



92 Navasota St  
Austin, TX 78702

[www.rethink35.com](http://www.rethink35.com)  
[rethink35atx@gmail.com](mailto:rethink35atx@gmail.com)

March 7th 2023

Re: Rethink35's comments regarding the I-35 Capital Express Central Project DEIS

Tommy Abrego, P.E., I-35 Program Manager / I-35 Capital Express Central Project Team  
1608 W. 6th Street  
Austin, TX 78703

Dear Mr Abrego and the I-35 Capital Express Central Project Team,

Rethink35 is a grassroots campaign opposing the expansion of I-35 through Austin and pushing for an alternative to be identified through a comprehensive study of community proposals, including Rethink35 and Reconnect Austin. Specifically, the Rethink35 plan proposes to encourage non-local traffic to travel around - not through - central Austin on existing highways such as SH-130 and rethink the highway through Austin as a more urban boulevard with dedicated space for public transit, walking, and bicycling; high-density housing and local businesses; and green space.

While expanding I-35 is an unpopular proposal that would cause grave harm with few benefits, reaching for a transformational alternative would make Texas the envy of the world. Ahead of us lies, if we choose the right path, a momentous opportunity to transform dated and destructive infrastructure – the decades-long open wound of a dangerous, polluting highway through the heart of our community – into a mobility, quality of life, economic, and environmental international success story. Texans are ready to take back the heart of their capital city from the mistakes of the twentieth century and remake I-35 through Austin as a thriving place with incredible public transit, joyful and bustling sidewalks, convenient front row housing, and iconic *Only In Texas* businesses. Either we double-down on a century of failed car-centric policies or we turn the page and proudly rise together to new heights. The choice is ours.

In the letter below, we make the following points:

1. Expanding I-35 would be extremely harmful and would offer few benefits
2. A wide majority of the public and local leaders oppose expanding I-35 and support a transformational and multi-modal alternative
3. TxDOT is not acting in good faith on this project
4. The Cap Ex Central DEIS contains too many flawed and misleading analyses to draw useful conclusions
5. In collaboration with local agencies, the community should fully develop the Rethink35 proposal and the end result should receive rigorous evaluation

Thank you for accepting our input as part of the I-35 Capital Express Central Project Draft Environmental Impact Statement (DEIS) public comment period. We hope you will carefully and sincerely consider the feedback below. Please let us know if you have any questions or comments.

Thank you for your time.

Best,

A handwritten signature in black ink that reads "Adam Greenfield".

Adam Greenfield  
*Executive Director, Rethink35*

Co-signed with the Mueller Neighborhood Association

## **1. Expanding I-35 would be extremely harmful and would offer few benefits**

All of the Build alternatives in the DEIS, including TxDOT's preferred alternative, involve significantly expanding I-35 from approximately 12 to up to 22 lanes in some places. While well-rehearsed, it is worth reiterating some of the harms that would be brought about by expansion:

- **Worse congestion and longer travel times** by encouraging more driving, as infamously happened after the Katy Freeway expansion<sup>1</sup> in 2011 and almost every other highway expansion in the US, including in areas with both rising and falling populations.<sup>2</sup>
- **Increased air, noise, and water pollution and the resulting impacts on human health due to the increased number of cars on the road.** It is well known that people living near a highway, particularly children, the elderly and other vulnerable citizens, are at increased risk of asthma, impaired lung function, cardiovascular morbidity, dementia and premature death.<sup>3</sup>
- **Increasing carbon emissions** in a climate crisis.
- **Increased vehicular-related deaths and life-changing injuries** in crashes.
- **The destruction of over 100 homes and businesses, 84% of which are in the environmental justice category,** and the loss of land and tax base, in addition to the impacts on nearby properties, both during and after construction.
- **Further disrupting the local street grid and entrenching car dependency** when many people would prefer to move around in other ways (see part 2 below) and when we, as a society, are suffering from a loneliness epidemic which car dependency worsens.<sup>4</sup>
- **Increased psychological stress and reduction to overall quality of life** related to driving on a congested 20 lane highway, or walking and biking near such a roadway.
- **Inducing suburban sprawl,** which, in the long term, generates insufficient tax revenues to pay for the infrastructure required to sustain it.
- **Violating official plans and goals,** including TxDOT's Road to Zero goals and the City of Austin's Strategic Mobility Plan, Vision Zero goals, Street Design Guide, Imagine Austin Comprehensive Plan, Great Streets Master Plan, climate goals as set forth in Austin City Council Resolution 20140410-024, and adopted Austin neighborhood plans.
- **Up to ten years of construction-related pollution and disruption,** likely harming or even bankrupting local businesses, for just a few years of congestion relief.
- **Billions of dollars of taxpayer money wasted** when the funds could instead be spent on beneficial projects.

