

# Hancock Neighborhood Association

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The Hancock Neighborhood in Austin, TX is bounded by Duval Street in the West, I-35 in the East, 45<sup>th</sup> Street in the North, and 32<sup>nd</sup> Street in the South.

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I-35 Capital Express Central Project Team  
1608 West 6th Street  
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March 7, 2023

Dear Mr. Williams, Mr. Abrego, Mr. Ferguson, and Ms. Ashley-Nguyen,  
dear I-35 Capital Express Central Project Team,

On February 21, 2023, the Hancock Neighborhood Association unanimously voted to submit the following statement in response to TxDOT's I-35 Capital Express Central Project Draft Environmental Impact Statement (DEIS).

With over 5,000 residents, the Hancock neighborhood is located right on I-35, between 32nd and 45th Street. As such, it is among the neighborhoods most directly affected by the existing highway and the Capital Express Central project here in Austin.

We are grateful to TxDOT for its efforts to improve I-35, for the opportunities to provide feedback, and the significant improvements we have seen in the project over the past several years. We welcome the removal of the upper decks, the safety improvements, the lowering of the main lanes below ground, and the potential for caps in the downtown area. However, **we remain strongly opposed to the expansion of the highway and deeply concerned about the partial attention to livability in the residential north-central section of the project.**

At TxDOT public events, in online surveys, in our statement from September 15, 2021, and in our Transportation Committee's meeting with TxDOT in May 2022, we have voiced these concerns – alongside thousands of other Austinites; fellow neighborhood associations; the North-Central I-35 Neighborhood Coalition (NCINC); community organizations such Reconnect Austin, Rethink35, Safe Streets Austin, People United for Mobility Action (PUMA), and Austinites for Urban Rail Action (AURA); the Travis County Commissioners Court; and recently elected city council members. We will voice them again here in further detail.

# 1 Fundamental concerns about freeway expansion

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In a time of climate emergency, we – the citizens and elected officials of Austin, and the agencies of this state – should make every effort to rebuild I-35 with the smallest footprint possible and to mitigate traffic without incentivizing even more of it.

TxDOT has repeatedly explained that its mandate is to focus only on roads and traffic, which has resulted in a myopic approach to a project that will affect generations of Texans. Rather than build an oversized road with higher costs, more displacements, more construction disruption, and a legacy of greater emissions, the agency should look to its willing partners in the city of Austin for innovative, sustainable strategies to support a rebuild that is *as narrow as possible*.

We respectfully suggest that the methodology used to justify a large expansion of the freeway deserves much closer scrutiny. To wit:

## 1.1 Modified Alternative 3 is based on flawed growth and traffic demand predictions.

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Capital Area Metropolitan Planning Organization (CAMPO)’s population projections and TxDOT’s travel demand projections have consistently over-projected growth in the past, putting into question the need for an expansion. This time around, too, TxDOT warns that without the massive expansion, afternoon peak hour travel times on I-35 would reach over 3.5 hours by 2045. Of course, this is absurd. Not a single person would commute under such conditions. Rather, people at large – especially newcomers to Austin – would either work closer to home, or live closer to work; they would walk, bike, take public transportation, or telecommute – all of which are much better and more sustainable solutions than a massively expanded highway.

At the same time, a look at the most recent demographic projections for the Five County Metropolitan Area,<sup>1</sup> as opposed to the 2019 numbers used by TxDOT (DEIS, p. 75), indicates that the project is based on a (current) overestimation of the 2050 regional population by 18%. In other words, based on this alone, the planned plus/minus 20-lane highway could presumably do with 3-4 fewer lanes.

## 1.2 Concerns over induced demand must be taken seriously.

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The phenomenon of induced demand – the observation that more lanes will encourage more driving, thus negating any temporary congestion relief – has not been adequately addressed. This is a widely documented traffic phenomenon; most of us are familiar with the example of the Katy Freeway, which filled back up almost immediately after its expansion to 26 lanes in 2011.

At our meeting with TxDOT in May 2022, TxDOT representatives suggested that induced demand was negligible (“probably less than 1%”) in this project, and that they were much more focused on “latent demand.” It is not yet clear, however, how TxDOT measures latent demand; how it separates it from induced demand, or how it determines that the latent demand for driving is more than the latent demand for safe pedestrian and cycling infrastructure, or efficient public transit. In the Draft Environmental Impact Statement (DEIS), “induced demand” is mentioned only three times total, each time in reference to community feedback, and not accompanied by any explanation whatsoever of

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<sup>1</sup> City of Austin Demographics, “Austin Area Population History & Forecast,” published January 9, 2023. Online at <https://demographics-austin.hub.arcgis.com/documents/27bd25c8aff4017a66cd4c467893c3f/explore>.

why TxDOT thinks this widely documented phenomenon does not apply to I-35. “Latent demand,” incidentally, is mentioned zero times.

