strongly oppose video and/or RFID tracking on any road, it is a violation of our privacy.

Response
To protect the privacy of system users, the Texas Legislature enacted legislation exempting personal information obtained through the electronic tolling collection process from disclosure under the Texas Open Records Act. In addition, the legislation allows only the license plate of a vehicle to be photographed and restricts the manner in which private information may be used. The NTTA (Public Sector Comparator) shall maintain the toll account and travel records of users as confidential information and in compliance with applicable laws on notice of privacy practices.

Comment 6-8 (Commentor 259)
What is the maximum additional percent premium charge allowed? What is the maximum processing fee allowed? Is interest charged on the monthly bill if unpaid? What is the minimum threshold for a bill to be sent for a "cash" person that travels SH 121 without a toll tag?

Response
For those users who opt not to obtain a toll transponder (TollTag®, TxTag®, etc.), the NTTA (Public Sector Comparator) may charge a premium of up to 45 percent, which is the convenience charge of video billing and includes fees charged by the NTTA or TxDOT if they provide the toll collection service. If, for example, there was a toll rate of $1.00 and a 45 percent premium charge were applied to a user without an account, the user fee could be as high as $1.45. The maximum processing fee is allowed to increase proportionally with the toll rate. There is no interest charged on unpaid tolls, however, there are administrative fees associated with violations and unpaid or delinquent bill. Common administrative fees are listed below:

Returned Check (Insufficient Funds)	$25.00
Administrative Fee - Violation Notice *	$5.00
Administrative Fee - Violation in Collections *	$25.00
Administrative Fee - Violation Sworn Complaint Issued *	$100.00

* Fee amounts are pending final determination and will be adjusted annually per Texas Administrative Code.

There is no minimum threshold for billing to occur.

Comment 6-9 (Commentors 44, 185)
I am opposed to continuing tolls for maintenance after the road is paid for, this should be paid for by the Highway department. Tolls should only pay for the road they apply to thus keeping the tolls at a reasonable level.

Response
Maintenance of the roadway is an important part of keeping the SH 121 corridor safe and efficient to travel. By allowing tolls to continue to fund the maintenance of SH 121, gas tax funds would remain available to maintain and fund other needed roadway projects.

Comment 6-10 (Commentors 21, 36, 37, 140, 145, 197, 201, 210, 211, 215, 282, 296)
Tolling is not constitutional.

Response
Tolling is constitutional and allowable under current state and federal laws. Texas voters approved a constitutional amendment. In 2003, the Texas Legislature passed House Bill (HB) 3588 and other similar bills in order to give the State other options to fund a known shortfall in the transportation budget. These changes were ultimately approved by voters, as they required changes to the Texas Constitution. HB 3588 (signed June 23, 2003), HB 2702 (signed June 14, 2005), and other important, voter-approved transportation legislation such as Proposition 14 and Proposition 15 were among the new transportation financing tools that were provided.

In recognition of the transportation funding shortfall currently facing Texas, the Legislature has enacted legislation enabling TxDOT to use innovative financing options, such as tolling to facilitate the timely delivery of transportation improvements. The proposed Toll Project is being developed under the authority granted to TxDOT and using the financing tools authorized by the Legislature.

Comment 6-11 (Commentor 197)
The commentor posed "If the State says it is constitutional to treat different segments of the population unequally, then will we see a reversal in the decision by the U.S. District Court that ruled in favor of Rosa Parks?"

"It is illegal to charge the same fee as others but provide different access. It is illegal to charge me a gas tax and only give access to a service road when others are given access

to free state highways. If some transportation corridors are free, and others are toll roads, then there is unequal access to transportation corridors."

The citizens who live along SH 121 are not being treated the same as citizens who live along SH 114 because of unequal access to transportation corridors thus resulting in violation of due process under the 14th Amendment.

Response
The Fourteenth Amendment to the U.S. Constitution, (the Equal Protection Clause), added in 1868, provided for specific protections against unequal treatment for all "persons" by state governments. The Equal Protection Clause states "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." This amendment was crafted after the Civil War in order to give the newly freed slaves legal protection, but it was specifically worded to provide protection of the rights of all "persons."

The legislation creating gas taxes, tolled transportation infrastructure, etc. applies to all persons within the State of Texas equally. Although specific highly-localized effects may vary due to the type and proximity of toll facilities, the overall impact and broader, longer-term effects of the construction of these projects apply consistently to all people. The Equal Protection Clause was not intended to guarantee that no law would affect people differently, but that no law could be intended to affect people differently.

Further, due process has been afforded through the legislative actions and processes associated with the proposed the Toll Project. No taking has occurred in the form of right-of-way acquisition and access to the toll facility is equal for all those who choose and are able to pay the user fee. Non-toll alternatives are available for those unwilling or unable to pay the user fee.

Comment 6-12 (Commentor 197)
A TxDOT representative told me that if I did not like living near a tollroad that I could move. How is this fair? I was told in 1998 that SH 121 would be free and now I'm expected to pay moving costs if I don't like a tollroad.

Response
It is not the desire or sentiment of any TxDOT employee to require or expect citizens to move if the do not like living near a tollroad.

In 1998, the ability to finance and build roadways was limited to traditional gas-tax money; TxDOT was committed to delivering SH 121 in that manner by phasing construction of the facility. This means the frontage roads of SH 121 from Hillcrest Rd. to US 75 would be constructed in segments. However, funding to complete the SH 121 mainlanes would not be available for at least 9 to 18 more

years. With the ability to privatize the development of SH 121, TxDOT has the opportunity to expedite the delivery of SH 121 while maximizing the benefits of available transportation funding. Although the mainlanes of SH 121 would be tolled, the same number of frontage roads would be non-tolled allowing motorists a choice.

CATEGORY 7: PUBLIC INVOLVEMENT

Comment 7-1 (Commentors 2, 3, 4, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 63, 64, 65, 66, 67, 69, 70, 71, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 98, 99, 100, 102, 103, 105, 106, 107, 108, 111, 113, 115, 116, 119, 121, 122, 123, 124, 125, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 167, 168, 169, 170, 172, 173, 174, 175, 177, 178, 179, 180, 181, 186, 187, 189, 190, 191, 192, 194, 198, 199, 200, 203, 204, 205, 206, 207, 208, 209, 212, 214, 215, 216, 217, 218, 219, 222, 223, 224, 225, 226, 229, 230, 232, 233, 234, 235, 236, 238, 239, 241, 242, 244, 246, 247, 248, 249, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 270, 272, 273, 275, 277, 278, 280, 281, 282, 285, 286, 288, 289, 291, 294, 295)
The public hearing/involvement process was a “sham” and “smoke and mirrors.” TxDOT has done their best to make the process a joke. Why are you not allowing enough time for citizens to voice their opinion? We reject the rapid actions to bypass the opinions of the citizens. Why are you not allowing enough time for citizens to voice their opinion?

Response
TxDOT has maintained an active public involvement effort for the proposed Toll Project including conducting a public meeting, public hearing and maintaining a website (http://www.keepitmovingdallas.com). TxDOT followed federally approved Texas Administrative Code public involvement procedures and policy based on 43 TAC § 2.5 through 2.9 and 23 CFR Part 771.111. Information presented at the July 2006 public meeting and the February 2007 public hearing, including the conceptual toll plan and re-evaluation have also been available at http://www.keepitmovingdallas.com and at the TxDOT Dallas District Office for public review and inspection. The notices advertising the public hearing were published on January 26, 2007 and February 16, 2007 in the *Dallas Morning News*, Collin County Edition; on January 26, 2007 and February 16, 2007 in *Al Día* (Spanish publication); on January 26, 2007 and February 16, 2007 in the *Plano Star Courier*; on February 1, 2007 and February 15, 2007 in the *Allen American*; on January 28, 2006 and February 16, 2007 in the *McKinney Courier Gazette*; and on January 26, 2007 and February 16, 2007 in the *Frisco Enterprise*. Public hearing notices were also mailed to abutting property owners within the Toll Project Limits and to elected/local officials.

All of these items have fully disclosed the decision to pursue tolling SH 121 in Collin County. The public involvement has been conducted in accordance with applicable laws, regulations and guidance. TxDOT and FHWA will consider all timely public comments (postmarked or received by March 8, 2007) before a final decision is made on the proposed Toll Project. Comments that were faxed, hand-delivered or post-marked by March 8, 2007 were included as part of the public hearing summary and analysis and comment and response report. Publication and comment periods used for SH 121 are the same as those followed on other TxDOT projects.

Comment 7-2 (Commentors 3, 4, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 22, 23, 25, 27, 29, 30, 31, 32, 33, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 63, 64, 65, 66, 67, 68, 69, 70, 73, 75, 76, 77, 78, 79, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 95, 98, 99, 100, 102, 103, 105, 106, 107, 108, 111, 113, 115, 116, 119, 121, 122, 123, 124, 125, 127, 128, 129, 130, 132, 133, 134, 136, 137, 139, 141, 142, 143, 146, 147, 148, 149, 151, 152, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 186, 189, 190, 191, 192, 194, 198, 199, 200, 203, 204, 205, 206, 208, 209, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 229, 230, 232, 233, 234, 235, 236, 238, 239, 242, 244, 246, 247, 248, 249, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 270, 272, 273, 275, 277, 280, 281, 282, 285, 286, 288, 289, 291, 294, 295)
The only person who spoke in favor of the proposed tolling of SH 121 at the public hearing was the representative of the RTC. Three out of four cities connected to SH 121 are in opposition to the proposed tolling. The region supports the project, except the cities most affected.

Response

The decision to pursue tolling SH 121 was made by the RTC who is responsible for overseeing the metropolitan transportation planning process. The decision process included coordination and consensus of local elected or appointed officials representing cities and counties, and transportation provider representatives. Because of mobility needs and a lack of funding to construct SH 121 in Collin County, the Collin County Commissioners Court asked regional planning authorities to assist the County in conducting a feasibility study on the Collin County portions of SH 121 in order to study roadway options and funding strategies. A SH 121 feasibility study team was assembled which included representatives from Collin County, the NCTCOG, TxDOT, the NTTA (Public Sector Comparator), and the impacted cities along the corridor. In order to conduct a feasibility study for the Collin County portions of SH 121, a technical planning process was mapped out and followed. The planning process was developed and started in the fall of 2004, and was completed in the spring of 2005. Several meetings of the SH 121 feasibility study team took place during this time to monitor and discuss the results of each task. SH 121 has been incorporated as a toll facility into the financially constrained long-range plan known as the *Mobility 2030 MTP*. To date TxDOT has hosted or attended fifty meetings with local entities and agencies (including NCTCOG, NTTA, the Cities of Allen, Frisco, McKinney and Plano, and Collin County) to discuss the development,

financing, and operation of SH 121. Although local input and wishes were considered, other factors such as financial constraints and regional mobility contributed to the decision to pursue tolling SH 121.

The following municipalities are adjacent to the proposed Toll Project: Plano, Frisco, Allen, McKinney, and Fairview. Support for the proposed tolling of SH 121 has been passed by four of the adjacent entities. Plano, Allen, and McKinney have passed resolutions in support of SH 121 as a toll facility, with various conditions for local authorities, NTTA and excess toll revenue decisions. Frisco does not support the decision to toll SH 121 based on the most current resolution passed by the City on April 4, 2006. Fairview has passed a resolution in favor of tolling.

Comment 7-3 (Commentors 88, 105, 132, 133, 176, 259, 278, 280, 294)
The notice of the public hearing was received on February 2, 2007, three weeks prior to the public hearing and typically TxDOT has provided at least 30 days notice of public hearings. Why wasn't the typical 30-day notice provided in this public hearing?

The comment period to submit comments was not sufficient enough.

Response
Per the TxDOT Environmental Manual and Title 43, Section 2.9 of the Texas Administration Code [43 TAC 2.9(d)(2)(A)], "the district shall publish a notice twice in local newspapers having general circulation. The first notice shall be published at least 30 days before the hearing. The second notice shall be published no more than 10 days nor less than seven days before the hearing." These notification requirements were satisfied.

The notice advertising the public hearing was published on January 26, 2007 and February 16, 2007 in the *Dallas Morning News*, Collin County Edition; on January 26, 2007 and February 16, 2007 in *Al Día* (Spanish publication); on January 26, 2007 and February 16, 2007 in the *Plano Star Courier*; on February 1, 2007 and February 15, 2007 in the *Allen American*; on January 28, 2006 and February 16, 2007 in the *McKinney Courier Gazette*; and on January 26, 2007 and February 16, 2007 in the *Frisco Enterprise*. Public hearing notices were also sent to abutting property owners within the project limits and to elected/local officials.

As stated in the public hearing notice, the public may submit written comments to the district for 10 days following the public hearing. A due date of March 8, 2007 was listed in each notice advertising the public hearing as stated above.

Other public hearing requirements include that community leaders; agencies; groups and individuals with interest in the project; and all abutting land owners within project limits must be notified of the public hearing. A time frame for their notification is not specified; however, these notices were mailed on January 30, 2007.

Comment 7-4 (Commentors 264, 274)
We would like to be included in your response to Frisco's letter.

Response
In accordance with TxDOT regulations, all comments received at the public hearing and during the official comment period (ten days after the public hearing date, in this case, March 8, 2007) will be addressed in the Public Hearing Summary and Analysis/Recommendation Report. The report will then be submitted to the FHWA for review and consideration. Once approved, the report will be made available for public inspection and copying. Letters responding to individual commentors will not be prepared. However, the TxDOT Dallas District Office will publish a notice of availability of the summary and analysis and the comment and response report of the public hearing in local newspapers as well as information on how to obtain copies of the analysis and report.

Comment 7-5 (Commentors 44, 45, 64, 230, 239, 262, 270, 294)
This proposed project (tolling of SH 121) appears to be mostly designed to fit the needs of a few and not the needs of the communities it should serve.

Response
The Toll Project has been developed to address the long-term needs of the region and to efficiently accommodate projected 2030 traffic volumes for SH 121. Throughout the project development process, TxDOT has coordinated with affected communities to ensure that the proposed roadway is compatible with regional goals and objectives. To date TxDOT has hosted or attended fifty meetings with local entities and agencies (including NCTCOG, NTTA, the Cities of Allen, Frisco, McKinney and Plano, and Collin County) to discuss the development, financing, and operation of SH 121.

CATEGORY 8: TOLLING PROCESS

Comment 8-1 (Commentors 25, 71, 183, 197, 230, 231, 288)
Why is the State not using the NTTA to collect the tolls? Why has the State forced the NTTA out of the bidding process? There is already an established organization to manage SH 121, which is the NTTA.

Response
In August 2006, TxDOT and NTTA (Public Sector Comparator) agreed to "The Proposed TxDOT/NTTA Protocol" that allowed for the NTTA to participate in the SH 121 project by collecting the tolls for the first five years of the operations. At that time, NTTA agreed not to compete for the right to develop SH 121.

The Protocol was an agreement that allowed the implementation of future regional toll facilities. The agreement clarified commitments regarding planning, funding, construction, and operation of toll and managed facilities in the region. This agreement was a result of the regional partnership requested by the RTC of

the NCTCOG. The NTTA and TxDOT committed to supporting the CDA delivery by TxDOT of SH 121 in accordance with the CDA MOU executed by those parties.

TxDOT acknowledged the convenience for North Texas toll road users to have consistent and seamless toll collection and customer services on all tolled projects designated in the NCTCOG's plan. For that reason, the NTTA and TxDOT agreed that NTTA would be the provider for toll collection services (for those projects on which the NTTA has chosen not to offer a public sector competitor or compete as a potential Developer) for the first five years of a CDA contract, after which time the Developer and NTTA would be free to negotiate mutually acceptable terms. In the event negotiations fail, the Developer may choose another alternative.

Three detailed proposals were submitted for SH 121 in January 2007 and in February 2007 the selection and conditional award of the apparent best value proposal for the development of SH 121 was announced.

In March 2007, State Senator John Carona requested and the RTC reconsidered its action plan for the tolling initiative following numerous comments on the proposals. The RTC provided the NTTA with two options:

1) Submit a Binding Commitment for the SH 121 Project in Denton/Collin Counties to the RTC that is in full compliance with the terms and conditions of the SH 121 CDA procurement process, or
2) Respond to the previous RTC Requests to determine an action plan for the remaining toll projects in the region.

In addition, TxDOT was directed to determine if the options given to the NTTA violates the Protocol and would therefore require an amendment. In April 2007, the NTTA notified the RTC that a Binding Commitment for the SH 121 project would be prepared and submitted on or before May 25, 2007. In response to this notification, the TTC waived a section of the Protocol between TxDOT and the NTTA on May 15, 2007 stating "the action is consistent with their plan to accelerate transportation projects by driving down costs through competition and empowering regional leaders to solve transportation problems."

In May 2007, NTTA submitted a Binding Commitment as a Public Sector Comparator. The RTC conducted a workshop on June 14, 2007 to hear evaluations of the NTTA proposal by several parties, including a Financial Advisor under contract to the RTC.

On June 18, 2007, the RTC met to recommend selection of either a CDA Developer or Public Sector Comparator. The RTC voted to select the NTTA as the regional choice to develop SH 121.

On August 23, 2007 the TTC approved Minute Order 111029 which cancelled the procurement with Cintra for the development, financing, design, construction, operation, and maintenance of the SH 121 from Business SH 121 to US 75. The TTC also approved Minute Order 111030 which authorizes TxDOT's Executive Director to enter into a contract with the NTTA to develop, finance, design, construct, operate, and maintain SH 121 upon environmental clearance. It is expected that the final contract to develop SH 121 will be awarded to NTTA.