These are not hypothetical outcomes – this has been the near-universal outcome of highway expansions across the US for decades, especially those located in denser urban areas.

The purported 'purpose and need' of this project is to mitigate congestion and improve mobility. But we have been given no reason to expect that congestion will improve. Decades of research show that congestion tends to get worse as a result of expansion, and the DEIS predicts that the highway will reach capacity by 2045. Nor are

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<sup>1</sup> <https://cityobservatory.org/reducing-congestion-katy-didnt/>

<sup>2</sup> <https://t4america.org/wp-content/uploads/2020/03/Congestion-Report-2020-FINAL.pdf>

<sup>3</sup> <https://www.lung.org/clean-air/outdoors/who-is-at-risk/highways>

<sup>4</sup> <https://www.bloomberg.com/news/articles/2012-04-26/is-traffic-making-us-lonely>

highway expansions an effective way to address mobility in growing urban areas. Cars are one of the least efficient modes of transportation available. The more we invest in highways, the less we invest in modes of transportation that *can* keep up with a growing population.

## **2. A wide majority of the public and local leaders oppose expanding I-35 and support a transformational and multi-modal alternative**

### **The community, including local leaders, overwhelmingly opposes I-35 expansion**

- In recent resolutions and letters, both Austin City Council (2/23/23) and Travis County Commissioners Court (2/28/23) almost unanimously raised serious concerns about the expansion plans for I-35 as proposed in the DEIS.
- During the public meetings at which the above resolutions were passed, not one public comment was made in support of TxDOT's proposed expansion while many people, including people representing community groups and neighborhood associations, spoke vehemently against it.
- A recent Community Impact survey<sup>5</sup> of Austin City Council Members (including the Mayor) showed support for TxDOT's plans from only three out of 11 members.
- Over 6,300 people have signed Rethink35's petition opposing the expansion and calling for a study into alternatives, including the Rethink 35 highway-to-boulevard proposal
- Rethink35 chapters have formed in Manor, Round Rock, and San Marcos, as well as at UT Austin and St Edward's University.
- On February 15th 2023, youth-led rallies opposing I-35 expansion were held at five universities and schools across Travis County.
- The media coverage is increasingly adopting a skeptical or oppositional stance.

### **There is strong community support for better public transportation, walking, and bicycling; more centrally-located housing; and equity-related measures**

- A MoveATX 2020 survey<sup>6</sup> found that:
  - Nearly 55% of respondents said they would prefer to get around town using a mode other than personal car, an increase of 5% from the previous year (ie. 2019.)
  - 78% agreed we can't build enough roads to solve our traffic problems
  - Nearly 65% disagreed that the money we are spending on trails, sidewalks, and bikeways would be better spent on roads, an increase of 10% from 2019.
- In the November 2020 election, 58% of Austin voters supported billions of dollars of investment in public transportation, transit-oriented development, and anti-displacement funding under Project Connect (Proposition A.)
- In that same election, 67% supported \$460m for investments in walking, bicycling, urban trails, and safer streets (Proposition B.)

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<sup>5</sup><https://communityimpact.com/austin/central-austin/government/2023/01/26/new-austin-city-council-members-plan-for-active-year/>

<sup>6</sup> See attached.