### **1.3 The effect of Project Connect on traffic demand needs to be properly accounted for.**

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We remain concerned that the impact of Project Connect, an expansive public transit initiative with a construction timeline parallel to I-35, has not been fully incorporated into traffic projections. TxDOT asserts that, even under the assumption of maximum ridership (i.e. 120,000 people per day), Project Connect would only result in a 2.5–3% reduction of the car travel demand (projected at 280,000–320,000 vehicles per day) on the I-35 central segment in 2045.<sup>2</sup> We appreciate the publication of these numbers in response to our request, but no explanation of this counterintuitive conclusion was presented – counterintuitive particularly in light of TxDOT’s statement elsewhere in the report that 82% of traffic on I-35 is local.

### **1.4 A project as large, complex, impactful, and expensive as CapEx Central must employ state-of-the-art traffic modeling methods.**

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We also point out that TxDOT used Static Traffic Assignment (STA) in its modeling of the various future highway scenarios. The STA method, which stems from the 1950s, has significant limitations. For example, STA is unable to distinguish between lanes, it assumes no passing maneuvers happen, it routinely assigns *more* traffic to roadway links than the links can physically service, and it fails to account for congestion spillbacks. These limitations are known to result in serious overestimates of expanded highway capacities and performance. As an expanded I-35 will fill back up to capacity, we are concerned that inadequately modeled congestion spillbacks are going to affect adjacent roads such as Red River, 32nd, 38th, 38th ½, and 45th Streets, as well as Airport Blvd, in our neighborhood. Especially in the light of a project as large, complex, impactful, and expensive as CapEx Central, we are puzzled by TxDOT’s failure to either insist on state-of-the-art *Dynamic* Traffic Assignment (DTA) modeling on the part of CAMPO, or to perform its own DTA modeling, instead. For a professional assessment in this matter, we refer to traffic engineer Norman L. Marshall’s report *Valid Modeling of the I-35 Capital Express Central Project*, available at the link below.<sup>3</sup>

### **1.5 TxDOT should work creatively alongside other state and local entities to reroute non-local I-35 traffic to SH-130.**

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TxDOT has stressed that 82% of traffic on I-35 is local, and thus “only” 18% could be rerouted via SH-130. Given the tremendous cost and impact of acquiring right-of-way and adding lanes, however, we think the opportunity to remove nearly one fifth (!) of traffic from I-35 – without any need for construction – should not be forfeited. We do understand that, as TxDOT argues, “The current \$4.9 billion allotted for the I-35 Capital Express Central project [are not] eligible for paying [SH-130’s] outstanding debt.” TxDOT also acknowledges, however, that a waiver to reduce or remove the tolls

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<sup>2</sup> TxDOT, “Project Connect Modeling Process,” online at <https://my35capex.com/project-connect-modeling-process>.

<sup>3</sup> Norman L. Marshall, *Valid Modeling of the I-35 Capital Express Central Project*, December 2020, available online at [https://www.dropbox.com/s/6f25cghni3fkkgr/Marshall\\_Valid\\_Modeling\\_of\\_CapEx\\_Central.pdf](https://www.dropbox.com/s/6f25cghni3fkkgr/Marshall_Valid_Modeling_of_CapEx_Central.pdf).

could take care of that, noting that “While this can happen, it is usually for a temporary scenario such as construction.”<sup>4</sup>

This, however, is not the time for business as usual. We call upon TxDOT, Governor Abbott, and the Texas state legislature to seek creative, bold, and sustainable solutions to the pressing, existential challenges of the 21st century. We also note that Austin City Council on February 23, 2023 voted 10:1 in support of a Resolution which, among other actions, calls for the provision of incentives “to reroute 18-wheeler traffic that is passing through Austin to Texas State Highway 130.”

## **1.6 TxDOT’s widening of I-35 will cause substantial degradation of Austin’s historic-age structures and affordable housing.**

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The addition of lanes and taking of right-of-way will have a deleterious effect on the east end of our neighborhood. We note that TxDOT’s Historic Resources Survey recommends two properties in the Area of Potential Effect in Hancock for listing in the National Register of Historic Places (the Elgin-Butler Brick Company Main Office, currently serving as offices for the *Austin Chronicle*; and the service station at 38th and IH-35). Unfortunately, TxDOT will acquire and demolish these same two properties. Many other historic-age structures in Hancock will be affected by the encroachment of the freeway, even if they are not outright acquired and demolished.