Comment 8-2 (Commentor 259)
Because NTTA is only guaranteed to be a provider for the first five years of the CDA contract, this could lead to problems with toll providers in the near future if the NTTA does not successfully negotiate as the toll collection services after the first five years. This is not in the best interest of the motorist using the facility and could lead to higher charges being paid by the user of the toll road.

Response
First and foremost, all toll agencies within the State of Texas have agreed to an "Interoperability Memorandum of Understanding" that provides for interoperability among all agencies. Therefore, no matter which entity provides the toll operations, an NTTA TollTag® account holder will be billed through their current account. TxDOT believes in using competitive pressure to provide for the most efficient toll collection costs which can then be passed on to the consumer. It should be noted that toll rates associated with SH 121 and the escalation methodology have already been determined by the RTC and can not be revised by the NTTA. However because NTTA will most likely be awarded the rights to develop SH 121, they would remain as the toll collection provider through out the life of the contract.

Comment 8-3 (Commentors 71, 230)
What happens if there is mismanagement or diversion of funds somewhere? It is hard enough to track and prosecute people here in the United States when that happens, let alone when it is in another country. What peace of mind do we have this will not happen?

What type of track record does this company have? What type of background do you have on them? Is it legitimate?

Will the money Cintra receives filter back into North Texas or the United States? The money over a number of years would filter back into their country, and in turn their roads, environment, and economy.

Response
TxDOT carefully considered the qualifications of each private proposer as required by Texas Transportation Code Section 223.203. As the first step in selecting a private Developer, TxDOT issued a request for qualifications. Through that process TxDOT approved four proposers, including Cintra, to submit responses to TxDOT's subsequent request for detailed proposals. The qualification review process involved among other things reviewing detailed

financial records, determining any ongoing debarment or litigation they have been involved in, and interviewing numerous other entities that Cintra has done business with. Cintra is one of the world's largest private-sector transport infrastructure developers. As part of the requests for qualifications evaluations, proposer's described their past experience.

In February 2007, TxDOT selected Cintra's proposal as the apparent best value because it achieved the highest proposal score using the selection criteria and weighting as previously determined by the RTC. On August 23, 2007, TTC approved Minute Order 111029 which cancelled the procurement with Cintra for the development, financing, design, construction, operation, and maintenance of the SH 121 from Business SH 121 to US 75. The TTC also approved Minute Order 111030 which authorizes TxDOT's Executive Director to enter into a contract with the NTTA (Public Sector Comparator) to develop, finance, design, construct, operate, and maintain SH 121 upon environmental clearance. It is expected that NTTA will be awarded the contract to develop SH 121.

However, had Cintra been awarded the contract, the following describes the terms of the award and financial obligations and conditions:

- Cintra would have expended approximately $560 million on the design and construction of the facility, and would have made a $2.1 billion concession payment to TxDOT upon execution of the contract. As a result, the concession payment would have been used to construct additional transportation projects in the region. TxDOT and the RTC have in place Memorandum of Understanding under which revenue from toll projects in the region shall be expended on transportation projects in the region. The agreement is consistent with TxDOT's authority under Transportation Code Section 228.005 on expending payments in the region.

- Cintra would have collected toll revenue during the 50-year term of the contract. The toll revenue would have been used to pay debt service on the construction costs and concession payment, approximately $1.7 billion for operation and maintenance of the facility, and would have paid annual lease payments to TxDOT with a net present value of $700 million. Cintra would have also paid revenue sharing to TxDOT when traffic volumes reach certain levels.

- The contract had numerous provisions to require Cintra to utilize current industry standards for design, construction, operation and maintenance. The contract has some 196 performance measures that Cintra would have been obligated to achieve during the operations and maintenance phase or Cintra would have paid liquidated damages to TxDOT.

- The contract would have had rigorous handback standards where over 50 categories of elements of the facility would have decades of remaining life.

- The contract would have included a Dispute Resolution Procedure for resolving disputes between TxDOT and Cintra concerning, among other matters, the proper construction, operation and maintenance of the facility. The parties would have selected members of a dispute resolution board to resolve any dispute.

It must be noted that if NTTA develops SH 121, interest paid on bonds sold by NTTA would not remain local.

Comment 8-4 (Commentors 14, 25, 26, 27, 44, 45, 64, 71, 135, 136, 144, 153, 169, 206, 207, 227, 239, 262, 270, 282, 294)
The CDA award was announced the day after the public hearing.

Response
TxDOT is following the RTC's request to develop the corridor as rapidly as possible. FHWA approved TxDOT's continuing work on the procurement because there is already an approved environmental document for each segment of the facility. FHWA concluded that the procurement work could proceed during the re-evaluation of the environmental document for the portion of the facility in Collin County.

Most importantly, TxDOT has not executed a CDA. In February 2007, TxDOT announced that from the proposals it received, the one submitted by Cintra provides the apparent best value. As stipulated in TxDOT Minute Order 110863, the CDA is conditionally awarded to Cintra subject to, and effective upon the concurrence of, all of the following:

1) the successful completion of negotiations;
2) concurrence in award by FHWA and any other applicable FHWA approvals as identified by TxDOT, including FHWA's acceptance of the FONSI Re-evaluation;
3) receipt by TxDOT of all of the documents and payment required to be provided under the RFP prior to execution of the CDA; and
4) mutual execution and delivery of the CDA by the Executive Director of the TxDOT and the Proposer.

TxDOT would not award a contract until all four conditions listed above are met. The Toll Project is listed in the Mobility 2030 MTP and in the Draft 2008-2011 STIP which should be approved by FHWA/FTA in October of 2007 which the United States Department of Transportation (US DOT) found to conform to the State Implementation Plan (SIP) on June 12, 2007. FHWA approval of this re-

evaluation could not occur until air quality conformity is approved by the US DOT.

In May 2007, NTTA (Public Sector Comparator) submitted a Binding Commitment as a Public Sector Comparator. On August 23, 2007, the conditional award of the apparent best value proposal selected in February 2007 was cancelled and the TTC approved Minute Order 111030 which authorizes TxDOT to enter into a project agreement with the NTTA, subject to environmental clearance of this re-evaluation. It is expected that the final contract to develop SH 121 will be awarded to NTTA.

Comment 8-5 (Commentors 2, 26, 153, 197, 259)
Why is the State being secretive about the bidders of SH 121?

Response
TxDOT has kept the RTC, elected officials and local city and county staff informed about the SH 121 procurement process. The four shortlisted CDA proposers were publicly announced in July 2005.

The RTC determined business terms in April 2006 and set selection criteria in June 2006. TxDOT developed the Request for Proposals and upon completion was posted on TxDOT's internet site on January 9, 2007 at the following address:

http://www.dot.state.tx.us/services/texas_turnpike_authority/sh121_rfp.htm

Upon selection of Cintra as the apparent best value by the Texas Transportation Commission on February 28, 2007, Cintra's proposal for the qualifications and development plan was posted on TxDOT's internet site within three days. The Cintra proposal is available at:
http://www.dot.state.tx.us/services/texas_turnpike_authority/sh121_cda.htm

By State Law, Transportation Code Section 223.204 specifies that financial proposal is to remain confidential.

Comment 8-6 (Commentors 25, 132)
TxDOT is strong arming the local governments and the NTTA through the CDA process.

Response
TxDOT is committed to working cooperatively and in partnership with the region's local governments and transportation providers to develop a safe, efficient and effective transportation system for the region.

Comment 8-7 (Commentors 153, 223)f
The CDA process is a short-term solution with long-term negative ramifications and there is a lack of transparency to the CDA process.

Response
The "CDA process" would allow the project to be constructed from 9 to 18 years earlier than would have occurred had TxDOT relied solely on federal and state tax revenue. The proposed Toll Project would help satisfy long term goals to reduce congestion, enhance safety, expand economic opportunity, improve air quality, and increase the value of transportation assets. At the end of the agreement, the NTTA (Public Sector Comparator) must hand back the facility to TxDOT in the condition required by the terms of the agreement. Throughout the term of the agreement, TxDOT continues to own the facility, which is part of the state highway system.

In the case of SH 121, the NTTA would provide for an upfront payment of $2.5 billion as well as 49 annual payments with a net present value of $830 million that the region will use to construct additional transportation projects.

The agreement has numerous provisions to require the NTTA to utilize current industry standards for design, construction, operation and maintenance. The agreement has some 196 performance measures that the NTTA must achieve during the operations and maintenance phase or the NTTA will pay liquidated damages to TxDOT.

At the end of the term of the agreement, the NTTA must hand back the facility to TxDOT in the condition required by the terms of the agreement. The NTTA has rigorous handback standards where over 50 categories of elements of the facility must have decades of remaining life.

Throughout the term of the agreement, TxDOT continues to own the facility, which is part of the state highway system.

When a proposer submits a proposal, Transportation Code Section 223.204 specifies that the financial proposal, with certain specific exceptions, is confidential. When TxDOT completes its final rankings of the proposers such rankings shall be made public, and TxDOT has done so.

Comment 8-8 (Commentors 187, 259)
Bill Hale, P.E., Dallas District Engineer, stated that if improvements were made to US 75 and/or IH 35 then TxDOT would be required to compensate Cintra as part of the non-compete clause requirement. How would this affect the revenue for either the "excess revenue upfront or out year?"

Response
The Dallas District Engineer never made this statement.

The CDA provides the state unfettered (unrestricted) right to construct any additional transportation facilities it deems necessary and to maintain all existing facilities to the highest standard available. Further the clause for unplanned revenue impacting facilities exempts all of the projects in the RTC's 2030

Metropolitan Transportation Plan, any construction on US 380, US 75, SH 190, IH 35E, and any transportation facility constructed by the cities, the counties, and NTTA (Public Sector Comparator). It also exempts any public transportation facilities constructed by other agencies such as DART, DCTA and the T.

To obtain any compensation the developer must prove that the unplanned improvements have in fact reduced their revenues. The clause allows TxDOT to offset any claim by the SH 121 developer with any facility constructed by TxDOT that increased traffic on SH 121.

Comment 8-9 (Commentors 1, 104, 160, 161, 263)
There appears to be concern statewide and current legislation may further regulate or eliminate the CDA process. Please consider the issues carefully before entering into an agreement with Cintra.

Response
Several CDA-related house and senate bills were filed during the regular session of the 80th Texas Legislature. On June 20, 2007, Governor Perry signed Senate Bill 792, which is a statewide transportation bill that ensures Texas will continue to build roads and expands the power of local transportation authorities to develop toll projects. Senate Bill 792 ensures that local toll authorities have the first option to build new toll projects. This bill resulted in the enactment of legislation altering the procurement with Cintra. As of August 23, 2007, there is no longer an agreement with Cintra. On that day, TTC approved Minute Order 111029 which cancelled the procurement with Cintra for the development, financing, design, construction, operation, and maintenance of the SH 121 from Business SH 121 to US 75. The TTC also approved Minute Order 111030 which authorizes TxDOT's Executive Director to enter into a contract with the NTTA (Public Sector Comparator) to develop, finance, design, construct, operate, and maintain SH 121 upon environmental clearance.

CATEGORY 9: DESIGN

Comment 9-1 (Commentor 231)
The extreme heights of at least two of the proposed overpasses for SH 121 would be unsightly, undesirable, and unsafe during inclement weather.

Response
The proposed Toll Project meets all applicable federal and state design requirements and would operate safely and effectively. The proposed overpasses would have aesthetic treatments that would coordinate with the rest of the corridor, softening any harsh appearances. Additionally, the NTTA (Public Sector Comparator) would maintain daily monitoring of the roadway to ensure the safe travel during all weather conditions.

Comment 9-2 (Commentor 25)
I am concerned about the ten exit ramps along SH 121. The exit ramps are not optimum for speed because vehicles would be changing lanes every three-quarters of a mile.

Response
SH 121 was planned using desirable criteria to maintain safety. This includes meeting design standards for the minimal spacing required between ramps (1,000 feet (ft) between consecutive exit ramps and 1,500 ft between consecutive entrance ramps), adequate distance for motorists to merge with highway or frontage road traffic, and adequate distance between existing cross streets.

Comment 9-3 (Commentor 24)
The Arts of Collin County Commission, Inc. is requesting cultural guide signs to the main lanes and frontage roads in the north bound and south bound directions for the arts park using the Custer Rd. exits and the future Exchange Parkway (Pkwy) exits. The text on the guide signs should read: "ARTS PARK."

Response
These suggestions are noted and will be considered as the proposed Toll Project is developed further. All signage will be constructed in compliance with the Manual on Uniform Traffic Control Devices (MUTCD). The specific changes requested are not being addressed as part of the re-evaluation, but if the proposed Toll Project is approved, the comments provided will be considered during the final design phase of the project.

Comment 9-4 (Commentor 259)
What analysis was done to the existing frontage road pavement section due to the higher truck volume (diversion) and the Eagle Ford Shale issue? Can the frontage roads withstand this additional truck load? Pavement design analysis typically states that 18-wheelers do the same damage as 5,000 cars to a street.

Response
Traffic data provided by NCTCOG does not indicate a substantial number of trucks would choose to use the frontage roads due to tolling. The LOS on the frontage roads remain the same (between DNT and Coit) or would decline by one level (between Coit and SH 121 at US 75 interchange) when tolling is implemented. No additional analysis was done on the existing frontage road pavement design. Existing pavement conditions would be addressed through routine maintenance procedures should issues arise.

Comment 9-5 (Commentor 153)
There has been a lack of public and official input on configuration of interchanges and ramps.

Response
The re-evaluation addresses the proposed tolling of SH 121; the Conceptual Toll Plan (CTP) has been presented to public officials and the public at previous public

meetings and hearings. No comments concerning the configuration of the interchange or ramps were received during the public hearing process. The City of Allen sent a letter in support of the CTP and offered refinements to the proposed design. The suggestions were considered in response to Comment 9-10. All comments received regarding suggested design changes have been reviewed and considered.

Comment 9-6 (Commentor 132)
The proposed toll road would be constructed based on minimum standards, without consideration to aesthetics. The NTTA has spent funds to make the DNT an urban corridor with aesthetics in mind and sections of US 75 are true urban corridors with nice aesthetics. A project built for maximizing return on investment means little for citizens to be proud of as it relates to a major roadway.

Response
The SH 121 CDA technical requirements include a section on aesthetics and landscaping. While most of the facility is already constructed, NTTA (Public Sector Comparator) would be required to augment the facility with added landscape and accent color palettes for paint that require the review and approval of TxDOT. NTTA, TxDOT, and adjacent cities have met in initial stakeholders meetings to discuss aesthetics along SH 121. The meetings were held on August 16 and 17, 2007. NTTA proposes to use the NTTA *System-Wide Design Guidelines*, which meet or exceed any contractual requirements. During the meetings, no objections were raised concerning use of the NTTA *System-Wide Design Guidelines*. NTTA has committed to meet with each adjacent city as the design elements are developed.

Comment 9-7 (Commentor 259)
The toll signs at the Denton SH 121 gantries do not match the website charges. What is really being charged there and what therefore would be charged in Collin County? The issue relates to truck axles. Only three vehicle types are shown on the signs however there are multiple toll rates listed on the website.

Response
Due to sign space limitations, the existing signage only lists the three most common categories of vehicles. Actual rates are based on vehicle classification and there are five total classifications. The first classification is a passenger vehicle, which can also be a motorcycle, pickup truck or sports utility vehicle (SUV). The second classification is a passenger vehicle pulling a trailer. The third classification consists of a uni-body truck, bus, motor home, and tractor without trailers. The fourth classification is a tractor with one trailer. The fifth classification is a tractor with two trailers.

Comment 9-8 (Commentor 34)
(A) I want to know where the toll gantry would be located for Parkwood Blvd. It is difficult to determine where it is located on the toll gantry map and it was not notated on the Conceptual Toll Plan graphic.

(B) When will the construction for the two additional levels to be added to the DNT/SH 121 interchange project begin?

Response
(A) The northbound exit to Parkwood Blvd. (from the DNT) would be a non-toll exit. Likewise, the southbound exit to Parkwood Blvd. (from Preston Rd.) would not be tolled. The exit just north of Parkwood Blvd. that accesses Preston Rd. is proposed to be tolled, and a possible future entrance south of Preston Rd. would also have a toll gantry. All proposed toll gantries are depicted on the conceptual toll plan.

(B) The DNT/SH 121 interchange is currently being evaluated through a separate NEPA document and schematic approval process. It cannot proceed to letting until the required environmental clearance is obtained. It is anticipated to be included as part of Segment 5 and scheduled to let for construction by NTTA (Public Sector Comparator) in 2009; therefore, funding which would allow for the construction of the project is subject to the final award of the right to develop the Toll Project.

Comment 9-9 (Commentor 259)
A figure in the re-evaluation (Figure 4-2) indicated that a braided ramp for the Stonebriar Centre between Preston Rd. and Parkwood Blvd. would not be built with this project but would be in the "future." This ramp was committed to be built by the Dallas District Engineer with this project but now is shown as "future." When would this ramp be constructed and by whom? This delay would mean the mall traffic would travel through several additional signals and increase congestion and reduce air quality.

Response
The "future" terminology in the re-evaluation was used because the potential ramp design is not proposed as part of the Toll Project. The notation does not mean that the ramp is not going to be constructed. The potential "future" ramp is currently being evaluated through a separate project and is undergoing a separate NEPA document and schematic approval process {SH 121/DNT interchange [Control Section Job (CSJ) 0364-04-047]}. The DNT/SH 121 interchange project would not proceed to letting until the required environmental clearance is obtained.