### **3. TxDOT is not acting in good faith on this project**

Public trust is key when government agencies lead conversations and make decisions on behalf of the community. Unfortunately, with its public engagement around the I-35 Capital Express Central Project, TxDOT does not appear to be acting in good faith, as detailed below:

- **TxDOT is giving mixed messages about whether the project will reduce congestion.** According to the DEIS summary (p.12), “[T]he proposed project would reduce traffic congestion.”<sup>7</sup> Yet, on August 31st 2021 at an Austin City Council briefing, TxDOT Austin District engineer Tucker Ferguson admitted that we can’t build our way out of congestion. The DEIS echoes this point where even TxDOT’s models claim that I-35, if expanded, will reach functional capacity (and hence the concomitant congestion) by 2045. TxDOT staff have also referred to latent demand<sup>8</sup>, thereby admitting that new capacity will be filled up by more vehicles.
- **TxDOT intends to rush to construction by simultaneously issuing the Final Environmental Impact Statement (FEIS) and the Record of Decision (ROD).** This will prevent the community from taking stock of TxDOT’s report before a decision is issued. Usually the FEIS and ROD are separated by a moderate span of time. No good reason has been given for this decision, and given the considerable public concern over this project, TxDOT should be slowing down, not speeding up.
- **Although TxDOT has claimed that the Cap Ex Central Project is independent of the North and South Sections (thereby avoiding an Environmental Impact Statement for the latter two), it does not appear that TxDOT does see them as independent.** Notably, at a groundbreaking ceremony on November 15th 2022 for the Cap Ex South project, Texas Transportation Commission Chair Bruce Bugg contradicted the independent utility claim by saying “This project, the I-35 Capital Express, we’re going to start here on the south end and take it all the way up to the north end and go through the center of Austin.”
- **For decades, TxDOT has consistently predicted far more traffic on I-35 than actually materialized<sup>9</sup>.** The public is right to be skeptical of TxDOT’s predictions in the DEIS.

All this adds up to a reasonable impression that TxDOT is not honestly and diligently carrying out its obligations, including those conferred to it by its 2014 Memorandum of Understanding with the FHWA.

### **4. The Cap Ex Central DEIS contains too many flawed and misleading analyses to draw useful conclusions**

Such problems include the following:

- **TxDOT’s study of air quality (DEIS appendix P) only examines CO2.** The study should include NO2, PM2.5, and PM10, as well as conduct a regional emissions analysis for NOx and ozone precursors. A quantitative analysis and health impact assessment should also be performed for all pollutants.
- **TxDOT’s greenhouse gas analysis (DEIS Appendix V) is only for construction impacts, not long-term impacts.** TxDOT should assess the project’s long-term greenhouse gas impacts compared to the No Build scenario.
- **The DEIS ignores key differences between freight trucks and automobiles.** “[F]reight trucks traveling through Austin (without stopping locally) comprise only 7 percent of all traffic on I-35

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<sup>7</sup> Such claims are made at least four times in the DEIS.

<sup>8</sup> <https://theaustincommon.com/the-future-of-i-35-podcast/>

<sup>9</sup> See attachment.

through Central Austin. According to TTI, rerouting these trucks would have limited impact on I-35 congestion” (DEIS, 2.0 p.18). The report doesn’t account for the fact that trucks play a much larger role in creating congestion than cars due to slower acceleration/deceleration and less maneuverability. The DEIS also fails to account for the fact that trucks omit significantly more<sup>10</sup> pollution in the form of NOx and fine particulate matter than automobiles.