Of the approximately 52 historic-age properties in Hancock that were surveyed, 38 are modest, single-family houses dating from the 1930s through the 1950s. All but one are largely intact, and we believe they would be contributing resources in a local historic district or a National Register District. As importantly, they provide comparatively affordable housing for members of our community. We anticipate that as the I-35 Right of Way is expanded, more of these homes will be converted to commercial use as increased traffic, noise and air pollution make residential use less desirable. Austin’s stock of affordable housing is already small. We cannot justify the likely removal of more market-affordable housing through the negative effects of a widened freeway.

## **2 A more livable freeway environment**

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We recognize the necessity of upgrading I-35 to current design standards in order to enhance safety. We support TxDOT’s efforts to solve problems such as narrow lanes, the absence of shoulders, insufficient overhead clearance, and inadequate drainage. We would applaud a remaking of I-35 that does not expand the freeway but reduces crashes and increases neighborhood connectivity.

As some of I-35’s closest neighbors, those most affected by its noise and air pollution, and those who will be most immediately affected by construction, we request – in addition to a footprint as narrow as possible – the following modifications to the Preferred Alternative. We believe these have the potential to turn I-35 into an asset for our community.

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<sup>4</sup> TxDOT, “I-35 Capital Express – Frequently Asked Questions,” online at <https://my35capex.com/about/faqs>.

## **2.1 Large caps/decks, not mere stitches, are imperative if the highway's current footprint does not significantly shrink.**

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We urge TxDOT to ensure the future option of placing large caps or decks between Dean Keeton and Airport. The Cherrywood and Hancock neighborhoods and others in NCINC strongly support the concept we refer to as the North Central Deck. This deck would fully cap a long stretch of road, such as from 32nd to 38th ½, and would support amenities for recreational and civic use atop the cap (similar to Klyde Warren Park in Dallas). As important, the deck would increase connectivity between the Cherrywood and Hancock neighborhoods and make the process of moving between them a pleasant prospect.

We support TxDOT's responsiveness to requests from Downtown and UT stakeholders and the current design that enables the later construction of significant caps in those areas. We encourage TxDOT to apply the same flexibility and creativity to this stretch of the freeway, which is flanked on both sides by residences and is likely to grow more dense in the coming years. We believe there is a clear and compelling case for a North Central Deck: it would further reduce noise pollution, increase east-west connectivity, improve the viewshed for residents closest to I-35, and provide open space for recreation and civic activities. We note that the resolution 20230223-044 just recently passed by the Austin City Council is aligned with this goal, stating that "The I-35 Capital Express Central Project should ensure that I-35 is designed and built in a way that does not preclude adding additional caps and connections in the future."

The idea of the North Central Deck makes us feel excited. It strikes us as a positive legacy for the I-35 project; one that future generations will appreciate – and will not be able to imagine Austin without.

## **2.2 A full North Central Deck is preferable to stitches, which are unlikely to be used for purposes other than transit.**

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The North Central Deck is far preferable, in our estimation, to the stitches currently envisioned in the plan. Although we applaud the provision of more space for pedestrians and cyclists, and support this aspect of Modified Alternative 3, we remain skeptical that additional space on stitches beyond what is needed for safe and shaded travel will be used in any meaningful way for recreation. Anyone spending time on a stitch – whether sitting on a bench, admiring public art, or simply walking – will be surrounded by traffic, noise, and pollution, and exposed to heat for most of the year.

We respectfully ask that TxDOT take a more bold, expansive approach to making the I-35 a functional asset for people other than drivers, and focus on the North Central Deck rather than stitches we are unlikely to use commensurate with their expense. We echo the Cherrywood Neighborhood Association's call for TxDOT and the city to channel funds earmarked for stitches to a full deck/cap between 32nd and 38th ½ Streets instead. In addition, if an expansion of the freeway's footprint can be avoided, the money saved from right-of-way acquisition and construction can offset the cost of building for later placement of a deck.

### **2.3 Bike and pedestrian paths should be separated and follow the City of Austin design guidelines.**

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We applaud TxDOT's attention to adding space for bicycle and pedestrian travel on east-west crossings, such as at 32<sup>nd</sup> Street and 38<sup>th</sup> ½ Street. We ask that the same attention and creativity be applied to the pedestrian and bicycle facilities that run north-south, parallel to the car lanes.