The ramp would be included as part of Segment 5 (DNT/SH 121 interchange) and scheduled to be let for construction by NTTA (Public Sector Comparator) in 2009.

Comment 9-10 (Commentor 276)
The City of Allen is in support of the schematic with the following recommended refinements:

1. Move the SH 121 north/eastbound exit ramp to Stacy Road to the west to maximize access to the frontage road properties on the south side of the frontage road.
2. Exchange Parkway is planned to cross SH 121 at the following coordinates N532751.30, E2238849.38. There will be jug handle connections between the north/eastbound SH 121 frontage road and Exchange Parkway. The City of Allen has a schematic available for HNTB and TxDOT to review. Attached is the general layout of the intersections. Contact the City of McKinney for the layout of the connection between the south/westbound SH 121 frontage road and Exchange Parkway. Add guide signs to the mainlanes for the Exchange Parkway.
3. The Arts Park (aka Arts of Collin County, a governmental agency) driveway is planned for north/eastbound frontage road (see attached). Add cultural guide signs to the mainlanes and frontage roads for the Arts Park (aka Arts of Collin County) using the Custer Road exits and the future Exchange Parkway exits. The text on the guide signs should be "ARTS PARK."
4. The City of Allen has a collector roadway connecting to the north/eastbound frontage road at a point 429 feet northeast along the right of way from the following point: N7099924.114, E2515029.1260 (see attached).
5. Watters Road has been moved to align with Lake Forest Drive. Watters Road in the City of Allen is currently a six-lane divided roadway and will be widened to eight lanes in the future. Add Watters Road to all mainlane guide signage.
6. Chelsea Boulevard is aligned with Hardin Boulevard. Chelsea Boulevard in the City of Allen is currently a two-lane roadway, and it will be widened to six lanes in the future. Add Chelsea Boulevard to all mainlane guide signage.
7. Move the SH 121 north/eastbound exit ramp to Hardin/Chelsea to the west to maximize access to the frontage road properties on the south side of the frontage road.
8. Move the SH 121 north/eastbound entrance ramp from Lake Forest/Watters to the east to maximize access to the frontage road properties on the south side of the frontage road.
9. Relocate the southbound US 75 exit to Ridgeview Drive north to US 75 Station 660+00. There may be some geometric challenges threading this relocated ramp through the bridge columns. Overcoming these challenges will be offset by relieving the congestion allowing commercial traffic to turn on Shelby Drive in lieu of going through the box at US 75/SH 121 interchange or going through the Ridgeview interchange and doubling back. In addition, the additional cost (if any) associated with the relocation of the ramp may not be as substantial as first anticipated. The retaining wall shown in the schematic near US 75 Station 660+00 may not be necessary giving the wide separation between the southbound US 75 mainlanes and the southbound frontage road. Continue to work through the engineering process to adjust the bent locations to accommodate the relocation of the ramp, to minimize congestion at the frontage road box at the US 75/SH 121 interchange, Ridgeview/US 75 interchange, and improve access to the commercial property at the southwest quadrant of the US 75/SH 121 interchange.

Response
TxDOT's primary concern regarding items 1, 7, 8 and 9, is that the geometric layout does not maximize frontage road access at points beyond the ramp. The goal is to provide the most desirable operational characteristics for the traveling public. This change will not be made as modifying the ramp locations and lessening the operational characteristics is not desirable.

TxDOT is aware of item 2 and the ongoing effort by the City and will cooperate as necessary to facilitate the planning, design and construction of this roadway as part of a separate project.

The signing issues raised in items 3, 5, and 6 will be evaluated and considered during detailed design and have no bearing on the environmental merits of the project.

TxDOT is aware of the driveway and collector roads in question in items 3 and 4 and will make accommodations for these to access the frontage roads depicted on the schematic which have already been constructed.

Comment 9-11 (Commentor 243)
I am in agreement with the "Control of Access" area as shown and delineated on the map of SH 121 "West of Alma to Stacy" as shown on "WestofAlmatoStacyRd.pdf" accessed March 8, 2007 at http://www.keepitmovingdallas.com. I accept the placement of the Control of Access area as shown on the above described document and as highlighted on Exhibit "A" included here with and incorporated herein by this reference.

Response
Comments noted. Control of access as depicted in TxDOT's right-of-way will be adhered to by the NTTA (Public Sector Comparator).

CATEGORY 10: GENERAL (OTHER) COMMENTS

Comment 10-1 (Commentors 241, 277)
Citizens should use their voting power and become involved in the process. The State is moving in the direction of privatization and that we have gotten out of balance. The balance must be found to serve the best for the public interest. Too many people do not vote and this kind of thing happens when people do not vote.

Response:
Comments noted.

Comment 10-2 (Commentors 152, 231, 259)
Right-of-way is not 100 percent complete. The City of Frisco still owns land along [SH 121] that is not in TxDOT's name. Please contact the City of Frisco Engineering Department for further information on how to acquire this land from the City of Frisco.

It is wrong to rely on eminent domain for future road improvements.

Response
All needed right-of-way for SH 121 has been acquired as the project received a Finding of No Significant Impact (FONSI) in 1991. No additional right-of-way would be required for the Toll Project. The Commentor may be confusing the need for right-of-way with the SH 121/DNT interchange design project which is adjacent to the proposed Toll Project. The DNT/SH 121 interchange is currently being evaluated through a separate NEPA document and schematic approval process and approximately 3.8 acres of right-of-way would be required to construct the fully directional interchange. If additional right-of-way acquisition becomes necessary for the Toll Project, TxDOT would review the acquisition procedures with the cities.

Eminent domain is not anticipated to be required to the proposed Toll Project as no additional right-of-way is required.

Comment 10-3 (Commentor 153)
Frisco and Allen do not have a voice on the RTC and it seems the only proponents are those who would be paid by the tolls, not those who have to pay for the tolls.

Response
The RTC is the independent transportation policy body of the MPO. The NCTCOG created the RTC to address regional transportation planning policy and activities; to provide guidance for multimodal transportation planning; and to assure coordination among transportation modes, local government entities, and planning activities. The RTC is comprised of 40 members: 33 local elected or appointed officials representing cities and counties, and seven transportation provider representatives. According to the Bylaws and Operating Procedures of the RTC, not every municipality in the DFW region has direct membership on the RTC.

As stated in the Bylaws, the Cities of Allen, Frisco and McKinney have a clustered representation. The Cities of Allen, Frisco and McKinney can participate in the process by attending monthly meetings, but are currently represented by the City of McKinney (Mayor Bill Whitfield) and Collin County (Commissioner Jack Hatchell). RTC members representing groups of entities and County representatives are appointed to represent the needs of the group of entities and/or entire County, especially local governments that are not directly represented on the RTC. It is the responsibility of the county representative or RTC member representing groups of entities to inform and discuss policies and actions of the RTC with the impacted areas they represent. The individual local governing bodies select their representatives to the RTC. These members represent the region in the RTC's decision making processes.

Comment 10-4 (Commentor 153)
All landowners who donated right-of-way under the assumption SH 121 would be a non-toll facility should be contacted and given the opportunity to re-dedicate land with the new proposed CDA process.

Response
The only land donated within the Toll Project Limits was from the City of Plano. The grantor acknowledged that the land would be used for access to an expressway to be constructed in conjunction with the highway facility. Defined by NCTCOG, an expressway is a wide road built for fast moving traffic traveling long distances, with a limited number of points at which drivers can enter and exit. As the land is still being utilized for an expressway, the terms of the property acquisition documents have not been violated.

Comment 10-5 (Commentor 153)
I am opposed to the use of roadway funds by TxDOT in marketing efforts, to take photographs of vehicles, and to create marketing videos and virtual tours of the proposed toll facility.

Response
As part of the public involvement efforts for the proposed Toll Project, an urban simulation model was created depicting a representative four-mile section of SH 121 as a toll facility. Photographs of vehicles were not required, however a photo-realistic computer-simulated virtual (3D) environment; utilizing available planametric flown data, local elevation based photography and aerial photography of the project corridor was utilized. Graphics and visual aids are effective tools to accurately depict the proposed facility in a manner that is easily understood by the general public, rather than providing standard engineering drawings. All TxDOT expenditures are within the authority granted by the Texas Legislature for purposes appropriate to carrying out the Agency's mission.

Comment 10-6 (Commentors 72, 197, 210)
Why is Governor Perry pushing this? How much money is Governor Perry making off of the tolling of SH 121? Has an investigation been done in to the campaign contributions to Rick Perry from Cintra and Zachary Construction?

Response
The decision to pursue tolling SH 121 was made by the RTC and not Governor Perry. Governor Perry is not personally involved in the decisions regarding SH 121, nor is he making a personal profit from the project should it become a toll facility. In recognition of funding shortfalls for transportation projects, Governor Perry worked with the Texas Legislature to implement legislation for innovative financing solutions.

For information regarding specific contributors to Rick Perry's campaign for governor, contact the Texas Ethics Commission at 1-800-325-8506, or visit http://www.ethics.state.tx.us/index.html.

Comment 10-7 (Commentor 5)
Is there an air quality correlation between a strange disease like impacted feces affecting such a small group of boys and proximity to SH 121?

Response
This question is beyond the scope of the air quality analysis conducted for the Toll Project.

Comment 10-8 (Commentor 5)
What will happen to our homes resale value when SH 121 is tolled?

Response
Proximity impacts, such as future home values, are very subjective and reflective of an individual's personal preferences and priorities. This question is beyond the scope of the analysis conducted for the Toll Project.

Comment 10-9 (Commentor 5)
Will the corporations that profit from the increased traffic be required to compensate homeowners for loss of resale, for the loss of health, for their medical bills?

Response
This question is beyond the scope of the analysis conducted for the Toll Project.

Comment 10-10 (Commentor 5)
Are there guidelines for how close a residential facility can be to highways/high traffic areas?

Response
TxDOT only regulates development and activities within the right-of-way; in the case of SH 121 the proposed right-of-way would be 2 ft from the curb of the frontage road (minimum) up to 6 ft from the curb (to allow for a sidewalks and utilities). Cities then enforce setback limits for buildings; therefore, please consult the planning department of the city in which you reside for specific information such as zoning ordinances which are adopted by local municipalities to regulate land uses.

Comment 10-11 (Commentors 1, 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 22, 23, 26, 27, 29, 30, 31, 32, 33, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 66, 67, 69, 70, 71, 73, 75, 76, 77, 78, 79, 81, 82, 83, 84, 86, 87, 88, 89, 90, 92, 95, 98, 99, 100, 102, 103, 106, 107, 108, 110, 111, 113, 115, 116, 118, 119, 121, 122, 123, 124, 125, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 146, 147, 148, 149, 151, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 167, 168, 172, 173, 174, 175, 177, 178, 179, 180, 181, 186, 189, 190, 191, 192, 194, 198, 199, 200, 203, 204, 205, 206, 208, 209, 212, 213, 214, 215, 216, 217, 218, 219, 222, 223, 224, 225, 226, 229, 230, 232, 233, 234, 235, 236, 238, 242, 244, 246, 247, 248, 249, 252, 253, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 272, 273, 275, 277, 280, 281, 285, 286, 288, 289, 291, 293, 294, 295)

There are significant impacts associated with the change of this section of SH 121 from freeway to toll road. The increased traffic on frontage roads will result in greater congestion and have significant impacts.

Additionally, several areas of concern have been identified including the effect on traffic patterns, associated noise, air quality, and environmental justice impacts to low-income/minority communities.

The re-evaluation contains significant errors and omissions, identified by Commentor 259, which has been submitted separately. The re-evaluation does not adequately address impacts and when an impact is identified, the re-evaluation does not attempt to mitigate that impact.

Response

The impacts associated with the tolling of SH 121 do not rise to the regulatory definition of significance.

A project and system level comparison of the SH 121 non-toll and toll scenarios was performed utilizing traffic projections and modeling based on the *Mobility 2030* traffic network. According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Overall, this percent change would result in minimal effect to users of the major/minor arterials and frontage roads in the study area. Also, an analysis was done to identify local streets that would experience increased traffic due to tolling. The results indicate that local transportation system does experience an increase in traffic volume, but the increase is minimal (most experience less than 600 cars per day increase) and the LOS does not change. Additionally, the analysis indicates that some of the north/south arterials experience a decrease in traffic volume.

The previously approved noise analysis, conducted in 1991 and re-evaluated in 2002, concluded that the project would result in a traffic noise impact with no feasible and reasonable abatement. A current analysis of the land use adjacent to the proposed Toll Project indicates that there has been no new development that would be impacted by traffic noise or benefit from any feasible and reasonable noise abatement.

The revised re-evaluation includes an analysis of the potential impacts of the redistribution of traffic on SH 121 from tolled mainlanes to non-tolled frontage roads. These affects were determined by the associated change (increase or decrease) in sound pressure [noise] levels expressed in decibels (dB). Although the Toll Project would result in an increase in the average daily traffic (ADT) on many of the non-tolled frontage roads, any increase in noise levels associated solely with an increase in traffic on the frontage roads would be offset by the greater decrease (ADT) in faster (louder) traffic on the tolled mainlanes (See table

below). The result would be an overall decrease in noise levels for areas along/adjacent to SH 121.

TABLE 5-8
NOISE LEVEL CHANGE DUE TO TRAFFIC REDISTRIBUTION ON SH 121
(2030 NON-TOLL vs. TOLL TRAFFIC)
(FROM REVISED RE-EVALUATION)

SH 121 Facility Segment		Non-Toll to Toll Average Traffic Redistribution*	Noise Level Change**
DNT to Coit Rd.	Frontage roads	4% decrease (-1,767 ADT)	-0.3 dB
	Mainlanes	7% decrease (-10,191 ADT)	
Coit Rd. to Alma Dr.	Frontage roads	37% increase (+10,907 ADT)	-0.9 dB
	Mainlanes	29% decrease (-41,274 ADT)	
Alma Dr. to SH 121 At US 75 Interchange	Frontage roads	55% increase (+8,838 ADT)	-1.4 dB
	Mainlanes	38% decrease (-39,891 ADT)	

* Source: NCTCOG TransCAD® data for 2030 non-toll and toll scenarios

**Average noise level changes at distances ranging from 100-400 ft from the right-of-way. The decibel (dB) is the unit of measurement used to express the magnitude of sound energy (noise).

Based on the information presented in the table above and an assessment of current land use, the conclusion of the original analysis remains valid for the proposed Toll Project.

Air quality analyses performed for MSAT emissions and CO concentrations show improvements by the design year of 2030. Total MSAT emissions decreases from the base year are substantial even with the associated increase in VMT in the travel study area. MSAT emissions were predicted to decline by 51 percent from 2007 to 2030 and local concentrations of CO are not expected to exceed national standards at any time.

The environmental justice direct effects study area includes 10 census tracts, only one of which is defined as containing an environmental justice population (Census Tract 309.00). Overall, the minority population of the study area represents 23.3 percent of the total population. The low-income population of the study area represents 5.1 percent of the total population. The study area minority and low-income percentages are consistent with Collin County minority and low-income percentages (23.9 percent and 4.8 percent, respectively).

Low-income populations would be impacted by toll rates, toll collection, and other matters associated with user fees. Should a low-income person be unable to pay the toll or utilize non-toll alternatives, this may result in a difference of travel time associated with utilizing non-toll alternatives. In addition, the economic impact of tolling would be higher for low-income users because the cost of paying tolls would represent a higher percentage of household income than for non-low-income users.

An O&D analysis, utilizing NCTCOG's AM peak period trip data, was performed to analyze the "user impacts" of the proposed Toll Project on low-income and minority populations. The study area for the O&D analysis is the NCTCOG MPA which spans 5,000 square miles and encompasses five entire counties and four

partial counties. The results of the O&D analysis indicate that a majority of trips anticipated to utilize the toll facility would not originate from areas identified with high concentrations of environmental justice populations. Of approximately 73,743 total trips which originate from TSZs anticipated to utilize the proposed SH 121 toll facility, approximately 5.4 percent (4,012 trips) of the total trips originate from environmental justice TSZs. For the non-toll scenario, the total number of trips generated by TSZs anticipated to utilize SH 121 is approximately 73,287. Of this trip total, approximately 5.7 percent (4,246 trips) originating from environmental justice TSZs are projected to utilize the non-toll SH 121 facility.

This data indicates that environmental justice populations may utilize SH 121. According to EO 12898, "disproportionately high and adverse effect" considers the *totality* of significant individual or cumulative human health or environmental effects. The benefits associated with the implementation of tolling would include the acceleration of infrastructure improvements to support the increased development and commerce in the immediate area, provision of mobility and relief of traffic congestion for all motorists using the systems funded by the proposed Toll Project, and capacity improvements to the existing SH 121 facility. In the case of implementing the Toll Project and considering the totality of the effects of this project, the overall benefits provided for the environmental justice population, as well as the entire community, outweigh the specific concerns about environmental justice addressed throughout this re-evaluation. Over the long term, the entire corridor and users would benefit from the proposed Toll Project as a result of improved system linkage and mobility in the area. There do not appear to be any disproportionately high and adverse impacts on minority or low-income populations associated with the project.