- **TxDOT has not taken a “hard look” at a meaningful range of alternatives, as NEPA requires. The analysis of Rethink35 and Reconnect Austin in the DEIS is inadequate.** We challenge the following conclusions in connection with Rethink35 in particular:
  - **“The travel demand model results show that... congestion problems would be pushed to city streets”** (DEIS, 2.0 p.18). Highway to boulevard projects in other major cities have been success stories and did not result in problematic congestion levels on city streets<sup>11</sup>. Any model claiming to predict a different outcome for Austin would be relying on substantive modeling assumptions about when and by what modes people would choose to travel, if car capacity were reduced. These assumptions are neither made explicit nor defended in the report.
  - **“The concept would not meet the transportation needs of an interstate highway”** (DEIS, 2.0 p.17). This misunderstands our proposal. In the Rethink35 proposal, the needs of an interstate highway (for example, transporting people and goods long distances across state lines) would be met by existing roadways that *circumvent* the city, not on the roadway that runs through the city.
  - **“[T]his conceptual design would not adequately accommodate the needs of commuters from the suburbs to the major regional employment centers”** (DEIS, 2.0 p.20). The report doesn’t state if this analysis includes public transportation with dedicated right of way, which has a far higher people-carrying capacity in less space compared to general purpose vehicle lanes.
  - **“[T]he goal of Rethink35 is to replace the I-35 freeway with a boulevard, which will naturally lower the corridor’s capacity”** (DEIS, Appendix T, p.19). According to NACTO’s Transit Street Design Guide,<sup>12</sup> dedicated rights of way for transit, bicycles, micro mobility, and pedestrians move far more people in the same or less space than general purpose lanes. Therefore, the chances are extremely high that a Rethink35 boulevard would greatly increase the corridor’s (people-moving) capacity.
  - **“Redesignate SH 130 to I-35; require trucks to use redesignated I-35”** (DEIS, Appendix T, p.13)”. To be clear: Rethink35 proposes to incentivize trucks to go around town, not force them to do so. When SH-130 was temporarily free shortly after the highway opened, noticeably higher truck use suggested that the demand is there to use SH-130 if certain conditions are present.
  - **“This is not within TxDOT’s jurisdiction”** (DEIS, Appendix T, various instances on page 14.) TxDOT’s narrow focus on moving vehicles ignores its National Environmental Policy Act (NEPA) requirement to conduct “a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts.”<sup>13</sup>

Given the many deep flaws in the DEIS, TxDOT has neither provided sufficient evidence to support expanding I-35 nor for rejecting the Rethink35 and Reconnect Austin proposals.

## **5. In collaboration with local agencies, the community should fully develop the Rethink35 proposal and the end result should receive rigorous evaluation**

Because TxDOT’s DEIS is fundamentally flawed and TxDOT/TTI’s study was too rushed and narrow in scope to credibly evaluate the Rethink35 and Reconnect Austin proposals, it’s time to reset this conversation. As part

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<sup>10</sup> <https://climatenexus.org/climate-issues/energy/electric-hdv-trucks/>

<sup>11</sup> For example, see attachment from the Journal of Urbanism regarding the Embarcadero Freeway removal.

<sup>12</sup> <https://nacto.org/publication/transit-street-design-guide/introduction/why/designing-move-people/>

<sup>13</sup> See here for an explanation the broader study that NEPA requires: <https://www.npi.org/us-government-policy-under-nepa>

of this reset, the Rethink35 proposal should receive fair consideration. In collaboration with the relevant government agencies, the community should lead the way in fully developing the basic Rethink35 plan from its current conceptual state to a more fully fleshed-out product.

Then, a publicly trusted and independent third party should evaluate the proposal in accordance with the spirit of NEPA's multidisciplinary approach, considering a broad range of issues, including those listed in part 1 above, in addition to:

- People-moving capacity
- Transportation choice
- The amount of land that could be developed
- Property values
- Tax base impacts
- Anticipated investment attracted by the project
- Impacts on jobs and job creation
- Housing availability
- Value capture funding for equity-oriented programs that prevent displacement and close socioeconomic gaps between communities
- Project costs
- Options for incentivizing non-local traffic to use existing highways, such as SH-130
- A multidisciplinary study of the outcomes of relevant highway to boulevard projects, including consultation with staff, citizens, and experts in those locations