- With three lanes of car traffic in many areas, the frontage roads most closely resemble a "Level 4" street in the City's Transportation Criteria Manual. The city's guidelines for Level 4 streets call for a separate sidewalk and bike path with a 6.5-foot tree and furniture zone between them.
- We also note that Section 2.8.2.6 of the City of Austin's Transportation Criteria Manual lays out the criteria for Level 4 frontage road street design, which are specific to TxDOT. These criteria call for a 12-foot shared-use path, with a 10-foot tree and furniture zone between the car lanes and bike/pedestrian lanes.
- As currently designed, the CapEx Central project proposes a 10-foot shared-use path, which does not match city guidelines for Level 4 streets or even the guidelines applicable only to TxDOT projects.

We ask that TxDOT separate the pedestrian and bike paths or, in instances where that is not possible, adhere to the city's guideline of a 12-foot shared-use path. We respectfully submit that decreasing the number of car lanes in the proposed project would, in addition to decreasing harmful emissions, also free more space for multimodal travel.

### **2.4 SPUI tunnel at Airport Blvd should be replaced with safer and emergency-accessible at-grade crossing.**

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We remain concerned about pedestrian- and cyclist-friendliness of the Single Point Urban Interchange (SPUI) where I-35 and Airport Boulevard intersect: namely, the tunnel that takes the multi-use path under Airport Boulevard east of I-35. We strongly urge TxDOT to avoid tunnels as it progresses in the design process. We would prefer an at-grade crossing that uses medians and signals to protect pedestrians and cyclists or (our second choice) enough elevation to the Airport roadway so that pedestrians are clearly visible at grade when they cross beneath it.

Our experience with even very short tunnels is that some members of the community perceive them to be inherently risky and will not use them when walking/biking alone. We are concerned that, because of its location, this particular piece of transportation infrastructure will become used for shelter because it offers protection from the elements. It then will likely be avoided by other pedestrians and cyclists, who will end up crossing at grade after all. We urge TxDOT to design for the reality that a tunnel of any length is likely to become an attractive nuisance and instead consider creative ways to construct safe, at-grade crossings.

## In Conclusion

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The Capital Express Central project is a once-in-a-generation opportunity to make the right decisions for a bright future of our city, our state, our children, and our planet. Whether congested by gasoline-powered or fully electric cars (which, realistically, is a long, long way down the road here in Texas), a massive, up to 22-lane highway through the heart of any city will hardly ever be sustainable,<sup>5</sup> and certainly not livable. We therefore plead with TxDOT to fundamentally reconsider the I-35 Capital Express Central project and embrace a vision for the future that prioritizes sustainability, equity, and quality of life – and humans over cars.

Respectfully submitted,

Burke Fort, Kitten Holloway, Hannes Mandel, and Robyn Ross  
HNA Transportation Committee, on behalf of the Hancock Neighborhood Association

CC: Governor Greg Abbott  
Congressman Lloyd Doggett, District 37  
Congressman Gregorio Casar, District 35  
Pete Buttigieg, U.S. Secretary of Transportation  
Polly Trottenberg, Deputy Secretary of Transportation  
Shailen Bhatt, Administrator of the FHWA  
Stephanie Pollack, Deputy Administrator of the FHWA  
Gloria Shepherd, Executive Director of the FHWA  
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Senator Sarah Eckhardt, District 14  
Representative Gina Hinojosa, District 46  
Representative Sheryl Cole, District 49  
Chairman J. Bruce Bugg, Jr., Texas Transportation Commission  
Commissioner Alvin New, Texas Transportation Commission  
Commissioner Robert Vaughn, Texas Transportation Commission  
Hon. Andy Brown, Travis County Judge  
Jeff Travillion, Travis County Commissioner, Pct 1  
Brigid Shea, Travis County Commissioner, Pct 2  
Ann Howard, Travis County Commissioner, Pct 3  
Margaret Gomez, Travis County Commissioner, Pct 4  
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Interim Assistant City Manager Robert Goode  
Richard Mendoza, Austin Transportation Department  
Mike Trimble, Corridor Program Office  
Lynda Rife, Rifeline  
Frances Jordan, Rifeline

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<sup>5</sup> Damian Carrington, “Car tyres produce vastly more particle pollution than exhausts, tests show,” in: *The Guardian*, June 3, 2022. Online at <https://www.theguardian.com/environment/2022/jun/03/car-tyres-produce-more-particle-pollution-than-exhausts-tests-show>.