Commentor 259 submitted a letter that contained 131 numbered comments. The letter contained questions covering topics such as funding, tolling concerns, public involvement, the CDA process, design, general comments, the re-evaluation; traffic, air quality/pollution, and environmental justice. Although there were numerous comments, the majority of the comments focused on aspects of the re-evaluation such as terminology used and data sources (i.e., stating "Excess Toll Revenue" vs. "Near Neighbor/Near Timeframe)." In response to Commentor 259, clarifications were provided on other topics such as air quality and conformity, traffic analysis, contents of the re-evaluation and associated appendices. Please see the List of Commentors table at the beginning of this report to review the comments and responses given to Commentor 259. Revisions were made to certain sections of the re-evaluation as warranted; however, the results and outcome of the previously conducted analysis and conclusions remain valid.

Comment 10-12 (Commentor 85)
Commentor had various comments regarding disappointment with the development of Frisco and property taxes.

Response
Comments noted.

CATEGORY 11: RE-EVALUATION

Comment 11-1 (Commentors 1, 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 22, 23, 27, 30, 31, 32, 33, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 62, 63, 64, 65, 66, 67, 69, 70, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 92, 95, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 115, 116, 118, 119, 121, 122, 123, 124, 125, 127, 128, 129, 130, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 146, 147, 148, 149, 151, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 167, 168, 172, 173, 174, 175, 177, 178, 179, 180, 181, 186, 189, 190, 191, 192, 194, 198, 199, 200, 203, 204, 205, 206, 207, 208, 209, 212, 213, 214, 215, 216, 217, 218, 219, 222, 223, 224, 225, 226, 229, 230, 232, 233, 234, 235, 236, 237, 238, 242, 244, 245, 246, 247, 248, 249, 252, 253, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 270, 272, 273, 274, 275, 277, 278, 280, 281, 285, 286, 288, 289, 291, 294, 295)
The commentors noted support for a letter submitted by Commentor 259 and/or would like issues addressed. Commentor 258 also mentioned that the proposal ignored environmental impacts to the 100-year floodplain.

Response
The proposed Toll Project has been developed in full compliance with applicable environmental laws, rules and regulations. The FHWA will review the document analysis and findings to determine if the FONSI remains valid. Please refer to the List of Commentors to review all responses to the comments/questions associated with Commentor 259.

Comment 11-2 (Commentor 259)
There are a significant number of abbreviations in this document. A glossary of abbreviations and their definition would be helpful for the lay person to read.

Response
A glossary has been prepared and is included as Section 11.0 of the revised re-evaluation.

- Page 8 - Paragraph Three. Spell out "ETC."

Response
"ETC" was first used on page 3 of January 2007 re-evaluation. No change has been made, however due to other revisions; the first use of ETC now appears on page ES-3 and 14 of the revised re-evaluation. ETC has been added to the glossary in Section 11.0 of the revised re-evaluation.

- Page 24 - Second Paragraph. Define CEQ.

Response
CEQ stands for "Council on Environmental Quality." This has been added to page 20 of the revised re-evaluation and is included in the glossary in Section 11.0.

- Page 26 – First Paragraph. Define PM_{10} and $PM_{2.5}$.

Response
PM_{10} stands for "Particulate Matter less than 10 microns in size." $PM_{2.5}$ stands for "Particulate Matter less than 2.5 microns in size." This has been added to the glossary in Section 11.0 of the revised re-evaluation.

- Page 28 – Second Paragraph. Define RFG.

Response
Please see page 18 of January 2007 re-evaluation for the first use of reformulated gasoline (RFG). No change has been made, however due to other revisions; the first use of RFG now appears on page 35 of the revised re-evaluation. RFG has been added to the glossary in Section 11.0 of the revised re-evaluation.

- Page 28 - Second Paragraph. Define CAA.

Response
Please see page 18 of January 2007 re-evaluation for the first use of CAA (Clean Air Act). No change has been made, however due to other revisions; the first use of CAA now appears on page 30 of the revised re-evaluation. CAAA has also been added to the glossary in Section 11.0 of the revised re-evaluation.

- Page 28 - Second Paragraph. Define PM.

Response
PM stands for "particulate matter." This has been added to the glossary in Section 11.0 of the revised re-evaluation.

- Page 40 - Second Paragraph. Define RSA. Resource Study Area?

Response
Yes, see page 36 of January 2007 re-evaluation for the first use of RSA. No change has been made, however due to other revisions, the first use of RSA now appears on page 97 of the revised re-evaluation. RSA has been added to the glossary in Section 11.0 of the revised re-evaluation.

Comment 11-3 (Commentors 18, 63, 88, 103, 152, 153, 259, 269)
This entire document is in many cases an exact word for word copy of the SH 121 Denton County Environmental Assessment which accounts for many of the errors in the document. There is little to distinguish it as an individual project separate from the Denton County project. Many of the references are more accurate to the Denton County project than the Collin County project for the majority of the document. Shouldn't each

Environmental Assessment be unique to the corridor and not a boiler plate document?

Response
The Denton and Collin County SH 121 re-evaluations have similar formats due to the fact that both documents evaluated the proposed implementation of electronic tolling using the same previously approved document which environmentally cleared SH 121 from Farm-to-Market Road (FM) 423 to US 75. The document that has been prepared for the Collin County portion is a re-evaluation, as was the Denton County document, therefore there should be similarities; however, unique information is presented as warranted for Collin County. When a change to a project that received previous environmental clearance occurs, the preparation of a re-evaluation is required under 23 CFR 771.129 and 43 TAC §2.13. The level of documentation prepared is contingent upon the magnitude of the changes and according to FHWA Technical Advisory T6640.8A; there is no federal format for re-evaluations.

Comment 11-4 (Commentor 259)
The commentor stated that the following pages of the re-evaluation have incorrect and/or missing dates, data and/or references.

- Page 1 – It is this source of funding [Near Neighbor/Near Timeframe] that would fund projects as agreed upon by a cooperative TxDOT-RTC selection process which considers the desires of the cities and counties in which the revenue-generating project is located, (as per the NCTCOG RTC Business Terms for the State Highway 121 in Collin and Denton Counties) not the "elected officials in Collin County" as stated in the second paragraph.

  Response
  Document revised. The "near neighbor/near timeframe" terminology was replaced by the "Regional Toll Revenue Funding Initiative projects/policy" language. Please see Section 2.2 of the revised re-evaluation.

- Change "near neighbor/near time frame" to "Excess Toll Revenue – Up Front Payment Projects. There would not be any "near neighbor/near timeframe" projects for SH 121 Collin County. There would be "Excess Toll Revenue Sharing Up front projects." This terminology occurs on Page 1 - Footnote 2, Page 2 - second paragraph, Page 3 - Third Paragraph, Page 7 - Third Paragraph, Page 7 - Fourth Paragraph, Page 12 - First Paragraph, Page 13 - Second Paragraph, Page 36 - Fourth Paragraph, Page 37 - First Paragraph, Page 44 - Table 5-11, Page 46 - First Paragraph, Page 47 - Third Paragraph, Page 56 - First Paragraph, Page 55.

  Response
  "Neighbor/Near Timeframe" is a generic term used to describe the early implementation of local projects within a relatively short time span (when compared to conventional methods). NCTCOG, as a regional entity also refers to this as "Excess Toll Revenue Sharing" and the "Regional Toll Revenue Funding Initiative." Though the two terminologies differ in regards to the source of funds

being distributed, both terminologies refer to the timely funding of critical projects in areas most directly affected by the tolling of SH 121. The two terms are interchangeable; however, in various sections of the document the terminology has been revised to reflect "Regional Toll Revenue Funding Initiative projects/policy" language.

- Page 3 - Second Paragraph. The RTC only voted to change the Denton County portion of SH 121 to a toll road in October 2004. The Collin County portion of SH 121 was not voted to be modified at this time. The correct date is January 2007 when the *Mobility 2030 MTP* was adopted by the RTC.

Response

This paragraph provided the history of tolling SH 121 in both Denton and Collin counties; however, the revised re-evaluation has been clarified to state that the October 2004 date specifically concerns Denton County. Additionally, project history regarding Collin County decisions has also been added.

The decision to pursue tolling SH 121 was made by the RTC who is responsible for overseeing the metropolitan transportation planning process. The decision process included coordination and consensus of local elected or appointed officials representing cities and counties, and transportation provider representatives. Because of mobility needs and a lack of funding to construct SH 121 in Collin County, the Collin County Commissioners Court asked regional planning authorities to assist the County in conducting a feasibility study on the Collin County portions of SH 121 in order to study roadway options and funding strategies. A SH 121 feasibility study team was assembled which included representatives from Collin County, the NCTCOG, TxDOT, the NTTA (Public Sector Comparator), and the impacted cities along the corridor. In order to conduct a feasibility study for the Collin County portions of SH 121, a technical planning process was mapped out and followed. The planning process was developed and started in the fall of 2004, and was completed in the spring of 2005. Several meetings of the SH 121 feasibility study team took place during this time to monitor and discuss the results of each task. SH 121 (from the DNT to US 75) has been incorporated as a toll facility into the financially constrained long-range plan known as *Mobility 2030 MTP*. To date TxDOT has hosted or attended fifty meetings with local entities and agencies (including NCTCOG, NTTA, the Cities of Allen, Frisco, McKinney and Plano, and Collin County) to discuss the development, financing, and operation of SH 121. Although local input and wishes were considered, other factors such as financial constraints and regional mobility contributed to the decision to pursue tolling SH 121.

The following municipalities are adjacent to the proposed Toll Project: Plano, Frisco, Allen, McKinney, and Fairview. Support for the proposed tolling of SH 121 has been passed by four of the adjacent entities. Plano, Allen, and McKinney have passed resolutions in support of SH 121 as a toll facility, with various conditions for local authorities, NTTA and excess toll revenue decisions. Frisco does not support the decision to toll SH 121 based on the most current resolution

passed by the City on April 4, 2006. Fairview has passed a resolution in favor of tolling.

- Page 3 - Second Paragraph. The City of Frisco is not in support of the SH 121 as a toll road. See attached Resolution 06-04-75R. Please modify this paragraph and all other paragraphs as necessary to accurately reflect each city's support of this toll road. Each city had a specific resolution and specific type of support or non-support regarding SH 121 as a toll road. It would be helpful to include these in the Appendix of the EA.

  Response
  The Cities of Plano, Allen, and McKinney have passed resolutions in support of SH 121 as a toll facility, with various conditions for local authorities, NTTA, and excess toll revenue decisions. The City of Frisco does not support the decision to pursue tolling SH 121 based on the most current resolution passed on April 4, 2006. The Town of Fairview has passed a resolution in favor of tolling. The re-evaluation has been revised to include all resolutions for the five adjacent municipalities and a brief discussion has been added to *Regional/Local Decisions* section and to Appendix B of the revised re-evaluation.

- Page 3 - Second Paragraph. There have been several large public meetings and public comment periods regarding the project. None of the comments regarding the support/opposition of this toll road is included in the EA. NCTCOG and TxDOT both participated in this process. Please include this information to accurately reflect the support/opposition of the public regarding the toll road. Also, on Page 14 - Describe the public hearing process in detail which occurred on February 26th and the comments which were received.

  Response
  To date, TxDOT has hosted or attended fifty meetings with local entities and agencies (including NCTCOG, NTTA, the Cities of Allen, Frisco, McKinney and Plano, and Collin County) to discuss the development, financing, and operation of SH 121. A public meeting was conducted specifically for the proposed Toll Project on July 25, 2006 and was summarized in Section 4.4 of the January 2007 re-evaluation. Issues of concern included the cost of the tolls, who would manage the toll facility, air and noise pollution, and alternative non-toll routes. The public meeting summary is available in Appendix D of the revised re-evaluation and at the TxDOT Dallas District for review."

  On February 26, 2007, a public hearing was held in the City of Plano to gather feedback from the public regarding the proposed tolling of SH 121. Following the public hearing all verbal and written comments were addressed in a Public Hearing Comment and Response Report and summarized in the revised re-evaluation. As part of the comment and response report, TxDOT thoroughly analyzed and responded to all comments received during the comment period. The report supports the requirements for public participation by documenting the

public hearing occurrence. A brief summary of the public hearing was added to Section 9.0 of the revised re-evaluation.

- Page 3 - Third Paragraph. The small amount of gasoline funds for the main lanes is not planned on being reallocated in this project. Only "Excess toll revenue funds up front and over time" are planned to be utilized. Please modify this paragraph accordingly.

  Response
  The paragraph in question is describing the near neighbor, near timeframe policy and not describing any specific amount of reallocated gasoline tax funds; however, that paragraph has been removed from this section and revised to discuss innovative funding solutions.

  Innovative Funding Solutions
  The mobility needs in Texas are significant. Transportation planners have identified billions of dollars of funding shortfalls to achieve an acceptable level of mobility in 2030. To close the substantial funding gap between projected needs and traditional funding, the Texas Legislature has expanded the transportation funding options available for use. The five tools and key strategies for funding critically needed projects in order to meet the State's mobility objectives include:

  - Regional Mobility Authorities
  - Toll Roads
  - Pass-Through Toll Financing
  - State Infrastructure Bank Loans
  - CDAs

  CDAs and toll road development are among those options and are key strategies for funding critically needed projects in order to meet the objectives of SH 121. The proposed Toll Project may be funded and constructed through a CDA, which is a mechanism for funding which involves partnerships with private interests. The CDA process allows TxDOT to work directly with multiple competitors to provide the best solution within the corridor while maintaining control of operational and maintenance issues. This funding mechanism is possible because of HB 3588 that brought Texas new tools for financing roadway projects. The RTC's policy on excess toll revenue sharing identify the conditions and stipulations that must be met.

- Page 12 – Second Paragraph. The statement about gasoline sales tax is incorrect. The majority of the main lanes costs are being funded from the CDA. Please provide a cost comparison of the CDA costs versus the gasoline sales tax funding in Collin County if you are going to use this analysis.

Response
Under the RTC's Regional Toll Revenue Funding Initiative policy, when a previously planned tax supported highway is shifted into a toll facility, those original gas tax funds are to be reallocated to projects that serve the same transportation system users, and the newly identified projects are to be completed in comparable timeframes. Only the mainlanes from DNT to Hillcrest Rd. received gas tax funding; however, in accordance with the Excess Toll Revenue Sharing policy, an up-front payment would be placed in county specific accounts and pro-rated based on the residential county of the toll payer (i.e., based on the county in which the vehicle is registered) on all toll roads (e.g. Collin County drivers who use a toll road in another county within the North Texas region would still contribute to the Collin County specific fund for future improvements). The RTC has established a CDA Task Force to determine project funding allocation for SH 121 in Collin County.

- Page 4 - Under the Objective – I strongly concur with the statement that the excess toll revenue should stay in the local area. However, I do not believe this is the direction the RTC and TxDOT are currently going with the policies that are in place. It is also not "near neighbor" by definition.

  Response
  Per the RTC Resolution approved on April 13, 2006 and modified on September 14, 2006, all excess toll revenue generated from an individual toll project will remain in the TxDOT district from which it is generated. Excess revenue generated from toll projects shall be placed in county specific accounts and pro-rated based on the residential county of the toll payer (i.e., based on the county in which the vehicle is registered) on all toll roads (e.g. Collin County drivers who use a toll road in another county would still contribute to the Collin County specific fund for future improvements). Revenue generated in each subregion (Fort Worth or Dallas) would result in an adjustment to the Category 2 funds as administered by NCTCOG. Category 2 funds are federal funds designated for metropolitan area corridors and are allocated by the Texas Transportation Commission to the various regions throughout the state.

  Neighbor/Near Timeframe" is a generic term used to describe the early implementation of local projects within a relatively short time span (when compared to conventional methods). NCTCOG, as a regional entity also refers to this as "Excess Toll Revenue Sharing" and the "Regional Toll Revenue Funding Initiative."

- Page 4 - I did not see evidence of "acceleration of local tax-base growth due to the construction of this project" included in the Environmental Assessment. Please provide information on how you are making this assumption.

  Response
  Increased commercial property values in the proposed Toll Project area could reasonably be expected to occur due to improved accessibility and mobility.

Increased property values, in turn, would increase city and county tax revenues. The study area is currently developed as commercial and industrial, with continued growth anticipated. The addition of new businesses would also serve to increase the tax base.

- Page 13 – First Paragraph. Clarify the second sentence to state $700 million in "today's dollars" or "present value" if you are referencing the Footnote.

  Response
  Statement clarified to represent "present value."

- Page 15 – Second Paragraph. The Future Land Use Plan/zoning in any city can be modified at any time at the request of a property owner and the approval of the City Council. With all of the non-residential zoning along SH 121, it would be a very long time before it can be absorbed, therefore it may be likely that property owners would be requesting that they be allowed to meet the property demands at that time, which is most likely residential. This is similar to what has occurred in Coppell and Carrollton along the SH 121 corridor.

  Response
  The re-evaluation has been modified to state future land use maps and zoning maps "currently" indicate non-residential land uses.

- Page 19 - Chart is illegible to the left side of the graph.

  Response
  The subject chart has been enlarged to improve legibility.

- Page 20 - Table 5-3. Should this data (Local Monitor Data for Air Toxics) be updated to 2006 information?

  Response
  Table 5-3 contained annual average data for the pollutants listed. At the time the re-evaluation was approved for further public involvement, the 2005 year contained the most complete annual information, and consequently it was used in the January 2007 re-evaluation. Since then, 2006 data has become available and the 2005 data has been updated. The 2006 data concludes that no MSATs monitored by the stations listed in Table 5-3 were found to have elevated levels during 2006. Table 5-3 has been updated and is now Table 5-4.

- Page 32. Paragraph Five. The document states that the toll rates for SH 121 would be consistent with the other toll rates in the region. This is not correct. The toll rate for SH 121 is set at 14.5 cents (avg) with permitted 17 cents for peak hour while toll tag users on DNT currently pay around 10.5 cents. Also with the increases projected by the CDA, it is unlikely the NTTA rates would also escalate at the same rate as the CDA. Therefore this statement is not correct.

Response
The toll rates proposed for SH 121 would remain consistent with regional toll rates. In September 2007, the NTTA will increase the toll rate at main lane toll plazas from $0.75 to $1.00 for cash customers. Although toll rates may not be exactly the same, they would remain regionally consistent and competitive.

- Page 33 - Second Paragraph. How did TxDOT intend to achieve the visitor, rental car, and out-of-state person that aren't familiar with the system that has been discussed for the past two years? There is nothing in this section of the EA discussing this issue.

  Response
  Video billing, the use of video cameras to record the license plate of those users without electronic transponders, would be used to record the out-of-state or unregistered vehicles traveling the toll lanes. These vehicles would be identified by a cooperative effort between TxDOT and other states. The risk of non payment from out-of-state vehicles and other non-TxTag® users is ultimately the responsibility of the NTTA and enforcement would be their responsibility.

- Page 34 – Sixth Paragraph. At the time this Environmental Assessment (EA) was printed, the statement about the Collin County Area Regional Transit (CCART) not having regularly scheduled trips in the service area was incorrect. Frisco has contracted with them for the past several years to provide a fixed route throughout the City. This service was recently voted on to be discontinued in May 2007. A transit study would be performed to determine future needs of transit throughout the City. The City of Plano is a member of Dallas Area Rapid Transit (DART). According to the DART website, bus service exists currently just south of SH 121 in the Legacy Business Park. Page 38 – Second Paragraph. The Cities of McKinney, Allen and Frisco are capped at the maximum sales tax and cannot join a transit provider without the cap being raised on the sales tax.

  Response
  Data pertaining to CCART route service in the January 2007 re-evaluation was obtained through the CCART website (http://www.cccoaweb.org/ccart.asp) and through recent coordination with CCART. According to CCART, the Frisco line operates 12 hours per day from 7am to 7pm and has about 21 stops; however, none are located along SH 121. In January 2007, the City of Frisco terminated their contract with CCART because of low ridership. CCART will continue to operate during contract negotiations and plans to keep CCART operating in Frisco.

  DART does not provide service along SH 121.

  Other comments noted.

- Page 36 - Third Paragraph. The third sentence states that "*It is anticipated that development opportunities along the SH 121 facility would be facilitated by the*

proposed implementation of tolling." However the remainder of the paragraph states that the implementation of the tolling does not influence the development and that development would occur whether or not SH 121 toll road occurred and it does not effect the population density nor growth rate. Therefore, the "italics" sentence above contradicts the remainder of the paragraph and should be eliminated. The proposed SH 121 toll road would not negatively nor positively affect the development in the corridor.

Response
Comment was removed from the revised re-evaluation.

- Page 37 – Second Paragraph. "A potential indirect impact of tolling could be an increase of traffic through neighborhoods as a result of motorists trying to avoid the toll." I concur with your statement. The NCTCOG 2030 "Unmet Peak Hour Demand" on the arterial street systems demonstrates that the traffic is attempting to cut through arterial streets because the SH 121 main lanes are also over capacity. What solution for the main lanes of SH 121 and the local cities do you propose to avoid this congestion and air quality issue?

  Response
  A potential indirect impact of tolling could be an increase of traffic through neighborhoods as a result of motorists trying to avoid the toll. However, the proposed Toll Project is not expected to substantially increase the volume of traffic through neighborhoods. The Complete Performance Reports provided by NCTCOG indicates the anticipated change in traffic patterns would cause a minimal change in the LOS in the adjacent transportation network. Although some of local residential roadways would experience an increase in traffic volume, it would be less than 600 vehicles per day with no change in the LOS. Congestion is a regional phenomenon and the NCTCOG, TxDOT and local municipalities actively manage congestion through various roadway improvements, ride share programs, signalization projects, and intersection improvements. NCTCOG would remain the lead agency in identifying and managing congestion and improving the air quality issues faced by the North Texas area.

- Page 38 – First Paragraph. The document states that a family living at or under the poverty level would still make 250 round-trips per year and spend $455 per year or 2.2 percent of their household income on the proposed SH 121 toll road. Is this assumption correct? If you are living on poverty with your family, would you spend 2.2 percent of your family's gross income on toll fees? Most City of Frisco employees who are lower income, but not at poverty levels, have already stated that they can not afford the proposed toll road. How is this assumption relevant if the poverty person can not afford the luxury of spending $455 of his gross income on tolls?

Response
No cost sensitivity survey currently exists for the Dallas area; however, the NTTA has reported average user rates to be 250 round-trips per year. Based on these parameters, the 250 round-trips per year average was relied upon in this specific comparison. The discussion is intended to compare, on average, the percentage of gross income spent on tolling for those with median household incomes and those living at the 2007 poverty threshold.

- Page 44 – Table 5-11. Under Environmental Justice it is stated that low-income individuals "may" be impacted. Shouldn't the terminology be "will" instead of "may" given the impact on an average family of $20,000? There appears to be an attempt to understate the impact and avoid addressing environmental just issues.

  Response
  The terminology "may" in Table 5-11 from the January 2007 re-evaluation has been revised to "would." The economic impact of tolling would be higher for low income residents because the cost of paying tolls would represent a higher percentage of household income than for non-low-income households. Table referenced is now Table 7-5 in the revised re-evaluation.

- age 44 - Table 5-11. Until the funding for the "Excess Toll Revenue" is determined to be located, this is not a true statement. From reviewing the NCTCOG's *Mobility 2030* Unmet Peak Hour Demand, to make this statement true, the funding from the Excess Revenue would need to be assigned to relieve these overburdened roadways and then the model "rerun" to determine if this statement can be made in the Environmental Assessment. Until then, it is not a true statement.

  Response
  Improvements to local roadways due to the early implementation of projects funded through the Excess Toll Revenue are "reasonably foreseeable" and "sufficiently likely to occur, that a person of ordinary prudence would take into account;" therefore, the impacts from other foreseeable projects remain valid.

- Page 48/49 - I do not see any specifics on air quality mentioned regarding SH 121. These are merely boiler plate pages. With the volume of traffic predicted, please explain the air quality issues of SH 121 in 2030.

  Response
  Project specifics on air quality were presented in Section 5.2: Air Quality of the January 2007 re-evaluation. The information on pages 48 and 49 of the January 2007 re-evaluation followed the eight step process to evaluate cumulative effects per *TxDOT's Guidance on Preparing Indirect and Cumulative Impact Analyses* (December 2006). This process includes historical context, current condition and trends, future land use and zoning plans, and the pertinent regulations and standards associated with each resource. Sections 6.0 and 7.0 of the revised re-evaluation contain additional analysis pertaining to air quality.

- Page 50/51 – I do not see anything specific regarding Environmental Justice. These are merely boiler plate pages. You state that NCTCOG does not have information available at this time regarding environmental justice. Shouldn't TxDOT have performed this study because the toll rates would escalate each year and start 50 percent higher than NTTA's current toll rate?

  Response
  Environmental justice has been analyzed in accordance with Executive Order (EO) 12898, *TxDOT's Guidance on Preparing Indirect and Cumulative Impact Analyses* (December 2006), and *TxDOT's Guidance on the Environmental Process for Toll Roads* (July 2004) throughout the January 2007 re-evaluation as well as the revised re-evaluation in terms of direct, indirect, and cumulative impacts. The text referred to in the comment was intended to explain the background and mitigation for environmental justice regulation affiliated with EO 12898.

  The indirect and cumulative impact analysis also included the following system level analyses:

  SH 121, as an element of the system of toll roads now being developed for the greater-DFW area, would contribute to a cumulative impact on low-income users of the system. If one were to assume usage of the entire 2030 proposed 419 mile toll system at an estimated toll rate of 14.5 cents per mile, the total cumulative cost for one complete trip would be approximately $60.75 (2010 future value). Although it is likely that a user may routinely travel one or more elements of the toll system en-route to and from various destination points throughout the city, it is unlikely that the user would travel the entire length of those elements. Further, given the lay-out and orientation of the regional system, it is virtually inconceivable that a driver would routinely travel the entire length of the entire system during the course of normal activities.

  The 2007 transportation network for North Central Texas (calculated in mainlane lane-miles) consists of 4,397 lane-miles. Of the total system, 434 of the lane-miles are tolled and 3,963 are non-tolled. In other words, the tolled mileage accounts for approximately 11 percent of the 2007 North Central Texas network. The anticipated 2030 transportation network for North Central Texas (also calculated in mainlane lane-miles) would consist of approximately 8,569 mainlane lane-miles of which 30 percent (approximately 2,542 lane-miles) are proposed to be tolled. The anticipated increase of tolled mainlanes from 11 to 30 percent is indicative of an emerging regional tolling network. Of the anticipated lane-miles accounted for in the 2030 network, the proposed Toll Project would contribute 75 tolled lane-miles.

  The indirect and cumulative impact analysis in the re-evaluation has been revised; however, the revised text still presents these system level analyses.

As previously stated, the toll rates would be comparable on all systems in the regions.

- Page 48 – First Paragraph. TxDOT eliminated the STEP funding according to the Frisco Planning Department. They would request additional funding for hike/bike trails to continue in the corridor.

  Response
  TxDOT has not eliminated the State Transportation Enhancement Program (STEP) funding; however the funding for 2007 was cancelled. The STEP program and funding will continue in the future. The City of Frisco's Planning Department should coordinate with Mr. Richard Mason at the TxDOT Dallas District for future funding opportunities. The comment and associated response did not require a change to the revised re-evaluation.

- Page 51 – The statement regarding the frontage roads is incorrect. The frontage roads are not part of this environmental assessment. All of the frontage roads between US 75 and the DNT are currently open to traffic. If you are discussing "wealthy" income then this is a true statement, they can drive the main lanes. However, isn't the purpose of this section of the EA to discuss Environmental Justice not the wealthy?

  Response
  The statement regarding frontage roads is in reference to frontage roads being a non-toll alternative for users of SH 121.

- Page 54 – O&D analysis was performed by TxDOT as part of the CDA process. The City of Frisco participated in allowing TxDOT consultants to perform surveys as part of these studies. Why were these studies now not included in the EA? What other studies were done to assist the CDA processes that are not included in this EA that would benefit the Environmental Assessment analysis and conclusions?

  Response
  The O&D studies associated with the CDA for the proposed Toll Project were performed using random sample analysis and cannot be readily correlated to census tracts or other data that could supplement the re-evaluation, thus they were not included in the January 2007 or revised re-evaluation.

- Page 55 – Second paragraph. Please verify your numbers in this paragraph. They seem to be off from my calculations.

  Response
  Numbers verified; comparisons were taken from the toll versus non-toll scenarios provided by NCTCOG as shown in Appendix C of the re-evaluation. Appendix C of the revised re-evaluation reflects 2030 toll and non-toll traffic scenarios.

- Page 52 – Under Cumulative Impacts the document cites the U.S. Census Bureau as this Study Area having "some of the highest median household income and lower

poverty rates in the State of Texas, if not the nation." However, 25 percent of the population is low-income as you state on Page 34. This population would not be able to afford the toll road.

Response
The commentor's reference to the low-income population percentage is incorrect. Please note that the low-income population percentage for the Toll Project Limits is 5.1 percent according to *Census 2000*, not 25 percent.

- Page 56 – Second Paragraph. The EA states that "those who do not use the mainlanes would experience some decline in LOS." Define "some decline." Little factual analysis appears to have been performed as part of this EA. Please quantify this information. From reviewing NCTCOG's recent 2030 Unmet Peak Hour Demand and looking at some Highway Capacity Manual calculations, it is apparent that this is not "some" but "significant."

  Response
  Using TransCAD® data provided by the NCTCOG, traffic from the 2030 network for toll and non-toll scenarios were compared. The actual change in traffic volumes were converted to LOS and compared. Analysis shows no change in LOS in the section of SH 121 between DNT and Coit Rd. (LOS remained F). The section between Coit Rd. and Alma Dr. experienced a decline in LOS from D to E. The section between Alma Dr. and SH 121 at US 75 interchange experienced a decline in LOS from B to C. The LOS change predicted does indicate a lower LOS; however it does not meet the regulatory definition of significant.

Comment 11-5 (Commentors 1, 2, 61, 118, 259)
Land development has developed slower according to our Planning Department than when it is a freeway. A comparison would be the DNT compared to US 75. The environmental document fails to address possible negative effects on commercial development which allows the county to keep taxes low.

The document states that the existing commercial and industrial land uses are likely to continue developing more densely adjacent to the proposed toll facility. Has this been discussed with city planning departments to come to this determination?

Response
The paragraph describes undeveloped areas and the potential to develop as long as vacant parcels exist. Current zoning indicates that commercial and industrial land uses are typically located adjacent to the existing SH 121 facility. As this land continues to develop through time (barring any zoning changes to non-commercial land uses), that type of land use would become more intensely developed compared to existing patterns of development and/or open space.

Comment 11-6 (Commentor 259)
Page 5 - How long would it take to get a FONSI for this project?

Response
A FONSI was issued for the SH 121 project on November 22, 1991. The re-evaluation process for SH 121 between FM 423 and SH 121 at US 75 interchange is now underway. The re-evaluation specifically examines the potential effects of tolling from DNT to SH 121 at US 75 interchange. The re-evaluation approval would not be granted until FHWA determines that the environmental and public involvement processes have been satisfactorily completed. SH 121 is listed in the *Mobility 2030 MTP* and FY 2006-2008 TIP which the United States Department of Transportation (US DOT) found to conform to the SIP on June 12, 2007. The proposed Toll Project is also included in the Draft 2008-2011 STIP which should be approved by FHWA/FTA in October of 2007.

Comment 11-7 (Commentor 259)
Update the costs of the project on Page 8 - last paragraph. You only list the electronic toll components of the project and neglected to list any costs for the construction of the main lanes from Hillcrest Rd. to US 75 or the costs of the existing construction from DNT to Hillcrest and/or the service roads from DNT to US 75. This is a significant error in this Environmental Assessment to assume that there is no cost associated with the construction of the main lanes or the interchange at US 75.

Response
The total estimated cost of SH 121 is approximately $462 million. Of this total, approximately $257 million is under construction or has been constructed. Of the remaining $205 million, approximately $20 million is for the electronic toll components of the proposed SH 121 toll facility. The proposed implementation of tolling and remaining construction costs of $205 million would be 100 percent funded by the NTTA (Public Sector Comparator). This project is listed in the 2006-2008 TIP and in the Draft 2008-2011 STIP which should be approved by FHWA/FTA in October of 2007.

TABLE 3-3: SH 121 CONSTRUCTION COSTS (FROM REVISED RE-EVALUATION)

CSJ Number	Construction Limits	Elements Funded	Estimated Construction Costs
Under Construction			
0364-03-066, etc.	FM 2281 to DNT (includes FM 423 to DNT)	Mainlanes and Frontage Roads	$103,514,797.78*
0364-04-037	DNT to East of Hillcrest	Mainlanes and Frontage Roads	$85,501,189.35*
0364-04-043	West of Ohio Dr. to East of Hillcrest Rd.	Interchange	$22,121,250.16*
0364-04-022	Frontage Roads from Custer Rd. to US 75	Frontage Roads	$46,479,737.00*
		SUBTOTAL	**$257,616,974.29**
To Be Constructed			
0364-03-067, etc.	East of Hillcrest Rd. to US 75	Mainlanes	$93,444,000.00
0364-04-046	DNT to US 75	Electronic Tolling Implementation	$20,000,000.00
0364-04-040	SH 121 at US 75 Interchange	Interchange	$91,545,000.00
		SUBTOTAL	**$204,989,000.00**
		TOTAL CONSTRUCTION COST	**$462,605,974.29**

Source: TxDOT Monthly Cost Estimates (*Actual Cost)
Current cost estimates from the Design Construction Information System.

Comment 11-8 (Commentor 259)
Page 17 – Congestion Management System (CMS). Why are no other improvements other than the grade separations listed for this section? There are numerous Congestion Mitigation and Air Quality (CMAQ), Intelligent Transportation System (ITS), vanpooling, signal hardware upgrades, intersection improvements, deceleration lanes, left turn lanes, signal retiming, new signal installations, sustainable development & transit oriented development is extremely strong in Frisco and Plano as well as these programs are almost all listed in the TIP. New signal timing is being implemented along the SH 121 corridor which is not listed in the EA. Why was all of this information not listed in the Environmental Assessment?

Page 18 – Table 5-2. The year the grade separation was constructed/implemented at Preston & SH 289 was 2006. The year the Hillcrest grade separation should be verified with TxDOT, but it has not been constructed to date, therefore it would be at least a 2007 date. The year of implementation of the McKinney system should be verified with McKinney. The implementation year you list may be from the TIP and not necessarily the year of construction.

Response
Table 5-2 listed only those recent or upcoming operational and signal improvement projects intersecting SH 121. Table 5-2 was not intended to an exhaustive listing or report the exact year of construction but rather on the implementation year proposed by the MTP. According to NCTCOG, CMP projects [formerly called congestion management system (CMS) projects] are given target dates based on other CMP projects and major corridor projects in the area. In the case of SH 121, the CMP projects were given implementation dates that coincided with major construction lettings of SH 121 and are expected to be

complete when SH 121 is opened to traffic. The projects listed in Table 5-2 represented those expected to be constructed by the time SH 121 is opened for traffic. Table 5-2 (now Table 5-3) was updated to reflect the most current projects listed in the Transportation Improvement Program Information System (TIPINS) as shown below.

TABLE 5-3: OPERATIONAL IMPROVEMENTS*
(FROM REVISED RE-EVALUATION)

Location	Type	Implementation Year	Funding Source	TIP #	Cost
SH 121 at SH 289 (Preston Rd.)	Grade Separation**	2004	Collin County	11008.0000	$7,713,170
SH 121 at Hillcrest Rd.	Grade Separation	2006	Collin County	11431.0000	$14,884,000
Independence Pkwy. From McDermott Rd. to SH 121	Addition of Lanes	2009	Collin County	COL 166	$1,600,000
Craig Ranch-Weiskopf Ave.	New Roadway	2005	City of McKinney	11323.3000	$376,747
Citywide Signal System Video Detectors and Communication (two intersections along SH 121)	ITS	2006	City of McKinney	11455.0000	$1,021,500

Source: NCTCOG, http://nctcog.org/ "TIPINS." *SH 121 between FM 423 and SH 121 @ US 75 Interchange. **Grade separation is a process of aligning a junction of two or more transport axes at different heights (grades) such that they do not disrupt the flow of traffic on one another when they cross. This is achieved by building bridges over the crossing site, allowing roads to pass another without interrupting the flow of traffic. An example of a grade separation is an interchange, as opposed to an intersection which is not grade-separated.

Comment 11-9 (Commentor 259)
What future developments are anticipated that would likely remove woodland areas within the main lane construction? The majority of the vacant land adjacent to the proposed corridor is agricultural in nature or has already been cleared due to the frontage road construction.

Response
The paragraph referenced in this comment stemmed from the Indirect and Cumulative Impacts analysis documented in the January 2007 re-evaluation. The statement does not reflect the direct impacts related to mainlane construction or implementation of tolling along SH 121. Rather, it is an analysis of reasonably foreseeable indirect and cumulative impacts that the proposed Toll Project would impose on the resources re-evaluated in the analysis. The reference to future development is related to potential development patterns (i.e. residential and commercial developments) that may have an impact on woodland areas. The Indirect and Cumulative Impacts analysis has subsequently been revised and this statement has been removed from the document.

Comment 11-10 (Commentor 259)
The commentor questioned the accuracy of the following figures and exhibits within the Appendices of the re-evaluation.

- Page 59 and 62 – Why is the heading "From FM 423 to US 75" if this project is "DNT to US 75"? This is part of the Denton County Project (FM 423 – DNT).

  Response
  The subheading reflects one of the documents being re-evaluated. Please see Table 3-1 for the SH 121 History, including previous approvals. The revised re-evaluation and appendices have been revised to clarify the limits of the re-evaluation are from FM 423 to SH 121 at US 75 interchange, but the Toll Project Limits occur from DNT to the SH 121 at US 75 interchange.

- Page 66 - No information is provided which answers the environmental justice, noise, air quality, congestion and other quantifiable issues that are created by tolling SH 121.

  Response
  This section is not intended to provide additional data, but to summarize the findings presented in the re-evaluation.

- Appendix A - Why is the map labeled "SH 121 Toll Re-evaluation from FM 423 to DNT? It was my understanding this Environmental Reassessment was from the DNT to US 75. Only a small portion of the EA discusses anything west of the DNT.

  Response
  The title blocks in Appendix A have been revised and are now labeled, "SH 121: From 423 to SH 121 at US 75 Interchange." The legend in Figure 1 contains the limits of the previous documents which are being re-evaluated. Figure 1 has been updated in the revised re-evaluation.

- Appendix B – The first FONSI included is from 1991 – Please state the relevance this FONSI in the Appendix for ease of the reader. I don't believe it is for the construction of the six lane freeway and six lane frontage road projects.

  Response
  The 1991 EA/FONSI was for the original SH 121 document which evaluated a six lane facility with six lane frontage roads extending from FM 423 to US 75. It is part of the proposed Toll Project's environmental history, which is standard practice to include as part of a re-evaluation. See Table 3-1.

- Appendix B – The second FONSI included is from 1999 – isn't this from when the asphalt service roads were constructed in the same vicinity as the main lanes? It would be helpful to identify why these documents are pertinent to the Environmental Re-assessment that is being considered today. Please state the relevance of this FONSI in the Appendix for the ease of the reader.

Response
The second document was a memorandum of continuous activity from the previously approved FONSI. TxDOT let portions of the project in 2002. This memorandum of the continuous activity was a necessary step in order to proceed to the first phase of construction of US 75 and is part of the proposed Toll Project's history, which is standard practice to include as part of a re-evaluation. See Table 3-1.

- Appendix B – The third FONSI included is from 2002 – This appears to be a re-assessment from when the asphalt service roads were constructed in the same vicinity as the main lanes? Please state the relevance of this FONSI in the Appendix for the ease of the reader.

Response
The third approval was an EA/FONSI re-evaluation to document changes in the design and affected environment since FHWA's approval of the EA in 1991. As stated in Section 3.0 of the re-evaluation, impacts associated with those changes were assessed and the validity of the FONSI was re-confirmed. This is part of the proposed Toll Project's history, which is standard practice to include as part of a re-evaluation. See Table 3-1.

- Appendix B – The fourth FONSI. Please state the relevance of this FONSI in the Appendix for the ease of the reader.

Response
The fourth approval was an EA/FONSI re-evaluation for the SH 121/Hillcrest Rd. interchange which was let in July of 2006. This is part of the proposed Toll Projects environmental history, which is standard practice to include as part of a re-evaluation. See Table 3-1.

- What is the purpose of including only selected pages of the *Mobility 2030 MTP* in this Appendix? Pages 9, 13, 14 are the only pages included.

Response
The selected pages were included to provide the reader pertinent data related to the proposed Toll Project's inclusion as a proposed toll facility in the *Mobility 2030* plan. One can access more information regarding the development and status of the *Mobility 2030* plan via the website: (http://www.nctcog.org/trans/mtp/2030/).

- What is the purpose of including only selected pages of the Mobility 2025 Plan in this Appendix? Pages XVI-78; XVI-85 and XVI-81 are the only pages included.

Response
The select pages of the Mobility 2025 plan were previously included to provide the reader pertinent data related to the proposed Toll Project's current status in the past MTP, Mobility 2025, Amended April 2005. This has been removed in the

revised re-evaluation as the project is listed in Mobility 2030 and the 2030 MTP is no longer pending approval for air quality conformity.

- Appendix C – Gantry Locations. The future ramp [designated by an asterisk] and toll gantry was proposed to be built as part of this construction project in order to serve the Stonebriar Mall. Why is it now not part of this project?

  Response
  The "future" terminology in the re-evaluation was used because the potential ramp design is not proposed as part of the Toll Project. The notation does not mean that the ramp is not going to be constructed. The potential "future" ramp is currently being evaluated through a separate project and is undergoing a separate NEPA document and schematic approval process {SH 121/DNT interchange [Control Section Job (CSJ) 0364-04-047]}. The DNT/SH 121 interchange project would not proceed to letting until the required environmental clearance is obtained.

  The ramp would be included as part of Segment 5 (DNT/SH 121 interchange) and scheduled to be let for construction by NTTA (Public Sector Comparator) in 2009.

- Appendix C – the ramp configurations for some of the Denton County 2025 modeling for the EA Re-Evaluation between Spring Creek Parkway and Plano Parkway was incorrect. Please see the attached Exhibit obtained from the "Keep it Moving" TxDOT Website regarding the schematic for the proposed Toll Project. The model in Denton County EA indicated for westbound traffic lanes, an entrance ramp, then an exit ramp. However, the schematic shows an exit ramp then two entrance ramps between Spring Creek Parkway and Plano Parkway. If this mistake was also used in the Collin County EA Re-Assessment, the traffic volumes should change in the western end of the Collin County portion of this EA.

  Response
  The modeling for SH 121 Denton County was done correctly. The ramping error was an incorrectly drawn traffic diagram. Traffic volumes and ramping schemes for the Collin County portion of SH 121 are unaffected.

- Appendix C - The volumes are based on 2025 NCTCOG financially constrained traffic model but the roadway can't be built under this scenario due to air quality conformity. Shouldn't the volumes have been based on the 2030?

  Response
  The traffic volumes used in the January 2007 re-evaluation were based upon the Mobility 2025, 2005 Update Traffic Model (Toll Scenario). The 2025 traffic data which was supplied by the NCTCOG and approved by TxDOT was used because the *Mobility 2030* traffic network was not available during the re-evaluation preparation and subsequent approval for further public involvement.

The 2025 traffic volumes were grown to the design year (2030) and to be consistent with the financially constrained 2030 plan. The 2030 numbers were derived from the aforementioned 2025 traffic model by applying a 3 percent annual growth factor. This yielded an estimated ADT range of 78,720 to 198,350 vpd. The traffic data showed that the heaviest traffic occurs between the Dallas North Tollway and SH 289 (Preston Rd.).

Traffic volumes from the *Mobility 2030* traffic network were obtained after the re-evaluation was approved for further public involvement. Actual traffic volumes from *Mobility 2030* have been compared to the traffic volumes derived from the Mobility 2025, 2005 Update traffic model. The *Mobility 2030* traffic model reported an estimated ADT range of 69,660 to 177,070 vpd, which is approximately 12 percent lower than the derived 2030 ADT. The differences can be attributed to several factors, namely a revised set of demographics and transportation network.

The revised re-evaluation has been updated to reflect the 2030 data and analysis, although the traffic volumes derived from 2025 data had higher ADT projections and represented a conservative approach to the analysis performed.

- Appendix C - The total daily volumes on proposed SH 121 main lanes for various locations comparing non-toll 2025 versus toll 2025 there are significant differences in traffic volumes. It is evident from this analysis that traffic is diverting from the toll road to alternative routes, yet no analysis of the impact to the local street systems and the needs of those communities is provided in this Environmental Assessment. The diverted volume ranges from approximately 25,000-45,000 vehicles per day (vpd) depending on the section of SH 121. This is the basic need for another 4-6 lane parallel arterial route.

(The following table was provided by the commentor).

Location (Main Lanes)	2025 Non-Toll	2025 Toll	2025 Delta
DNT to Parkwood	128,515	113,391	15,124
Parkwood to SH 289	152,818	136,034	16,784
SH 289 to Ohio	132,208	107,330	24,878
Ohio to Hillcrest	157,790	129,793	27,997
Hillcrest to Coit	133,046	99,654	33,392
Coit to Independence	132,815	101,022	31,793
Independence to Ramp	150,183	117,771	32,412
Ramp to Custer	118,917	91,282	27,635
Custer to Ramp	133,174	101,827	31,347
Ramp to Alma	113,470	69,444	44,026
Alma to Ramp	123,866	78,478	45,388
Ramp to Stacy	99,435	53,976	45,459

Location (Main Lanes)	2025 Non-Toll	2025 Toll	2025 Delta
Stacy to Ramp	105,381	76,137	29,244
Ramp to Ramp	85,964	47,754	38,210
Ramp to Lake Forest	91,982	60,220	31,762
Lake Forest to Hardin	80,091	40,445	39,646
Hardin to Ramp	82,086	51,249	30,837
Ramp to US 75	88,760	61,946	26,814

Response
Revised traffic numbers have been received from NCTCOG based on 2030 traffic projections and the 2030 traffic network. An analysis was done to identify local streets that would experience increased traffic due to tolling. The results indicate that the local transportation system does experience an increase in traffic volume, but the increase for the majority of the arterials is minimal (most experience an increase of less than 600 cars per) and the LOS does not change. Additionally, the analysis indicates that some of the north/south arterials experience a decrease in traffic volume. The analysis does not indicate a need for an additional parallel facility, as there is no noticeable change in the LOS throughout the local transportation system due to traffic redistribution from tolling.

- Appendix C – The total daily volumes on proposed SH 121 frontage roads for various locations comparing toll versus non-toll from the 2025 NCTCOG Financially Constrained Traffic Model provided in Appendix C, it is evident from that traffic is diverting from the toll road to the frontage roads as well as other alternative routes as stated in the Environmental Assessment document and during the public hearing. However, no traffic analysis of the delay caused by this diversion to the frontage road traffic and the air quality issues which would be created is analyzed in the EA. No parallel routes that are listed in the Environmental Assessment are studied for their effect for the congestion, air quality, increased delays and travel times, as well as cost to the motorist due to this travel time delay if the road would have remained as a freeway versus a toll road. The lack of analysis of these parallel routes creates a burden of additional traffic on local city streets and the frontage road which may cause the streets to be reconstructed earlier than anticipated and higher congestion on these facilities than otherwise anticipated. The diverted volume ranges from approximately 25,000-45,000 vpd depending on the section of SH 121. This is the basic need for another 4-6 lane parallel arterial route.

  From comparing the volume differentials of toll versus non-toll only some of the traffic is diverted to the service roads. Therefore the remainder of the traffic has chosen an alternate route as suggested in your Environmental Analysis. Some of the volumes between non-toll and toll are significant and the order of magnitude of another parallel arterial need. Because the majority of Plano is already built out as shown in the NCTCOG 2030 model and few other cities in the surrounding area can accommodate this additional traffic on their parallel system, what is TxDOT's proposed solution to this diversion of traffic?

(The following table was provided by the commentor).

Location (Service Roads)	2025 Non-Toll	2025 Toll	2025 Delta
DNT to Parkwood Ramp	38,308	39,672	1,364
Parkwood Ramp to Parkwood	51,637	57,710	6,073
Parkwood to Ramp	59,503	65,694	6,191
Ramp to SH 289	35,200	43,043	7,843
SH 289 to Ramp	17,869	32,849	14,980
Ramp to Ohio	38,479	61,563	23,084
Ohio to Ramp	42,559	50,560	8,001
Ramp to Hillcrest	16,977	28,097	11,120
Hillcrest to Ramp	19,137	27,973	8,836
Ramp to Ramp	44,080	58,111	14,031
Ramp to Coit	26,741	33,701	6,960
Coit to Ramp	19,901	23,900	3,999
Ramp to Ramp	37,473	46,941	9,468
Ramp to Independence	20,104	30,192	10,086
Independence to Ramp	20,071	27,678	7,607
Ramp to Ramp	51,337	54,167	2,830
Ramp to Custer	37,080	43,623	6,543
Custer to Ramp	11,626	19,069	7,443
Ramp to Alma	12,341	34,325	21,984
Alma to Ramp	6,847	17,791	10,944
Ramp to Ramp	31,278	41,572	10,294
Ramp to Stacy	25,332	20,131	5,201
Stacy to Ramp	8,712	12,167	3,455
Ramp to Ramp	28,129	40,551	12,422
Ramp to Lake Forest	22,112	28,085	5,973
Lake Forest to Ramp	2,847	8,597	5,750
Ramp to Ramp	14,738	28,373	13,635
Ramp to Hardin	12,743	17,568	4,825
Hardin to Ramp	8,448	16,656	8,208
Ramp to US 75	1,727	5,960	4,233

Response

A project and system level comparison of the SH 121 non-toll and toll scenarios was performed utilizing traffic projections and modeling based on the *Mobility 2030* traffic network. According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Overall, this percent change would result in minimal effect to users of the major/minor arterials and frontage roads in the study area. The Complete Performance Reports also indicated the average free speed of used roadways (MPH) is nearly unchanged between the 2030 toll and non-toll scenarios. The table below illustrates the anticipated change in free speed for the toll and non-toll scenarios. According to the Texas Transportation Institute (TTI), the most recent value of travel delay (2003 dollars) is $13.75/hour of delay for non-commercial vehicles and $72.65/hour for commercial vehicles. Using the cost for non-commercial vehicles, there would be a benefit of $14,417.88 per day (2003 dollars) to the users within the incorporated limits of the five municipalities adjacent to SH 121 should SH 121 become a toll facility.

TABLE 6-13: 2030 AVERAGE FREE SPEED OF USED ROADWAY (MPH) (FROM REVISED RE-EVALUATION)

Roadway Classification	Toll Scenario			Non-Toll Scenario			%Change		
	AM	PM	Daily	AM	PM	Daily	AM	PM	Daily
Major Arterials	44.14	44.11	44.45	44.09	44.10	44.42	-0.11%	-0.02%	-0.07%
Minor Arterials	35.30	35.35	35.42	35.31	35.35	35.41	0.03%	0.00%	-0.03%
Frontage Roads	36.00	36.06	36.35	35.78	35.84	35.96	-0.61%	-0.61%	-1.07%

Source: NCTCOG TransCAD® data for 2030 non-toll and toll scenarios (April 2007 Performance Report)

Revised traffic numbers have been received from NCTCOG based on 2030 traffic projections and the 2030 traffic network. An analysis was done to identify local streets that would experience increased traffic due to tolling. The results indicate that the local transportation system does experience an increase in traffic volume, but the increase for the majority of the arterials is minimal (most experience an increase of less than 600 cars per) and the LOS does not change. Additionally, the analysis indicates that some of the north/south arterials experience a decrease in traffic volume. The local arterial networks for all five adjacent municipalities would be built out by 2030, not just Plano.

Air quality issues due to traffic redistribution to the frontage roads were addressed in the Air Quality section of the re-evaluation. The NCTCOG provided 2030 traffic volumes which were utilized to determine CO concentrations and MSAT emissions, which accounted for redistribution of traffic under various conditions (i.e., toll, non-toll and No-Build). Results of the analyses indicate that CO

concentrations in 2015 and 2030 would not violate the NAAQS and that MSATS would decrease over time.

NCTCOG and TxDOT would continue to work cooperatively with the local municipalities to identify and mitigate traffic congestion and air quality issues.

Comment 11-11 (Commentor 259)
Appendix B - Where are the trees identified as part of the woodland mitigation planned to be planted? Where were they removed from the main lanes of the project?

Response
The trees were removed as a result of the construction of the SH 121 frontage roads and were accounted for in the 1991 EA/FONSI for SH 121 from FM 423 to US 75. A summary of the impacts previously identified were included in the re-evaluation for reference. The exhibit is included because it is a standard form typically referenced when determining woodland mitigation. There are no additional impacts to habitat that would be mitigated for in accordance with the MOA between TxDOT and the Texas Parks and Wildlife Department (TPWD) that were not identified in the previously approved EAs and subsequent approvals. No additional compensatory mitigation is warranted by the proposed Toll Project. Coordination between TxDOT and TPWD concerning the site for the woodland mitigation has occurred; however, NTTA would be responsible for implementing the agreed upon mitigation. Monitoring will be provided by TxDOT to ensure the 11.7 acres of woodland mitigation occurs and meets the terms of the TxDOT and TPWD agreement.

Comment 11-12 (Commentors 61, 101, 259)
In order for Frisco and other cities in the corridor to attract businesses, they must hire employees for the service sector and support staff. This sector employment market is greatest effected by the toll road and its cost to use it. Businesses may choose to locate to other locations due to the negative transportation cost. How was the economic impact to the adjacent communities as the toll costs continue to rise analyzed? Also, given that Plano & Frisco would be surrounded by toll roads, this should also be considered as a factor.

Response
The indirect and cumulative impacts discussion in the January 2007 re-evaluation (Section 5.6) addressed the potential for adverse impacts to commercial properties due to travel time and access. Anticipating future business activities is difficult to predict. An economic impact analysis of this magnitude has not been conducted to date and is not within the scope of the re-evaluation. However, the quality of local and regional transportation systems can factor heavily into the location of businesses. The proposed improvements to the SH 121 facility and the North Central Texas transportation system in general have the potential to enhance the overall business environment of Collin County. If businesses who heavily rely upon service sector and support staff employment must wait 10 or more years for the mainlanes of SH 121 to be constructed, the cost of congestion would likely

have a negative contribution to the economic impact of Plano and Frisco.

Comment 11-13 (Commentors 118, 132)
The EA does not adequately address (A) landscaping or (B) noise abatement.

Response
(A) Landscaping has been addressed in previous assessments of the proposed Toll Project. In accordance with EO 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping, seeding and replanting with TxDOT approved seeding specifications would be done where possible.
(B) The previously approved noise analysis, conducted in 1991 and re-evaluated in 2002, concluded that the project would result in a traffic noise impact with no feasible and reasonable abatement. A current analysis of the land use adjacent to the proposed Toll Project indicated there has been/is no new development that would be impacted by traffic noise or benefit from any feasible and reasonable noise abatement.

The revised re-evaluation includes an analysis of the potential affects of the redistribution of traffic on SH 121 from tolled mainlanes to non-tolled frontage roads. These effects were determined by the associated change (increase or decrease) in sound pressure [noise] levels expressed in decibels (dB). Although the toll facility would result in an increase in the average daily traffic (ADT) on many of the non-tolled frontage roads, any increase in noise levels associated solely with an increase in traffic on the frontage roads would be offset by the greater decrease (ADT) in faster (louder) traffic on the tolled mainlanes (See table below). The result would be an overall decrease in noise levels for areas along/adjacent to SH 121.

TABLE 5-8
NOISE LEVEL CHANGE DUE TO TRAFFIC REDISTRIBUTION ON SH 121
(2030 NON-TOLL vs. TOLL TRAFFIC)
(FROM RE-EVALUATION)

SH 121 Facility Segment		Non-Toll to Toll Average Traffic Redistribution*	Noise Level Change**
DNT to Coit Rd.	Frontage roads	4% decrease (-1,767 ADT)	-0.3 dB
	Mainlanes	7% decrease (-10,191 ADT)	
Coit Rd. to Alma Dr.	Frontage roads	37% increase (+10,907 ADT)	-0.9 dB
	Mainlanes	29% decrease (-41,274 ADT)	
Alma Dr. to SH 121 At US 75 Interchange	Frontage roads	55% increase (+8,838 ADT)	-1.4 dB
	Mainlanes	38% decrease (-39,891 ADT)	

* Source: NCTCOG TransCAD® data for 2030 non-toll and toll scenarios

**Average noise level changes at distances ranging from 100-400 ft from the right-of-way. The decibel (dB) is the unit of measurement used to express the magnitude of sound energy (noise).

Based on the information presented in the table above and an assessment of current land use, the conclusion of the original analysis remains valid for the proposed toll facility.

CATEGORY 12: TRAFFIC

Comment 12-1: (Commentors 1, 61, 71, 118, 132, 153, 197, 213, 221, 259)
Did the traffic models prepared account for traffic diversion? If tolled, SH 121 would divert traffic from the main lanes to the frontage roads and local arterial street system. If the roadway is a "free" roadway it is more likely that the motorist would stay on SH 121, however, because it is proposed to be a "toll" road, people are more likely to exit the "toll road" and divert to another "free road" rather than sit in gridlock and pay for that service.

What analysis was done regarding truck traffic and its diversion?

Response
Traffic pattern changes due to tolling were considered in the NCTCOG traffic model and analyzed. However, as stated in the January 2007 re-evaluation, the proposed Toll Project is not expected to substantially affect traffic movements on the frontage roads or local arterials. Using traffic volumes provided by NCTCOG (from *Mobility 2030*) the initial analysis indicates that the frontage roads in the eastern portion of the corridor, under the tolling scenario, would have unused capacity that would draw traffic off the main lanes should the main lanes be tolled. The frontage roads in the western portion, under the tolling scenario, have no unused capacity and would likely result in the movement of seven percent of the traffic to the local arterials. Using Complete Performance Reports from the NCTCOG *Mobility 2030* model, arterials within the municipalities of Allen, Fairview, Frisco, McKinney, and Plano would experience little to no change in LOS along their arterial streets.

Truck traffic for the SH 121 tolling scenario was accounted for as part of traffic redistribution analysis conducted for the 2030 toll and non-toll scenarios. The O&D data provided by NCTCOG was analyzed and revealed an approximate 7 percent truck traffic change between non-toll and toll scenarios. Approximately 2,184 trucks trips are anticipated to utilize SH 121 in the non-toll scenario; whereas 2,030 truck trips are reflected in the SH 121 toll scenario.

Comment 12-2 (Commentors 91, 259)
Has any analysis been done to quantify the lost time and cost to the user of the local streets due to the diversion of toll traffic? The travel time is stated to be greatest at peak hours of travel when traffic congestion within the SH 121 corridor would be greatest. This amount of time is also not provided. Please quantify these times.

Response
According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Overall, this percent change would result in minimal effect to users of the major/minor arterials and frontage roads in the study area. The Complete Performance Reports also indicated the average free speed of used

roadways (MPH) is nearly unchanged between the 2030 toll and non-toll scenarios. According to TTI, the most recent value of travel delay (2003 dollars) is $13.75/hour of delay for non-commercial vehicles and $72.65/hour for commercial vehicles. Using the cost for non-commercial vehicles, there would be a benefit of $14,417.88 per day (2003 dollars) to the users within the incorporated limits of the five municipalities adjacent to SH 121 should SH 121 become a toll facility.

Please see http://mobility.tamu.edu/ums/congestion_data/tables/dallas.pdf for a performance measure summary for the Dallas-Fort Worth-Arlington area (2005).

NOTE: TTI did not prepare a 2006 Mobility Report and plans to issue the 2007 Mobility Report in September 2007.

Comment 12-3 (Commentor 259)
What safety issues would occur as a result of traffic diversion, specifically the expected increase of trucks on the local traffic network? There have been several fatalities along the SH 121 frontage roads in the past several years that involve truck traffic.

Response
No known safety issues would occur due to tolling (i.e. increased traffic on the local transportation network due to traffic redistribution). Although some traffic is redistributed throughout the local neighborhoods, the LOS remains nearly unchanged (see table below).

TABLE 6-12: LEVEL OF SERVICE FOR INDIRECT IMPACTS STUDY AREA (2030) (FROM REVISED RE-EVALUATION)

Location	LOS Non-Toll Scenario	LOS Toll Scenario
Frontage Roads (329.78 total lane-miles)	A-B-C (197.86 lane-miles)	A-B-C (189.27 lane-miles)
	D-E (23.82 lane-miles)	D-E (32.79 lane-miles)
	F (108.10 lane-miles)	F (107.72 lane-miles)
Local Arterials (2,136.88 total lane-miles)	A-B-C (1075.85 lane-miles)	A-B-C (1068.39 lane-miles)
	D-E (370.17 lane-miles)	D-E (395.02 lane-miles)
	F (690.86 lane-miles)	F (673.47 lane-miles)
Local Collectors (831.06 total lane-miles)	A-B-C (511.71 lane-miles)	A-B-C (503.87 lane-miles)
	D-E (89.29 lane-miles)	D-E (105.69 lane-miles)
	F (230.06 lane-miles)	F (221.50 lane-miles)

Source: NCTCOG TransCAD® data for 2030 daily traffic non-toll and toll scenarios (April 2007 Performance Report)

Adjacent municipalities have developed different strategies to handle truck traffic on their local street networks. The City of Frisco's Transportation Division continually evaluates known traffic, school, and pedestrian safety concerns. When necessary, traffic control devices such as signs or pavement markings are installed or modified. Frisco encourages its citizens to report traffic, school, or pedestrian safety concerns to the transportation division for consideration. Allen uses "Better street design and planning" to deter unwanted traffic. They encourage their citizens to contact the Allen Police Department for assistance in controlling

speeding and unsafe driving through the neighborhoods. The City of Plano has created The Safe Streets Program (SSP) which is a collaborative process established to address residential concerns involving neighborhood traffic issues. This SSP is designed to encourage resident involvement. If a neighborhood is experiencing the type of problem that might be corrected by the SSP, staff will conduct studies to determine the extent of the problem. Residents provide input in the testing of devices and in the development of traffic calming plans. Residents also approve, via mail in ballots, all traffic calming devices before they are installed. The City of McKinney adopted a program designed to address traffic issues like speeding, cut-through traffic, and parking problems in residential neighborhoods throughout McKinney. The Neighborhood Traffic Management Program (NTMP) received an award from the Trans Texas Alliance as the "Best Traffic Calming Program" in Texas in 2000.

Comment 12-4 (Commentors 88, 259)
Previous traffic models received by the City of Frisco used 15 cents/mile for the toll analysis to generate 2030 volumes. Why did you use 14.5 cents/mile for 2030? Did the modeling take into account the Business Terms for State Highway 121 in Collin and Denton Counties which are variable toll rates with peak hour tolling to properly assign mainlane and frontage road traffic? Does the CDA contract account for toll rate increases? Are no toll rates assumed by TxDOT or Cintra until 2030? Isn't the amount $60.75 [to travel the entire toll network in 2030] unlikely given this fact? If normal inflation factors were used, what would this amount be in 2030? Please quantify this amount.

Response
The traffic model prepared by the NCTCOG did not take into account the business terms of the CDA because the model does not have the ability to do "dynamic" modeling (adjusting the toll rate during peak hour), which the business terms allow. NCTCOG did however model traffic utilizing $0.15 per mile in 2010 dollars and adjusting the toll rate according to the CPI up to the year 2030. The CPI is generally the best measure for adjusting payments to consumers when the intent is to allow consumers to purchase, at today's prices, a market basket of goods and services equivalent to one that they could purchase in an earlier period. According to the draft CDA contract, the maximum base toll rates (the maximum peak period toll rate in 2010 is 17 cents per mile.) and would be adjusted according to the CPI every two years. Accordingly, NCTCOG's traffic volumes modeled for the year 2030 are as accurate as allowed under current modeling methodologies to simulate the business terms of the CDA.

If grown at the current CPI (12 month unadjusted rate ending March 2007, which is 2.8 percent), the $0.15 per mile used in the analysis would be equivalent to $0.26 per mile in 2030. [Future rate = .015(1 + 0.028)20]. The $60.75 example is in 2010 dollars, this would equate to $105.30 in the year 2030. The re-evaluation has been modified to reflect that the toll rate is the 2010 (future) value.

However, the CDA contract stipulations mentioned above no longer apply. As of August 23, 2007, TTC authorized TxDOT's Executive Director to enter into a contract with the NTTA (Public Sector Comparator) to develop, finance, design, construct, operate, and maintain SH 121 upon environmental clearance.

Comment 12-5 (Commentors 1, 61, 118, 259)
What is the policy for fire/police/emergency vehicles on the proposed toll facility? Issues have arisen on the Denton County portion of the SH 121 toll road. Shouldn't the TxDOT policy/practice be noted and its effect on these local agencies in the EA? Please describe this policy or add a paragraph regarding TxDOT's operation in the associated re-evaluation.

Emergency response times are established by national standards. It is anticipated that due to these standards that the City of Frisco would be required to build additional Fire Stations in order to meet the 5 minute emergency response time (1 minute to dispatch and 4 minutes to drive) as a result of the congestion created by the toll road diversion.

Response
As part of the business terms for TxDOT-sponsored toll roads on state highways, all on-duty emergency vehicles are toll-exempt. This policy statement has been added to the revised re-evaluation. Emergency response times are not anticipated to be negatively affected, as frontage roads and arterial streets are not expected to experience any substantial increase in congestion due to the traffic patterns associated with tolling SH 121. The tolling of SH 121 would not negatively affect traffic to the degree that would require the construction of additional fire stations in order to meet emergency response times.

Comment 12-6 (Commentors 118, 259)
Because the project has a LOS of F, which is "the worst possible condition and unacceptable," Is Cintra required to add capacity to the mainlanes prior to this timeframe? What capacity improvements are planned as part of the Cintra contract to help fund future capacity improvements, as stated in the project objectives to improve LOS? "There is no serious attempt to analyze or attempt to identify the LOS impact on the arterial streets."

The contract with Cintra is a 50-year agreement, what thresholds are established to remove congestion? Does this apply to both main lanes and the frontage roads? Parallel arterials?

With the air quality conformity issues in the region, how would any widening occur? The right of way is fixed and cannot be expanded.

Response
LOS was analyzed on two levels—by project and by system. A project level comparison of the SH 121 non-toll and toll scenarios was performed utilizing updated traffic projections and modeling based on the *Mobility 2030* traffic network.

In addition to comparing traffic volumes between 2030 non-toll and toll scenarios, NCTCOG generated a Complete Performance Report for the proposed Toll Project. NCTCOG Complete Performance Reports are designed to document the performance of the regional traffic model, including total miles of roadway within a defined area, number of trips generated, average time to make the trip, and the LOS of all major roadway classifications. The Complete Performance Reports modeled the 2030 non-toll and toll scenarios. The boundary (or study area) for the Complete Performance Report encompasses the Cities of Plano, Frisco, Allen, McKinney, and the Town of Fairview and spans approximately 320 square miles. Approximately 82 percent of all trips anticipated to utilize SH 121 in 2030 (toll scenario) originate within these five municipalities

A system level comparison was also conducted to determine the impact of tolling on the traffic network for the entire MPA. Both analyses rely upon LOS to convey the anticipated change in traffic volumes along SH 121.

LOS is a qualitative measure of describing operational conditions within a traffic stream or at an intersection, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. The LOS designations are A through F (A being the best and F the worst) and they cover the entire range of traffic operations that may occur. The definitions of LOS A through F are presented below and in Table 6-10 of the revised re-evaluation.

TABLE 6-10: LEVELS OF SERVICE
(FROM REVISED RE-EVALUATION)

LOS	Flow Conditions	Technical Description
A		Highest quality of service. Traffic flows freely with little or no restrictions on speed or maneuverability. No Delays
B		Traffic is stable and flows freely. The ability to maneuver in traffic is only slightly restricted No Delays
C		Few restrictions on speed. Freedom to maneuver is restricted. Drivers must be more careful in making lane changes. Minimal Delays
D		Speeds decline slightly and density increases. Freedom to maneuver is noticeably limited. Minimal Delays
E		Vehicles are closely spaced, with little room to maneuver. Driver comfort is poor. Significant Delay
F		Very congested traffic with traffic jams, especially in areas where vehicles have to merge. Considerable Delays

Source: California Department of Transportation (Caltrans), 2003.

Project Level Analysis

The project level analysis entailed the comparison of non-toll and toll traffic volumes. The proposed Toll Project Limits were divided in to three sections according to current development and usage: 1) DNT to Coit Rd., 2) Coit Rd. to Alma Dr., and 3) Alma Dr. to SH 121 at US 75 interchange.

A comparison of the SH 121 non-toll and toll scenarios indicates that some traffic would redistribute to the non-toll alternative (frontage roads) over the tolled mainlanes if SH 121 is implemented as a tolled facility. The following table summarizes the anticipated 2030 LOS due to the change in traffic along SH 121 for the non-toll and toll scenarios.

TABLE 6-11:
2030 LEVEL OF SERVICE ALONG SH 121 (TOLL PROJECT LIMITS)
(FROM REVISED RE-EVALUATION)

SH 121 Facility Segment		LOS Non-Toll Scenario	LOS Toll Scenario	Resulting Condition
DNT to Coit Rd.	Frontage roads	F	F	Unchanged
	Mainlanes	F	F	Unchanged
Coit Rd. to Alma Dr.	Frontage roads	D	E	Declined
	Mainlanes	F	D	Improved
Alma Dr. to SH 121 At US 75 Interchange	Frontage roads	B	C	Declined
	Mainlanes	D	C	Improved

Source: NCTCOG TransCAD® data for 2030 average daily traffic for non-toll and toll scenarios

Overall, the changes in traffic volume do not represent a substantial change in demand, as LOS would stay the same between DNT to Coit Rd., LOS would improve at the mainlanes between Coit Rd. and SH 121 at US 75 interchange, LOS would decline by one level (worsen) at the frontage roads between Coit Rd. and SH 121 at US 75 interchange. These results demonstrate that the transportation network is dynamic and that:

- Unused capacity on the frontage roads is utilized in less congested locations, and
- As congestion increases, drivers who can afford to pay tolls choose the route that offers less delays.

System Level Analysis

A system level analysis was conducted using the Complete Performance Reports provided by NCTCOG. According to the Complete Performance Reports, the proposed Toll Project does not appear to cause substantial changes in LOS on the local arterials or collectors. The following table shows a summary of LOS changes provided by the Complete Performance Report for the major classes of roadways within the study area. As seen in the table below, the total number of lane-miles in each LOS category remains nearly unchanged when tolling is implemented along the SH 121 facility in Collin County.

TABLE 6-12: LEVEL OF SERVICE FOR INDIRECT IMPACTS STUDY AREA (2030)
(FROM REVISED RE-EVALUATION)

Location	LOS Non-Toll Scenario	LOS Toll Scenario
Frontage Roads (329.78 total lane-miles)	A-B-C (197.86 lane-miles)	A-B-C (189.27 lane-miles)
	D-E (23.82 lane-miles)	D-E (32.79 lane-miles)
	F (108.10 lane-miles)	F (107.72 lane-miles)
Local Arterials (2,136.88 total lane-miles)	A-B-C (1075.85 lane-miles)	A-B-C (1068.39 lane-miles)
	D-E (370.17 lane-miles)	D-E (395.02 lane-miles)
	F (690.86 lane-miles)	F (673.47 lane-miles)
Local Collectors (831.06 total lane-miles)	A-B-C (511.71 lane-miles)	A-B-C (503.87 lane-miles)
	D-E (89.29 lane-miles)	D-E (105.69 lane-miles)
	F (230.06 lane-miles)	F (221.50 lane-miles)

Source: NCTCOG TransCAD® data for 2030 daily traffic non-toll and toll scenarios (April 2007 Performance Report)

According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Overall, this percent change would result in minimal effect to users of the major/minor arterials and frontage roads in the study area. The Complete Performance Reports also indicated the average free speed of used roadways is nearly unchanged between the 2030 toll and non-toll scenarios. The table below illustrates the anticipated change in free speed for the toll and non-toll scenarios. According to TTI, the most recent value of travel delay (2003 dollars) is $13.75/hour of delay for non-commercial vehicles and $72.65/hour for commercial vehicles. Using the cost for non-commercial vehicles, there would be a benefit of $14,417.88 per day (2003 dollars) to the users within the incorporated limits of the five municipalities adjacent to SH 121 should SH 121 become a toll facility.

TABLE 6-13: 2030 AVERAGE FREE SPEED OF USED ROADWAY (MPH) (FROM REVISED RE-EVALUATION)

Roadway Classification	Toll Scenario			Non-Toll Scenario			%Change		
	AM	PM	Daily	AM	PM	Daily	AM	PM	Daily
Major Arterials	44.14	44.11	44.45	44.09	44.10	44.42	-0.11%	-0.02%	-0.07%
Minor Arterials	35.30	35.35	35.42	35.31	35.35	35.41	0.03%	0.00%	-0.03%
Frontage Roads	36.00	36.06	36.35	35.78	35.84	35.96	-0.61%	-0.61%	-1.07%

Source: NCTCOG TransCAD® data for 2030 non-toll and toll scenarios (April 2007 Performance Report)

Summary

The LOS comparison derived from the NCTCOG 2030 traffic volumes and complete performance report reflecting the SH 121 non-toll and toll scenarios reveals minimal change in the frontage road LOS due to changes in traffic patterns and minimal change in the LOS in the adjacent transportation network. Additionally, the analysis reveals slight improvements in the amount of congestions delay experienced and average free speeds along the local transportation network.

The RTC of the NCTCOG has authority to plan for the region's mobility needs and transportation's effect on air quality. The RTC will address mobility needs, including the expansion of existing facilities (including SH 121) and arterial streets.

TxDOT's use of a CDA for SH 121 does not hinder future planning. TxDOT may direct the NTTA (Public Sector Comparator) to expand the facility by change order, including the acquisition of additional right-of-way, if deemed necessary. Also, the contract requires the NTTA to monitor traffic on the tolled facility. If average speeds drop by 10 mph below posted limits for three consecutive months over any five mile stretch of road, and it is within the control of the NTTA to

remedy the situation, they would be required to restore LOS, subject to approval of the NEPA process and satisfaction of air quality conformity requirements. The NTTA's monitoring and upgrading are ongoing responsibilities. The CDA also allows for expansions of frontage roads and arterial networks. If the RTC and TxDOT desire such expansions and they are not part of the *Mobility 2030* plan, such expansions may be a competing facility and may require TxDOT to address toll revenue benefits or losses on SH 121. The improvements would be assessed through the normal regional planning model.

Any thresholds, measures or actions proposed to remove congestion, which include adding capacity to the facility, would occur in compliance with the CAAA of 1990 that establish the requirement that all areas designated as non-attainment for exceeding the NAAQS must achieve conformity determinations on metropolitan transportation plans and TIPs before they are approved. Under the CAAA of 1990, the EPA was authorized to designate areas failing to meet ozone standards. The states where these areas are located are required to submit a SIP to the EPA. The SIP document is a collection of regulations that explain how the State would reduce emissions and help meet ozone standards. Collin, Dallas, Denton and Tarrant Counties were all designated non-attainment areas for ground level ozone. As such, the long-range plan financially constrained plan known as *Mobility 2030* will be required to be in conformity with the SIP for air quality. Any future widening of the facility would be required to be consistent with the Mobility and TIP documents and therefore meet conformity with the SIP.

Comment 12-7 (Commentor 259)
The traffic volumes used were based on Mobility 2025, and this is inconsistent with financially constrained plan. Should the traffic volumes have been based on the *Mobility 2030* Plan?

Response
The traffic volumes used in the January 2007 re-evaluation were based upon the Mobility 2025, 2005 Update Traffic Model (Toll Scenario). The 2025 traffic data which was supplied by the NCTCOG and approved by TxDOT was used because the *Mobility 2030* traffic network was not available during the re-evaluation preparation and subsequent approval for further public involvement.

The 2025 traffic volumes were grown to the design year (2030) and to be consistent with the financially constrained 2030 plan. The 2030 numbers were derived from the aforementioned 2025 traffic model by applying a 3 percent annual growth factor. This yielded an estimated ADT range of 78,720 to 198,350 vpd. The traffic data showed that the heaviest traffic occurs between the Dallas North Tollway and SH 289 (Preston Rd.).

Traffic volumes from the *Mobility 2030* traffic network were obtained after the re-evaluation was approved for further public involvement. Actual traffic volumes from *Mobility 2030* have been compared to the traffic volumes derived from the Mobility 2025, 2005 Update traffic model. The *Mobility 2030* traffic model

reported an estimated ADT range of 69,660 to 177,070 vpd, which is approximately 12 percent lower than the derived 2030 ADT. The differences can be attributed to several factors, namely a revised set of demographics and transportation network.

The revised re-evaluation has been updated to reflect the 2030 data and analysis, although the traffic volumes derived from 2025 data had higher ADT projections and represented a conservative approach to the analysis performed. See Appendix C of the revised re-evaluation for the 2030 toll vs. non-toll exhibits.

Comment 12-8 (Commentors 1, 61, 118, 187, 213, 259)
The diversion of traffic from the proposed toll road would result in a LOS F and place a strain on the frontage roads causing long delays at the signalized intersection and further burden on those who must use, or choose to use the frontage roads. Because the majority of the cities have already developed and/or have zoned the land surrounding SH 121 as commercial/retail, what solutions were studied? From reviewing the traffic volumes on the frontage roads they are over capacity in many locations and would be affected especially during peak hours which are the same as the peak hours of many commercial/retail developments.

Response
According to traffic data and Complete Performance Reports generated by the NCTCOG, the frontage road system shows an increase in total delays (signalized delays and congestion delays) when SH 121 is tolled (20,992.17 hours of delay/day under the toll scenario vs. 20,514.72 hours of delay/day under the non-toll scenario). LOS along the SH 121 frontage roads does decrease by one level overall due to tolling, except in one section where both the toll and non-toll scenarios provide a LOS of F. Considering the lack of substantial changes in LOS between the toll and non-toll scenarios, no additional studies were prepared to specifically address solutions to the perceived strain on the frontage road system, as no such scenario is indicated by current traffic modeling.

Comment 12-9 (Commentors 118, 131, 213, 259)
The diversion from the proposed toll road would place a burden on the local arterial streets causing congestion and time delays. Please provide information regarding the net effect of tolling versus non toll on adjacent roadways and their LOS.

Response
According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Overall, this percent change would result in minimal effect to users of the major/minor arterials and frontage roads in the study area. The Complete Performance Reports also indicated the average free speed of used roadways (MPH) is nearly unchanged between the 2030 toll and non-toll scenarios.

Additionally, the Complete Performance Report indicates the LOS for arterial streets in these cities have a slight improvement.

Comment 12-10 (Commentor 259)
The NCTCOG recently provided information indicating that a number of roadways in the vicinity of SH 121 have high "unmet peak hour demands." These unmet demands create the need for extra lanes of arterial streets to be built in already constrained areas. For example, during the peak hour on SH 121 in 2030, the unmet demand on SH 121 near Parkwood is 5091 vehicles in the eastbound direction and 5131 vehicles in the westbound direction which is equivalent to needing 3 additional lanes in the eastbound direction and 3 additional lanes in the westbound direction for the peak hour traffic for a total of 12 lanes of traffic if you assume a lane capacity is 2100 during the peak hour for a toll road. I don't believe you can add the necessary capacity to the toll road to meet this demand and therefore additional vehicles would divert to the local arterial roadways to avoid the gridlock of SH 121. However, the EA does not address this need and the delay, congestion, air quality, and environmental justice issues it creates.

Response
The information provided by the NCTCOG, "Unmet 2030 Peak Hour Demand," was presented during the CDA County Task Force Meeting (Collin County) on February 27, 2007, which was after the re-evaluation was approved for further public involvement.

Unmet peak hour demand refers to the planning process of performing an unconstrained traffic model run to determine the total demand the region has for a particular facility. Once this demand is calculated, the actual capacity is subtracted out; which results in the latent, or unmet, demand for the system during the peak hour. This type of traffic model run is a common planning tool to determine the needs of a system and to manage the congestion. The unmet demand does not create a need for capacity improvements and is only one of several planning tools used in determining the need for capacity improvements (additional lanes). Additionally, unmet peak hour demand does not indicate potential diversion of traffic nor does it constitute or create air quality or environmental justice issues. It should be noted that the "Unmet 2030 Peak Hour Demand" information presented by NCTCOG shows that SH 121 has a higher unmet peak hour demand than any single arterial, which suggests that there is actually a higher desire to use SH 121 (under the tolling scenario) than the local arterials.

According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Overall, this percent change would result in minimal effect to users of the major/minor arterials and frontage roads in the study area. The Complete Performance Reports also indicated the average free speed of used roadways is nearly unchanged between the 2030 toll and non-toll scenarios. The

table below illustrates the anticipated change in free speed for the toll and non-toll scenarios. According to TTI, the most recent value of travel delay (2003 dollars) is $13.75/hour of delay for non-commercial vehicles and $72.65/hour for commercial vehicles. Using the cost for non-commercial vehicles, there would be a benefit of $14,417.88 per day (2003 dollars) to the users within the incorporated limits of the five municipalities adjacent to SH 121 should SH 121 become a toll facility.

Any thresholds, measures or actions proposed to remove congestion, which include adding capacity to the facility, would occur in compliance with the CAAA of 1990 that establish the requirement that all areas designated as non-attainment for exceeding the NAAQS must achieve conformity determinations on metropolitan transportation plans and TIPs before they are approved. Under the CAAA of 1990, the EPA was authorized to designate areas failing to meet ozone standards. The states where these areas are located are required to submit a SIP to the EPA. The SIP document is a collection of regulations that explain how the State would reduce emissions and help meet ozone standards. Collin, Dallas, Denton and Tarrant Counties were all designated non-attainment areas for ground level ozone. As such, the long-range plan financially constrained plan known as *Mobility 2030* will be required to be in conformity with the SIP for air quality. Any future widening of the facility would be required to be consistent with the Mobility and TIP documents and therefore meet conformity with the SIP.

Comment 12-11 (Commentor 259)
There are a number of traffic volumes that are incorrect by comparison from today's traffic volumes to proposed traffic volumes and/or ultimate capacity. It appears that no validation was done on some of the arterial streets and other roadways from today's traffic volumes. The basis of my conclusions is from the City of Frisco traffic counts which are available to the public and are attached for your review. The Ohio traffic volume is almost 50 percent less from the non-toll to toll scenario. Why is this volume so much lower? Is the Preston Overpass coded correctly as a 4 lane overpass? Why is the Parkwood volume so low? Today's counts are significantly higher and all of the development and roadway system has not been completed yet so the traffic would continue to grow over time. I did not verify the other cities traffic counts and volumes for the future but would recommend that these also be validated to insure that there are not miscoding of links for speed or number of lanes that could be affecting the assignment of trips in the vicinity.

(The following table was provided by the commentor.)

Street	EA Toll Volume (2025)	City Traffic Count (Year)
Parkwood	7,111	19,935 (06)
Preston (4 lane Overpass)	48,354	NA
Ohio	6,688	16,927 (05)
Hillcrest	7,395	9,841 (05)

Response
Traffic data used in the current analysis was based on the NCTCOG's *Mobility 2030* traffic network and represents the most current traffic projections for the region. The NCTCOG model is verified as part of the air quality conformity determination. Traffic counts supplied by the City of Frisco are based on current conditions and do not accurately reflect the future 2030 transportation network or consider the addition of the main lanes for SH 121. Please refer to Appendix C of the revised re-evaluation for 2030 ADT for toll and non-toll traffic volumes.

Comment 12-12 (Commentor 259)
The rates on the SH 121 toll road would be higher than the rates on the DNT/President George Bush Turnpike (PGBT) over time. The rates for trucks and other large vehicles would divert even more traffic to frontage roads and arterials. Was this differential modeled? Since the rates would be higher on the SH 121 toll road, traffic is likely to divert to the DNT/PBGT. What is the impact to these toll roads and other facilities?

Response
The toll rates for the SH 121 facility compared to the NTTA (Public Sector Comparator) owned and operated roads would be comparable. Using 2010 dollars and following the business terms for setting toll rates on SH 121, it is estimated that the user fee for SH 121 would be approximately 14.5 cents/mile. The average user fee per mile to drive the DNT or the PGBT would be approximately 15 cents/mile. The different toll rates were considered as part of the NCTCOG model.

LOS along the SH 121 frontage roads does decrease by one level overall due to tolling, except in one section where both the toll and non-toll scenarios provide a LOS of F. According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Overall, this percent change indicates that any redistribution of traffic to DNT/PGBT or the local arterial system would result in minimal effect to users. The Complete Performance Reports also indicated the average free speed of used roadways (MPH) is nearly unchanged from the 2030 toll and non-toll scenarios. Additionally, the Complete Performance Report indicates the LOS for arterial streets in these cities have a slight improvement.

Comment 12-13 (Commentors 132, 140,145, 166, 197, 244, 259, 296)
The SH 121 frontage roads as well as the local arterial roadways like Legacy, Lebanon, Hedgecoxe, Main/FM 720, McKinney etc., are available to provide non-tolled alternatives. At the public hearing these were also stated as alternatives to not paying the tolls. However, no analysis exists in the Environmental Assessment that indicates the impact to these local roads and the impact to the local governments as a result of the conversion of this freeway from a "free road" to a "toll road." Has there been a study on the added exhaust in these neighborhoods? The public was not provided this information.

I have not seen an environmental report on the impact to neighborhoods if traffic is diverted to McDermott and Hedgecoxe.

SH 121 is a major cross-cutting roadway with no reasonable alternative roadways. SH 380 and the PGBT are too far north and south for linking Cities of McKinney, Allen, Frisco, and The Colony to major destinations.

Response

Alternative route choices will vary from driver to driver. According to the Complete Performance Reports provided by NCTCOG, vehicle hours of total delay (signalized delays and congestion delays) within the Cities of Allen, Frisco, McKinney, Plano, and the town of Fairview decrease 0.53 percent when SH 121 is tolled (198,437.91 hours of delay/day tolled versus 199,490.41 hours of delay/day non-toll). Additionally, the Complete Performance Report indicates the LOS for arterial streets in these cities have a slight improvement.

The MSAT analysis provided in the Air Quality section of the re-evaluation addresses air toxics emitted from on-road mobile sources (cars, trucks, buses, etc.). The NCTCOG provided 2030 network traffic volumes were utilized to determine MSAT emissions which account for redistribution of traffic under various conditions (i.e., toll, non-toll and No-Build) for 2030 Build-toll, 2030 Build-non-toll and 2030 No-Build scenarios. Results of the analyses indicate that MSATs would be lower in the future for all cases when compared to the base scenario (2007).